

Transcription ICANN Helsinki  
the GNSO Next Generation Registration Directory Services to Replace Whois Policy  
Development Process Working Group  
Tuesday, 28 June 2016

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Man: Today, June 28, 2016. This is the second session of the GNSO Next Generation Registration Directory Services to Replace Whois Policy Development Process Working Group face to face meeting. This part is held in Hall B and will go from 10:45 until 12:00 pm local time.

Chuck Gomes: Okay. Was the recording stopped? Does it need to be started again? I forgot all about that? It is? It's going? Thank you. All right, so we're going to go ahead and continue now. Those of you that are talking if you could talk outside the room please?

So I'm - this is Chuck speaking for the transcript. What do you think? Are there some requirements that would apply in all circumstances? And I'll just throw it open and ask for responses. You can raise your hand in Adobe or you can raise your card. What do you think?

Because if there are then we'll - if there's support for that we'll start deliberating on some of those. If they're not, we'll go a different direction. But what do you think? Are there some that would - you have one? Go ahead.

Man: Thank you very much. I'm (unintelligible) from Council of Europe. And I was also thinking about taking the (unintelligible) previously. But this is I think a good opportunity to put forward international standards. We have international standards, international legislation, which masses all the principles which - to which Stephanie was making reference to the constitutional, although international is about constitutional though.

So if we are making references to the international standards, international legislation, we can have a pretty good state of principles as standards, which would apply in every condition. I just wanted - it's on our list of documents. But I just wanted to make reference to one of the UN guiding principles for multinational companies on (unintelligible) social responsibility.

There is a whole chapter concerned to respect for human rights, which the other one which I'm more familiar with, because I'm also working in the implementation of the principles (unintelligible) which is for the moment, the only international convention for data protection and privacy.

As previously, we offer, I offer my contribution in this respect to gather all these principles, which in my sense, would apply in every case.

Chuck Gomes: And could you frame that in the - as a requirement so that we can capture it?

Man: Well, I have - as for - I'm speaking basically for data protection and privacy. So for privacy I would say there are three underlying principles that goes for every inch of data protecting operations, the necessity, proportionality and finality we can also call purpose bound nature of the data processing. These three would be, I think, applicable for every data processing activity in the world which doesn't have an illegal or doubtful purpose. Thank you.

Chuck Gomes: Okay, I'm going to pursue this a little bit further so bear with me. And, warning, as we move into deliberation I'm going to do a lot of this in trying pin

things down so that we do it. Now so, are these principles universally accepted across the world by all countries?

Man: Well, there are, as I mentioned for now, we have one international convention, which is Convention 108 at the European - the Council of Europe, which has 47 member states, which is an open international convention and we are having a fair number of third countries who have already express their willingness to join the Convention 108. Out of this we have an excellent summary of data protection legislation, which is also I think in our documents. There are 108 countries which are currently having data protection or privacy legislation. And in all these legislation those principles are reflected as common principles as far as we know.

But if there is other information or other evidence I would be glad to see those.

Chuck Gomes: Okay thank you. So we'll put that on our list of a possible requirement in this category and then we'll debate it later. Somebody else, what do you think? Are there some requirements in our long list of requirements that you think apply across the board? Yes, Greg.

Greg Shatan: It's Greg Shatan. I actually wanted to respond to the previous comments. I think we're getting dangerously muddled very fast here between requirements and legal issues and getting into, you know, misunderstandings of what international law is and what applies to universally, you know, what applies, which is very little except for treaties and conventions between states which are ascribed to by every country in the world, which I'm not sure that there are any; maybe the Geneva Convention.

But, you know, judging from the current state of the world I'm probably pretty sure not. So I would actually not say that what was previously stated is in any way, you know, a universal requirement, although we could possibly throw any one of our potential requirements up there as a universal requirement

and try to argue it back. But I think that's a supremely unhelpful. So I think that the, you know, we're kind of - we're mixing our streams here if we think that what was just stated is a potential universal requirement or even a requirement at all. Thank you.

Chuck Gomes: Thank you, Greg. And that's - we'll get to that when we actually deliberate on that. Some of my questions, as you could tell, probably, were directed a testing that. So what do you think? Are there some of our requirements that would apply across the board? Yes, go ahead.

Man: I'm sorry, just to respond...

Chuck Gomes: Well hold on, no, because I really don't want us to deliberate yet, I want us to identify possible requirements. We'll put that on the list and we will deliberate it. Okay?

Because if there aren't any that fit into that category then we won't have anything to deliberate right now until we do our triage. Maxim.

Maxim Alzoba: I think the prevention of legal information out of system is general requirement.

Chuck Gomes: Say that again please?

Maxim Alzoba: Prevention of leaks of information out of system, which is unintentional, should be prevented maybe.

Chuck Gomes: Okay. Okay so what you're saying is preventing leaks of RDS information which...

Maxim Alzoba: Which were unintentional.

Chuck Gomes: Which - unintentional leaks, is what you're saying. Okay, all right. So let's put that on the list. Okay. That sounds like it might be, you know, and we'll do that. Any others?

Greg Shatan: Chuck, can we throw the list of requirements up and go through them and see which ones we might think are universal?

Chuck Gomes: There are too many.

Greg Shatan: Okay then maybe this whole exercise is silly because we're kind of going from what we remember as the - one of the 780 requirements...

((Crosstalk))

Chuck Gomes: It's okay to do it from memory some...

Greg Shatan: My memory is not that good.

Chuck Gomes: And keep in mind there are over 800 right now. So what about the one I put up there? Okay.

