

## WHOIS Task Force teleconference

### TRANSCRIPTION

**22 January 2007 at 10:30 EST, 15:30 UTC, 16:30 CET**

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<http://gns0-audio.icann.org/WHOIS-20070122-tf.mp3>

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#### **Attendees:**

Jordyn Buchanan - Chair

Avri Doria - Nominating Committee appointee to Council

Ross Rader – Registrar constituency

Marilyn Cade – CBUC

David Fares - CBUC

Maggie Mansourkia – ISPCP

Tony Harris – ISPCP

Steve metalitz – IPC

Milton Mueller \_ NCUC

Robin Gross - NCUC

#### **ICANN Staff:**

Maria Farrell

Glen de Saint Géry

Jordyn: ...so the agenda for today's call is - will be focused on reviewing the (constituency) statements and the public comments that we've received. Hopefully, we can all (bid), so I'm going to try to sort of limit some more obvious parts of both of those discussions that we have both a - we have obviously a number of (unintelligible) (statements as well as nearly hardly) number of public comments as well.

So what I'm going to suggest is that we start with just a quick review of (constituency) statements hopefully limiting to like a - maybe - three to at very most five minutes overview of (constituency) statements from each of the - (some reps) for each of the constituencies followed by a few minutes for questions.

Hoping to limit that to at very most half of the call and hopefully less. And then I'd like to spend hopefully more than half of the call, I'll talk to you a little bit about public comments, and particularly, if there are really interesting or new observations that we've gained from the public comments. I know there's a lot of (service) support on one proposal to the other or couple of slight permutations on the proposals (on status quo), but there are number of public comments that either new ideas or interesting thoughts that we may want to consider just beyond the shared sort of support of one proposal or the other which are (unintelligible).

Is there anything else - anyone else who'd like to talk about today although we probably don't have a lot more time do so?

Okay. Great. So I'm going to move right into constituency statements, then - I think I saw all the constituency statements is - are we missing any of them at this point?

(Maria), do we have - have we received all six constituency statements?

I guess, hopefully, that means no.

Well, I guess, when - I'll just run through the constituencies and we'll just do this in alphabetical order, I think.

And like, once again if we get that with media, three (Ishmit) overview of - put a hard (cap) at five minutes and then we'll have a couple of minutes for questions and clarification afterwards we (unintelligible).

But I think by the alphabetical processes, the business constituency will be first. (Marilyn) or (David), do you want (to say) or give us a brief overview?

(David): (Marilyn), you go ahead.

(Marilyn): Okay.

The - and as - (Jordan), and I don't want to read this to you guys, so I'll try my best to just summarize the key points.

We started out by making two suggestions that we thought could improve the final report, and I think you've all seen that. So we'd proposed that the task

force consider supporting the addition of the - just a brief summary of the process (as some of the) events that the task force undertook which would include then being able to note that there was a number of workshops of the task force that took place during this time and other work that went on.

And then I also note that the (BC) suggested that the (Geneso) council resolution should be added as a tendency and links to the resolution inserted in the background section.

So that's just a (fully) a record for the final report for the final report, when the council consider that also to the board and I've provided to be see - document provides the relevant resolutions.

The comments specific to the report could be summarized and that we, in general, supports special circumstances over the OPoC that we have provided input on both and change - recommendation for changes for improvements to both of them, and then we also made a proposal that ICANN fund a study that would go on concurrently and argue with that. ICANN should begin to engage in relevant analysis and study done in occasional basis not just of this but of other topics that can help to inform policy development.

We also recommended that consideration be given to a different approach to dealing with some of the concerns about who is and that is moving to with - to Web-based access eliminating Port 43 and having tighter contractual conditions that ICANN would enforce on bulk access.

We provided specific recommendations related to OPoC and also to special circumstances. I'll touch on a couple of them.

We've recommended that if OPoC is approved that there has to be a clear definition of rules and responsibilities and if that should be a part of the registrant agreement which should be reviewed and accepted as part of the registration process.

We also suggested that the defined purpose and the functional task that are to be performed by the OPoC should be established by (consistent) policy and that would provide consistency in the task and purpose of the OPoC, and we've provided some guidance on what we thought needed to be included in that on Page 61 under number there. I'm going to read that in detail but I just reference it to the other members of the task force.

We also think that OPoC still needs process by which data that is not just played and accessed to the data would need to be clarified so there would we need the detailed process and procedures related to how non-displayed data is going to be accessed.