Rod Rasmussen: Rod Rasmussen. So I mentioned it earlier today, if you're going to have a database or a system around information about domain names you have to have the domain names as a data element within that. In order to make it actually functionally we actually deliberated about this quite a bit the early days of the EWG. The only other thing you need is a status of some sort, you actually don't need things like name servers technically. It's a good idea to have them but if you take a look at the minimalist kind of output you get from some of the ccTLDs basically whether or not the domain exists within the registry system at all.

So from a technical aspect if we're going to even have a system you have to have that, you don't - otherwise we may as well just go home.

Chuck Gomes: Rod, would you state that concisely as a requirement for us.

Rod Rasmussen: As the data element you need the domain name, domain name themselves, and their status of some sort.

Chuck Gomes: Thank you. Okay and, Marika, can we - is it possible to put this list up on - to create it and put it up on the screen? Is that doable?

Marika Konings: (Unintelligible).

Chuck Gomes: Well, it doesn't have to be real time but while you're capturing them after we finish capturing them we'll put them up, is that okay? Okay. Okay. Thank you. So thanks, Rod. What other ones would you say? Okay, Maxim.

Maxim Alzoba: Potentially it might be a good idea to have a backup copy of information to prevent total loss.

Chuck Gomes: So backups for the RDS system, okay. Greg.

Greg Shatan: I would say name and email address and physical address and contactability of - on the latter too.

Chuck Gomes: What was the last one? Compactability?

Greg Shatan: Contactability - the ability to contact...

((Crosstalk))

Chuck Gomes: Contactability, that makes more sense to me.

Greg Shatan: Yes.

Marika Konings: So what was that again?

Chuck Gomes: Repeat those please, Greg.

Greg Shatan: The name of a registrant and their physical address and email address. And I would add that the address and the email address should be contactable, in other words accurate.

Chuck Gomes: Okay. Others? What we're going to do after we come up with this list is we'll pick one, I'll probably try to pick an easy one to start with, and we'll debate it and see if we, you know, can reach rough consensus that that would apply across the board for an RDS system. Okay. Other suggestions for possible requirements that would apply in all circumstances to an RDS system?

David Cake: Can I...

Chuck Gomes: Oh sorry, I wasn't looking at the hands. David, go ahead.

David Cake: I suggest the requirement about having a backup might be better expressed as the system has some resiliency against a single point of failure, I mean, backup is one way you could do that but there are others. And I'd also like to suggest like a very basic stability requirement, it is continually - it is continually available.

Chuck Gomes: Maxim, you want to respond to that?

Maxim Alzoba: Yes, it might be good idea to implement both backups to avoid situations with split brain - situations where databases decide, okay, I going to raise that and you going to do that too. So backups prevent situations where something went wrong and you lose information because it's erased all across the system. It happens. And backups resolve this.

And resiliency, where you have more than one central storage things, is the other good system so it could be both.

David Cake: (Unintelligible) it has a way in which it - which when something bad happens we have something we can do about it. You know, there is a response that rather than, I mean, a backup is one way of doing that but there are - you know, there are - we might not exactly be how it turns out in practice.

Chuck Gomes: Keep in mind when we get into deliberating on these we will refine the wording so we don't have to do that right now, as long as they're getting captured. Michele.

Michele Neylon: Yes, I think - this is Michele for the record. I think we're getting a little bit too specific here. What you really want to say is you want a properly designed, secure, stable, resilient system. I mean, that's what you're actually getting at. But, I mean, your backup thing, yes, sure but I can probably argue five other ways of achieving the same goal. This split brain thing, again, that's a matter of how you code the damn thing. And well as for keeping the thing up all the time some of my developers would argue the contrary, that actually having a fall over all the time is actually better. But that's just - that's a philosophical discussion.

Chuck Gomes: Okay.

Michele Neylon: But ultimately you want the damn thing to...

((Crosstalk))

Chuck Gomes: So this is Chuck again. You're jumping ahead a little bit, again, getting into the deliberation phase and refining the wording. Any other possible requirements before we start discussing some of these? Yes.

Kiran Malancharuvil: Hi. Kiran Malancharuvil. Mark Monitor. I think that the lowest hanging fruit might be the registrar information because of the potential information that would relate to RAA requirements. So if we're going to debate something maybe that's something that we might possibly...

Michele Neylon: Which registrar information specifically Kiran?

Kiran Malancharuvil: Like who the registrar is, basic...

Michele Neylon: Okay.

Kiran Malancharuvil: Like just the name maybe.

Michele Neylon: Just saying the registrar information is like do you want a list of, I don't know, what I had for lunch or breakfast. I mean, I'm not sure where the line was. Is the registrar name, then?

Kiran Malancharuvil: Yes, sure. We'll go with that.

Chuck Gomes: Not Michele's name for Blacknight?

Kiran Malancharuvil: Just the registrar's company name please.

Chuck Gomes: No, I mean, I was being facetious, I'm sorry.

Kiran Malancharuvil: I know you are. Thanks.

Chuck Gomes: Thanks, Kiran. Okay.

((Crosstalk))

Fabricio Vayra: So I'd say a requirement is accessibility. The data needs to be accessible at some level to meet the purpose. Otherwise what are we collecting data for?

Chuck Gomes: So, Fabricio, just accessibility of - to everybody?

Michele Neylon: Or do you mean accessibility in terms of - for blind people? I mean...

Fabricio Vayra: I'm following the rules so according to you we're going to deliberate later. But the flat requirement on how we word it, we're collecting data for a purpose and so it needs to be accessible to meet that purpose. So accessibility.

Chuck Gomes: That's fine. Okay. Go ahead, (Susan).

(Susan): Name servers.

Chuck Gomes: Okay that's all right, we're not debating right now. We're going to get - do a little bit of debating in a minute if we have time. But so name servers are required, name server information, we can reword it later.

Michele Neylon: Volker, (Stuart) and the gentleman from the Council of Europe, whose name I can't remember.

Volker Greimann: Standards information that is required to perform registrar functions such as information that would be required for a transfer.

Chuck Gomes: So let's clarify that one a little bit, Volker. So standard information that registrars need to provide their services, is that what you're saying?

Volker Greimann: Correct, there should be some form of contactability for registrars to access information that would enable them to fulfill their contractual obligations, for example, sending out FOAs, must be possible in some form.

Chuck Gomes: Thank you. And it was (Stuart).

(Stuart): Supports international characters rather than just ASCII.

Chuck Gomes: Okay so good. Okay. And then was there - somebody over here.

(Peter): Thank you. (Peter), by the way. I would also think - go along with this - on this line, I mean, to refine a little bit the accessibility thing is without going into deliberation phase, but the execution of contract in this respect, I think would be one of the key in this respect - key area.

Chuck Gomes: Thank you. And I better look at - looks like those are old hands I assume for Volker and (Stuart), Go ahead.

Man: Thanks, (unintelligible) Nominet. Just observing the conversation one of the questions I have is whether you start including information that's available through the DNS already in Whois lookup system because we're obviously starting to duplicate information and you do end up with a split brain problem. So just wonder whether the group should consider making sure we use the DNS for what the DNS should be used for and we use the Whois for what the Whois should be used for and trying to keep those separate if possible.

Chuck Gomes: Okay so state the requirement again for me.

Man: So what's being discussed is the inclusion of name servers in the Whois lookup on the Whois database in that case. One of the examples there is the moment the Whois - the name servers change in the DNS doesn't necessarily mean they get automatically reflected in the Whois so you end up with out of date results. So just a question on that one.

Chuck Gomes: All right, just it wasn't a requirement, it was...

Man: Not a requirement, just a suggestion, yes.

Chuck Gomes: Oh okay, thank you.

Michele Neylon: Look at the chat because people were unhappy.

((Crosstalk))

Chuck Gomes: Okay. In response to Andrew's comment in the chat, we're not making another list of requirements, what we're doing is trying to see if there are some that we might readily be able to identify as acceptable and applying across the board as a way to start.

If we take requirements one by one for 800 that's an unrealistic way to get this job done. So we're not creating a new list, we're identifying requirements that probably are already in our list of 800 that we may be able to deliberate on early on as being applying without getting into the conditional aspects where things like gated access would apply and so forth.

(Aiden).

(Aiden): (Aiden) (unintelligible) for the record. One requirement I wanted to add - and I think it's possibly already in the list is just to emphasize that any collection of personal data but be both conscious and consenting on the part of the individual who is affected. So just to make sure that individuals are aware of any risks that are available for making that data available to the public too. And also I guess if their reputation was to be harmed as a result of this data being leaked that they - I guess all I'm saying is there needs to be informed consent on the party of the registrant before they provide any personal data.

Chuck Gomes: So that's a nice concise way I think...

((Crosstalk))

Chuck Gomes: ...to state the requirement.

(Aiden): Stumbling across my words...

((Crosstalk))

Chuck Gomes: That's all right.

(Aiden): Essentially informed consent.

Chuck Gomes: Okay. Okay so let's put up - and we don't need - we won't necessarily end this here if this is useful way to start some deliberation. We'll follow it through. But can we put the list up? Marika is working on that. She'll put up the list that we have right now. And we can add to it today. But let's do a little test of deliberating on one or two of these. Just I think we don't have in person meetings very often and I'd really like to take advantage of that opportunity to test our deliberating approach on this. So just give Marika a little bit of time to get this up for us.

Okay, so we have a list of suggestions by people in the room of requirements that would possibly apply in all circumstances. Let's just do a quick little - and I'm working off the cuff here just to get some interaction, okay? So the first one says, "RDS data collection needs to be a necessity, proportionality and purpose bound."

Now, how many here would - and we can work on the wording so it's clearer, but do you think that would apply in all circumstances? Anybody disagree that that would not apply in all circumstances, just raise your hand if you question that. Okay.

Woman: The only thing that I would question is once we get more detailed into what that means. But as a high level I think it's fine.

Chuck Gomes: Okay. Yes, and we do need - we would need to refine the information. But on the surface, let's not do the wordsmithing yet but on the surface that's one that nobody objects to yet, okay? Oh, Volker.

Volker Greimann: Well, as (Simon) said, the name server information does not really need to be included in the Whois as it's already available in the DNS so that's an iffy thing. Not really a - we don't want this in there but it doesn't really need to be in there because it's already available otherwise.

Chuck Gomes: Okay. Other thoughts on that one? Michele.

Michele Neylon: Just adding to that - Michele for the record. You don't need name servers to register a domain. It's not a requirement anyway.

Chuck Gomes: (Susan).

(Susan): (Unintelligible) deliberating?

Chuck Gomes: Yes. Well, yes...

Chuck Gomes: It's not a deliberation, it's a technical fact.

(Susan): From the technical point of view, what was that?

((Crosstalk))

(Susan): Oh.

Chuck Gomes: Okay all right.

((Crosstalk))

Chuck Gomes: Let's go to...

((Crosstalk))

Chuck Gomes: Let's go to the second bullet. And again, I'm not trying to complete deliberation, just I'm getting a sense - a feel for the room here. What about the second one, prevention of leaks of RDS information. Is that a requirement that should apply across the board? Anybody disagree with that one? Okay, yes.

Woman: Well because I believe that the RDS should be a publicly accessible database to begin with so I'm not quite certain what leaks we're concerned about. How do you leak something that's available to everybody in the public anyway? I mean, are we talking about massing and data mining? Spamming? That's a separate issue. To me, this smacks of permitting, you know, sort of a loss of confidentiality when I don't believe it should be confidential to begin with.

Chuck Gomes: My guess is, and I'll come back to Maxim who I think suggested this one, that this is leaks of RDS information that is not public. Would that be a correct clarification, Maxim?

Maxim Alzoba: Yes, internal structure of database or maybe full database or things you do not want to deliver in initial designs.

((Crosstalk))

Chuck Gomes: ...your point is well taken. This is one that we'd probably have to refine the wording. With that clarification, would you agree that this is a requirement?

Woman: Well again, can you speak more specifically as to what information you would not - what are we talking about here when we want things to be confidential?

Maxim Alzoba: I'm not talking about information which should be accessible by definition of the system. When a design technical system you have some things you need to keep closed like technical implementation details, internal structure, real structure of database, and things which could be exploited if it leaked.

((Crosstalk))

Chuck Gomes: Michele, you want to jump in?

Michele Neylon: Yes, I'll try to help Max out here a little. You don't want somebody polluting the database. So you're not going to provide the database username and password, for example. I think that's what he's driving at. I mean, you could get into finer points around - okay, if we work on the basis not every single bit of data that could end up in an RDS is going to be publicly accessible, which does not have anything to do with it being publicly accessible but you might - you might be gating the access in some way.

So for example, it's quite common for a lot of Whois servers to make slightly more information available to a web-based user once they go past the captcha, for example. So I think - I think that's what he's talking about. I try to channel Maxim but I can't always succeed.

Chuck Gomes: So we have several people in the queue. But let's give Cherine a chance to jump in.

Cherine Chalaby: Thank you. Actually it's a very good point made, but if you look at few points down which says, "RD needs to be accessible for purposes identified." So I think that is related to that point as well. Which means that element of security or administration that would stop people from accessing and modifying or doing things is part of that. So I would personally, having read this list maybe I missed something but I think that comment about accessibility and prevention of leaks they go together personally. Thank you.

Chuck Gomes: We'll come back to that, okay? (Peter).

(Peter): Thank you. (Peter). I'm sorry I'm not too technical therefore I just wanted to ask a question. Aren't you talking about here about data security and

prevention of data loss and data breach? Why we are not putting this because we are talking about principles and not on details. That would cover everything, I think we are talking about here. But it's a question.

Chuck Gomes: Well, go ahead.

Man: Can I suggest we remove the word - not talk about prevention of leaks but talk about system security, right? Because that's really what we're talking about. It's a system security. When we talk about how data is taken, processed, transferred, held, because otherwise things like leaks connotes and gets into discussions about what is the purpose, why are getting it, you get into gating. After you build that whole framework, if we're just talking about the system security it'll cover all of these things. So I think we should stick to system security and not prevention of leaks.

Chuck Gomes: Maxim, you proposed that one, is that something there? Now, I suspect to be most helpful for the whole community, when we phrase these requirements, we might have to provide - we might want to provide some examples of what that includes. But anybody disagree with the system security description of that requirement?

Man: And for example, I think Michele already gave some great examples, right? So we could just support it with some of the examples that he gave because those were all examples of where system security is not available you end up with things like password leaks, you end up with things like data injection and corruption and it all comes down to system security.

Chuck Gomes: Thank you. Volker.

Volker Greimann: I would agree to 90% that this is probably the better term. However, 10% of me, what I'm thinking about says that leaks can also come from different sources. The system can be as secure as possible, if someone who has access to the system then goes ahead and publishes that information in a

different way because he makes a business model out of that or for other purposes, then that would also be considered a leak and there should be some legal prevention, some legal measures that prevent someone that has access that - is allowed to access this data through the system secure - secure system abuse that access.

Chuck Gomes: But, Volker, Chuck again. So wouldn't that still be a system security issue even though it's not a - maybe a technical security measure but rather a management issue in terms of security.

Volker Greimann: Yes, but we should differentiate between the technical security then and the users - the security of the users.

Chuck Gomes: Okay. Okay thanks. Chuck again. And that's what I was getting at. I think we're going to have to provide a little more clarity in terms of what system security means. We may have a common understanding. We need to make sure that the community has a common understanding of what that means. So let's go to Greg.

Greg Shatan: I think largely things have been covered. But I do think we just - we need to distinguish perhaps between, you know, system security and data security in a sense. You know, we're talking about, you know, we're talking about the architecture or framework of the database as opposed to the data in the database that we may need to distinguish as we discussed. But I think the overall system security rubric may cover the whole deal. I mean, essence, the framework and what's been filled into the framework.

Chuck Gomes: Thanks, Greg. Cherine.

Cherine Chalaby: Just a suggestion. It's also to do with the administration of the system so it is system security and administration. Just a suggestion, no debate on that.

Chuck Gomes: Thank you. And what we're experiencing right now is what we're going to have to do on a lot of requirements. Now we'll get better at it I think, but this is what we're going to have to deliberate on and find ways to do this efficiently going forward. But this is - notice the value of all the different contributions coming in here to refine this.

Is there anybody in the room who doesn't think we're on a right track for a requirement that we could support? Hang on, (Lisa), you're not - you have something to say, you're not raising your hand to my question, right? You are, go for it.

(Lisa): So I just wanted to point out that there are a number of comments in chat that there are some questions about whether we should be focusing on the system or the policies that the system is intended to support.

Chuck Gomes: Well one of our questions that we have to deal with is the system, right? Is that not correct?

(Lisa): Possibly. I think the comments in chat are that we're maybe putting the cart before the horse, that this group needs to focus first on the purpose of the system, the policies surrounding the system and then the contours of the system itself.

Chuck Gomes: Okay, I get that. And we've been down that path already. And there are lots of working group members that think we should just cover purpose first, unfortunately there are some that disagree with that and want to take a different approach. So what our decision has been is to iteratively look at these to move back and forth rather than to spend weeks arguing about where to start. So that's my concern on that. Personally I have no problem with starting with purpose, okay? But there were quite a few working group members who didn't want to start there and thought that it was much wiser to start elsewhere. Your turn.

Jay Daley: Thanks, Chuck. Jay Daley from dotNZ. I'm not the member of the working group but you asked if anybody in the room had a view. Having been through multiple processes around these type of things before, including Whois in a number of TLDs, I cannot see how this process you are following is going to deliver a result. It - to my mind this is an extraordinary way of going about it. And I'm - really struggling to see how it's going to land, how it's going to provide coherence, how it's going to provide a vision. It's just a large bundle of things all being thrown into the soup bowl. It's remarkable.

Chuck Gomes: So how would you do it differently?

Jay Daley: Start talking about the use cases, okay? First most obvious use case is public access, so your comment earlier about non-gated access, okay? What do we want from public access? Talk about that and talk about the requirements about that. Talk about it at a principle level. So the very first one of the requirements - I don't think we can see it - is actually a principle about proportionality about the purpose of the use, those type of things. Set some of those out. Separate out the principles there from what are the actual data elements that are collected, from what are the design requirements of the things. Those are three very distinct things, are all bundled together there, and done those.

Do that for that one use case, refine that and iterate that perhaps, learn from that then go on to develop the other use cases which are, for example, intellectual property lawyer usage during dispute stuff, law enforcement access for criminal tracking or those sort of things, other use cases in that way. Do it that way. That I think is putting a structure around the process that can deliver a result even if you have to change all of those components in flight on the way to do it.

Chuck Gomes: Thank you very much. And of course that's what we're trying to do so your suggestions fit right into what - and that's part of what - why we're doing the triage of the whole list and so forth. But - and (Lisa) herself has - I don't know,

(Lisa), if you want to add some comments here, but that was one of the things she suggested that we approach these requirements on a use case basis like you're suggesting. Do you want to add anything there, (Lisa)?

(Lisa): Sure. Actually what I did is I relayed to the leadership team the approach that the expert working group took which is that we struggled with some people wanting to start with purposes and users, other people wanting to start looking at the whole problem from the data perspective. And these case approach gave us a way for everyone to contribute, you know, sort of their take on the problems and describing all the scenarios, we started with all the scenarios that exist today.

And then added some that people thought really a next generation system should support. But the idea was to put it into the context of what are we trying to do with this, right. And then from that extract the principles.

Chuck Gomes: Go ahead.

Phillip Sheppard: Thanks. It's Philip Sheppard. I speak as a former chairman of probably one of many former working groups on Whois. And therefore I'm getting a certain sense of déjà vu as we go through this scoping exercise. Certainly the working group that I chaired we had discussions like this, which although we were - that particular working group was bound by the limitations of Whois, we did certainly in our early stages perhaps push those boundaries out and have (unintelligible) discussions on scoping and purpose and use.

So I would encourage this working group to refer back to that work and see where some of those conclusions and that structuring - early structuring took place because that might be very helpful in giving you a shortcut through to some of these questions, some of which, as I say, seem very familiar indeed.

Chuck Gomes: This is Chuck. Before you leave, so which group - working group was that?

Phillip Sheppard: I can't remember the year, it was probably about five years ago. It was a working group on Whois I chaired. You were on it too. And I can probably find out exact details if Marika can't track it down but...

Chuck Gomes: Okay let's pin that down and make sure we've got that in our list of resources. Because I don't remember either. So not going to criticize you. So, (Lisa), go ahead.

((Crosstalk))

(Lisa): ...discussing, that was the 2007 Whois.

((Crosstalk))

Chuck Gomes: Thank you. So let me ask about this - the use case approach. Again, for those that are new to this whole effort that we've been involved in, we've compiled this huge list of possible requirements from a whole bunch of resources. But we have to find an approach that is efficient in terms of deliberating on those and coming to specific recommendations about requirements.

Is there anybody that is - doesn't like - sees reasons why a use case approach would not - might not work? Okay, Michele.

Michele Neylon: Thanks. Michele for the record. We did do this during the EWG. It was very useful. However, we did get criticism from some people because they expected us to come up with every imaginable use case which we have done but we haven't imagined their use cases.

Chuck Gomes: Keep in mind, and just to counter that a little bit, this is Chuck speaking again, I mean, if the use cases we come up with don't cover all the possible requirements there's no reason why we can't...

((Crosstalk))

Michele Neylon: No, I'm not disagreeing with you, Chuck, I'm just pointing out...

Chuck Gomes: Yes.

Michele Neylon: ...that even though we did the best that we could we still were criticized for not mind-reading. So just making you aware of it. I personally I think use cases are helpful because well they're use cases and I think we can actually wrap our brains around use cases a lot more easily than we can around ridiculously long lists plus piles and piles of documents because, let's face it, who's got time to read them all?

Use cases we can actually work around because then you can say, well, you know, how do we handle this? Can we handle this? Should we handle this?

Chuck Gomes: (Aiden).

(Aiden): Thanks, Chuck. I find the approach slightly problematic only because it predisposes that because we collect this data at the moment, and this is what the current system is being used for, that this is what we want to be using it for in the future. And so I think we should be starting from a different angle, the angle of what is this system? What are the minimum functions that this system needs to exist?

And looking at what people are using the data for at the moment, this is a new system altogether. So I just want to start from a fresh slate.

Chuck Gomes: Let me just caution that we don't want to - don't worry about what's being collected now, we don't have to start there but thank you for the point.  
Cherine.

Cherine Chalaby: Just a helpful suggestion, if you don't mind. These are the requirements that you say will prevail in all circumstances, correct?

((Crosstalk))

Chuck Gomes: What we're talking about today, yes.

Cherine Chalaby: What I would suggest is you split this between what you call the user requirements and technical requirements because that's going to bring - that list just split it up into two and it will give you much more clarity of those two sets of requirements, what's missing, what needs to be added and it will sharpen the thinking. Is just a suggestion.

Chuck Gomes: And in fact, I think that's part of what (Lisa) and (Susan) are doing too, grouping them. And you decided two categories of grouping. Sorry, I don't know your name.

Michele Neylon: Christopher Wilkinson.

Chuck Gomes: Oh, I - I apologize. Hold on a second because Christopher was up there a long time ago and I've been looking over here. Christopher, it's your turn and then we'll go here.

Christopher Wilkinson: Okay, thank you. Christopher Wilkinson. I think it's necessary, first of all I apologize for just diving in because I can't possibly follow all the subjects all the time. But I think it's necessary to determine precisely the use - the agreed uses because in a large part of the available jurisdictions you can only use the data for previously agreed uses. And from that point of view when you come down to the accuracy of the registration data, I would agree absolutely that it has to be accurate. But I think you should delete contactable until you have agreed on the uses.

Chuck Gomes: Thank you, Christopher.

Stacey Walsh: Hi, Stacey Walsh for the record. I was just going to reply to what (Aiden) had said earlier. I think that actually use cases are good for this scenario because you can then talk about Whois currently using the system, who interacts with the system and in what way. And then from there you can debate if they need to be interacting in the system in the way in which they are currently or if that should change.

And then to go onto what - I'm sorry, the previous gentleman said, I'm not sure of his name, but I do like the idea of splitting these into two categories of technical requirements and user-based side to the extent possible of course.

Chuck Gomes: Thank you. And once we get the work that (Susan) and (Lisa) are working on, this will probably make a lot more sense and maybe able to refine it even further. So thanks for that. I'm not - go ahead, James.

James Gannon: Oh sure. I just want to caution one thing. We need to be very careful how we define the use cases because just from a matter of practicality I want to make sure we don't end up getting into a situation where we're debating people's business models. Because I don't think that's something we will ever get ourselves out of. So the use cases need to be sort of narrow enough that we don't end up debating somebody's entire business which we could very easily get into with a use case scenario.

Chuck Gomes: Good caution. I appreciate that. And keep in mind, we're not - probably not going to find a perfect way to approach this. Use cases probably doesn't solve all problems, but if it's a meaningful way for us to tackle the work and make some progress and then if we have to implement that after doing that that's okay. What we're really trying to do here is to find out a way that we can tackle this huge problem we have in front of us in a way that's relatively efficient. You're on again.

Jay Daley: Thank you, Chuck. Jay Daley from dotNZ. Go back to my suggestion, that list is actually split into three things. Principles, data elements and system designs. Okay, those are the way that I see them. There may be other categories in there but it's broader than just two.

The other thing is I think that we need to be clear what use cases means. It doesn't mean a one to one relationship between a use case and a solution for how that use case will then be implemented. RDAP is a technology, which is - hope it's actually going to be behind this, has some broad concepts in it such as gated access or non-gated access. Okay?

There are oftentimes when you create - when you're creating Whois systems and these are things which I'm one of the people in here who does for a living, we give a set of gated access with a set of data attributes available with a particular search functionality available. We know that there are a couple of use cases that may use that. But over time that set develops because people come along and make a good case as for why they should have access to that.

So a good example is the ability to search by registrant. That is normally provided to help in disputes where a lawyer wishes to find all the other cases from that registrant to prove that they have a pattern of bad behavior.

Quite often, that then morphs, once people provide that service, to include registrants who've forgotten that domain names they have, which is far more common than you might imagine. You know, it happens within in large corporates all the time. So those are two different use cases delivered through one particular solution.

So that's the point about use cases is not to have this one to one relationship use case, you know, solution, use case solution. And that's how you deal with the issue that you may have forgotten or not known of hundreds of different

use cases if your solution set has been broad enough and generic enough that you can find a way for new use cases to be fitted into those.

Chuck Gomes: Thank you. Alex. Sorry, I didn't see your hand sooner.

Alex Deacon: That's all right. Alex Deacon for the record. I just want to caution us to be careful when discussing technical requirements. Again, just to echo something I said earlier, our focus needs to be more on the policy issues. I think, you know, there may be some very high level technical requirements we could add to the list. But I think we need to make sure we don't start designing the system despite, you know, there's - I'm sure there's lots of technical people in the room who are itching to get at that, but I think we need to try to avoid that if possible just to make our lives easier. Thanks.

Chuck Gomes: And designing the system I believe, would be more in the implementation phase, after we've developed the policies, yes. Any other comments? So I'm sensing, and - oh, David, go ahead.

David Cake: Yes, just the - I mean, the - yes, getting into technical design too early is clearly something we want to avoid because it's not even supposed to happen until really phase 3. But there are simple policy things we can lay down at this point that will eventually. But a really simple one is consistency. Do we want - are we designing a system that we want to return one unambiguous answer. And, you know, it means seems trivial but, I mean, the DNS is not actually designed that way, right? I mean, Whois is the DNS isn't, it cases all over the places. So there - we don't need to get too - dig our heels in too much on no, you know, no technical - we can put in policy positions that will later result in obvious technical constraints that - and then leave it at that.

Chuck Gomes: Thanks, David. So as I started to say a little bit ago, it sounds like the use case approach might be at least one way that we can organize our deliberation going forward. And (Aiden) expressed a little concern there.

Anybody else have concerns about that approach? Keep in mind that approach probably isn't going to solve all our problems. And we may have to do other things. But we're going to have to continually deal with situations like that as we go forward to get the job done that's in front of us.

Any other comments on use cases? So we - yes, (Lisa).

(Lisa): I just wonder if it might be helpful to the working group to circulate what the EWG used as its use case approach, whether this group wants to use that or not so at least the framework, it's the methodology that we applied to go through I think it was about 50 different use cases. And to Michele's point, we got to the 49th use case or so and thought, we've probably covered enough use cases to understand what the system needs to do. We might have missed a few. But it was getting that critical mass that then helped us take the next step.

Chuck Gomes: And in follow up that, and then I'll address the suggestion you made, so with the triage work that you and (Susan) are working on, how would we apply the use case approach to that?

(Lisa): I think it's actually a little orthogonal. In the list of possible requirements, there actually is a list of possible users and purposes and those map to some of the use cases that the EWG happened to come up with. But there are many other items on the possible requirements list that maybe would follow consideration of use cases after you use the use cases to understand what it is you want the system to accomplish, then you go back and look at the possible requirements and say, so, will this help us accomplish that goal?

Chuck Gomes: And Chuck again, do we need to - what you just said sounds like we may need to agree on purposes before we can really do that so we're back to the purpose issue. So general question for the group is okay, do we need to come to at least rough consensus on purposes before we even start looking at use cases? Fabricio.

Fabricio Vayra: So back to the - so Fabricio for the record. Back to what you guys were talking about of taking the framework we did for use cases from the EWG, we also spent - this is an exact path we took there. And we ultimately did an entire purpose statement, I think drafted by Stephanie, and then redefined by the group that then informed the use cases.

So if we're going to circulate the framework and the use cases why don't we just circulate the purpose statement that was done in the EWG, as drafted by Stephanie, to see if people accept it or want to iterate that, and then we can go back to - otherwise we're just recreating the wheel.

Chuck Gomes: Yes, and with regard to the very last comment, I really don't want to see us repeat work that's been done. It doesn't mean we have to accept everything that's been done as the final decision. But I think it'd be a terrible shame and a waste of time if we don't take advantage of work like that that's already been done. So, yes, go ahead, James.

James Gannon: I'm just going to come in and say that I really like the sounds of this and I think it would assuage some of my fears that I was talking about earlier. I think it fits more into a more logical progression for me. I know it might pose a little bit of process issues with looking at purposes and use cases at this point but I like it.

Chuck Gomes: So, are you saying that, you know, looking at purpose and then looking at use cases you're saying that that - you support that?

James Gannon: Yes.

Chuck Gomes: Okay. Yes, (Peter).

(Peter): Thank you very much. As you know, I will also support this as sort of beginning - from the beginning the purpose approach. I think it will

tremendously ease up our work after starting our data element and data requirements and so on. I think purpose - the definition of the key - definition of data processing operation is key. So I would...

((Crosstalk))

Chuck Gomes: Thank you, (Peter). Michele.

Michele Neylon: Thanks. Michele for the record. Just to clarify one thing as well, I mean, when looking at use cases and scenarios, it's perfectly okay to state a particular use case or scenario is invalid. You know, so for example, a spamming scumbag abuses Whois data in order to spam you. And, you know, collect certain bits of data. That's recognizing a usage, that's not saying that that usage is a good usage or a usage that we approve of or one that we want to facilitate.

So I think, you know, it doesn't - looking at use cases doesn't mean that you are endorsing every single one. In many respects it actually allows you to say, look, this is the scenario - this is why they want this data, but maybe we don't need to facilitate that. Because I think that's another thing as well is that there are - you cannot turn around to everybody and say, no, no, no, the fact that you've been using this data for the last 25 years, now screw you, your business model is now completely screwed because we're just going to take that all away from you. That's not going to work very well.

But this is multistakeholder - the multistakeholder model. If it wasn't Chuck and I would have sorted this out months ago and we wouldn't be sitting here. But the other - but the thing is if you're going to reject the usage or a scenario there has to be I think a rationale behind that. I mean, there has to be a reason. It could be because it's illegal; it could be because it puts an undue strain on the system. I mean, there's a lot of different things.

I mean, for example, I'll pick on VeriSign because they're really big and rich. You know, VeriSign allow registrars to connect to them in order to do things. They don't allow us unlimited connections. If I tried to make more than a certain number of connections to the VeriSign backend I wouldn't be able to and they'd smack me. Probably physically as well, but.

Chuck Gomes: By the way, we did allow that at one time and it created serious problems in terms of equal access. So we fixed that. Go ahead, Fabricio. And then Klaus and then Rod.

Fabricio Vayra: So I was just going to say, you know, I started off by introducing myself as part of the EWG this morning for lack, and it was actually turned out to be very appropriate because we're just talking about exactly what we did on the EWG. And I want to thank you, Michele, because back to this notion of circulating the use purposes, I'd like for the benefit of those who weren't in the room in London now three years ago, this is exactly how we did use cases.

We did I think Margie put up a spectrum on a wall from acceptable to illegal, or not acceptable, and we all had to come up with use cases on a post-it note and put them on that spectrum so that we could have the discussion exactly what Michele was talking about which is it may be something people do today but that's illegal and shouldn't be allowed. And those were actually cut.

So for the benefit of when this use case from the EWG gets circulated, you should all know that we actually did that cut between acceptable and illegal and I would welcome people to look at that list again and query whether we got it right or not as opposed to recreating it.

Chuck Gomes: Thank you. And before I go to Klaus, (Lisa), in answer to your question which I've never answered, yes, I think it would be good to circulate the use case

information from the EWG. But also, with that, the purpose that was also mentioned. Klaus.

Klaus Stoll: Klaus Stoll, NPOC, NCSG. I just would like to add my voice to the (unintelligible) purpose use cases for another specific reason. I think it participated in all of the meetings of the working group except one or two or three, doesn't matter. But I find it very difficult to connect to the work at the moment and to - and contribute. I think if you - if we adopt the kind of approach it will be much easier for the participants of the working group to bring themselves in.

Chuck Gomes: Thanks, Klaus. Rod.

Rod Rasmussen: Rod Rasmussen. So I wanted to - Fabricio, you stole a little bit of my thunder and what I was going to say. And I'm sitting here going I've been here before. (Lisa), do you remember how many hours - we calculated how many hours we actually spent on the entire project. We're staring into an abyss that we'll never get out of if we reinvent what we did before. So I'd highly suggest we take the EWG list and the other lists that we've come up with and, you know, do this triage, put these things together and walk through that rather than try and do this from a whole cloth or we'll never get done.

Chuck Gomes: You'll get no argument from me on that. Thanks.

Rod Rasmussen: Thanks.

Chuck Gomes: Volker.

Volker Greimann: Volker Greimann, Registrars. I also support that thought of going back to what the EWG did as a basis and work of that. However, I would also suggest that when we look at use cases we compare these use cases to similar use cases for similar data in other aspects of the online world.

For example, when you have a use case for - when you have a right to access IP information from an access provider, who uses that IP, who uses that IP at a certain time, do you have the same rights to access that data as - (unintelligible) have in Whois, i.e. freely? Or do you have to jump to certain hoops, get a court order or something else? And that should also be applied here. So look at comparable situations and apply those comparisons to the Whois world as well.

Chuck Gomes: Thank you, Volker. Now, we're just about out of time so I need to wrap it up. But I want to throw out one last question that I'd like a response to. There were people in the working group that really didn't want to start with purpose. Okay? If there are any of you here, I would like you to tell me why we wouldn't start with purpose.

What I have heard convinces me more than ever that that's the place to start. Is there anybody here that disagrees with that? Now I know we have lots of working group members that aren't here and we'll throw that question out to the list, another action item, okay. Is there anybody here that disagrees with starting with purpose? James.

James Gannon: Okay obviously I don't but I know some of my other members do for various reasons. And, you know, we should probably take this to the list to have a discussion about it.

Chuck Gomes: That's the plan. Taking it to the list. Any other thoughts on that before we wrap it up? Yes, Marika.

Marika Konings: Yes, this is Marika. And I think when we put that out on the mailing list I think those that weren't here or weren't able to participate remotely should listen or work through the meeting before responding because it's very easy to immediately state what was initially stated without having gone through or listened to the conversation and how everyone here in the room seems to

now have come to the conclusion that we may want to start looking at purpose.

Chuck Gomes: And let's make that part of the request, okay. Any other things there? Now, I just want to - for those that maybe frustrated by what we've just been through, I apologize. But as part of a multistakeholder process when we have lots of people involved, and I think that this exercise it wasn't so much to start deliberating on a few requirements that may be universal, if I can use that term, but more so to help us get an agreement in terms of how we're going to move forward.

And by just looking at a few examples that we had on the screen, I think it's helped us to do that. We'll find out in the next few days. Now, let me tell you that we do not have a working group meeting next week, which is kind of a - at least a GNSO practice after a week of ICANN meetings. And everybody traveling and so forth. So we will not. But working group meetings will continue on their regular schedule the following week. And I think that staff has already sent out a meeting reminder for that.

Now, are there any other logistics we need to cover before I wrap it up? Do any of the leadership team have any final comments?

Michele Neylon: No actually I do have a final comment. Thanks, Chuck. Just one thing I think we've had some rather heated moments on the mailing list over the last few weeks just, you know, remind people to try not to kill each other, please. You know, it's not helpful. We don't want to have to put you all in the corner and things like that, that would be wrong. But, I mean, joking aside, it's a very contentious issue. This is a long, going to be quite a long process. You know, if you want to argue around - have an argument with somebody about their view on something that's perfectly okay. There are differences of opinion. Try not to make it personal or take it personally. And try to retain it a certain degree of - what was that word you used, Chuck? See Chuck is very

diplomatic. I can't quite do Chuck-level diplomacy. But, you know, just bear that in mind.

And also as well, if there are people here around the room that you've been dealing with on the list or on the calls and you don't actually know each other, you know, there's beers and wines and things I find are a much better way of resolving issues rather than calling each other names. Thanks.

Chuck Gomes: Thank you, Michele. And hopefully you saw - hopefully you saw some of the suggestions I sent around to the list. Avoid attacking anybody personally. Avoid attacking any organization specifically. Let's talk facts about the issues.

Michele Neylon: Unless it's VeriSign of course.

Chuck Gomes: And be respectful. Yes, of course unless it's VeriSign. So all right, thank you very, very much. It's been a long meeting but I think we made a little more progress and we'll keep plugging away. Have a good rest of the week. And meeting is adjourned. Recording can stop.

END