And we suggested that we have to address accuracy and, right now, OPoC does not address accuracy and one way to deal with that would be to revalidated the completeness and the accuracy of the contact details of the OPoC at the time of registration and have a periodic checking to make sure that those details are kept up-to-date.

And I'll move on to our comments about special circumstances proposal.

As I said, we, in general, would support special circumstance over OPoC. We have a lot of unresolved questions about the OPoC proposal, but we do think special circumstance also has (system) for additional elaboration.

For instance...

Jordyn: (Unintelligible), (Marilyn) that (unintelligible).

(Marilyn): Good, then I can stop talking.

So we've covered some recommendations there including, again, pre validation of the contact details at the time of registration would need to be taken for any party that's determined to be eligible for the special circumstances and the third party who holds the data would need to have accurate data for themselves and to attest that they have obtained accurate data, maintain accurate data for the register.

There needs to be a procedure by which they could - by which the non-displayed data can be accessed, and we would suggest that there needs to be something in the form of the administrative procedure as well as a legal procedure.

And then I already made reference to the suggestion that we made about examining a move of who is to Web-based access but security requirements as to prevent data mining and also to call for a study. We do think that the study of this patient or development of the study should include input not only from the task force but from other parties as well as the (GAC) in order to develop what the elements of the study should be.

Jordyn: ...think, any questions or clarification from (Marilyn)?

(Marilyn), first question is do you mentioned that do you think that the (BC) believes that if the (OPAC's) proposal were to adapted that there, I guess, certain responsibility of what the OPoC should be defined?

(Marilyn): Uh-huh.

Jordyn: Do you have any thoughts on what would be the - what would happen if the OPoC didn't develop those responsibilities? Would (ABI) (unintelligible) the OPoC with the registration somehow becoming valid? What would be the effect of...

(Marilyn): I think that's one of concerns about the - it's the accountability, who's the OPoC accountable to, and how is the registrant affected. If the OPoC doesn't live up to their responsibilities like, let's say, that they don't pass on data, feasibly, that data - that information might be about a contest in relation to (quick) resolution procedure could be something else (that's not passed on). It's the registrant who will suffer the consequences potentially of loosing your name.

So, I - you know, I can't say that our constituency thought in detail about what the consequences are, but we do know that it will be the registrant who suffers the harm if any occurs, if they don't fulfill their duties. And that's one of the reasons we thought there had to be clear duties and that the registrant had to agree to those duties and basically assign those duties to the OPoC.

Jordyn: And this - my question is - so you mentioned that you thought that the OPoC proposal doesn't deal with accuracy. So I think that there is accuracy section in OPoC and I think even indicated that it also be compatible with the initial circumstance proposal.

(Is it give) you that - is that comprehensive enough or (will that be changed from the status quo) or what?

(Marilyn): My understanding of the present - of the way we deal with accuracy actually an OPoC is it's more on a - on the exemption's basis.

So there's the process of correcting the data. We were suggesting that the data of the OPoC needs to be verified or validated this accurate at the time of registration.

Jordyn: Okay. So you're just - you're suggesting that in addition to some sort of responsive mechanism that you wanted to have some (unintelligible)?

(Marilyn): Right. In essence, we're giving up other forms of contact data and centralizing them in the OPoC so it seems to us that the data ought to be accurate in the OPoC.

Jordyn: Okay. Any other questions for (Marilyn)?

Okay. Moving right along then. I think the next (constituency) would be the intellectual property of OPoC.

(Steve): Hi this is (Steve).

Basically, in our statement, we went through the OPoC proposal before main issue - before main points of the OPoC proposal. On the first point which is the one that we spent most of the time discussing about the type of contact data to be published, the IPC did not support that and we raised really four main questions that we feel haven't been resolved in discussion of this proposal.

First, on what issues of the OPoC expected to act to question about what operational issues relating to a domain name means.

Second, what is the OPoC supposed to do even assuming that its request falls within review of - that the OPoC is supposed to fulfill.

Third, how quickly must the OPoC act or just - I think, it's self-explanatory. And then, of course, the question that you just discussed a little bit, but if the OPoC fails to act or doesn't act as properly as it is supposed to what (recourse) would.

On the second point of the OPoC proposal regarding registry who is - we didn't take the position, I think more information is needed on that.

On the third point regarding inaccurate Whois data, we supported it in principle. We did point out that it it's combined with the rest of the OPoC proposal, it may have a very limited effect because there wouldn't be very many (unintelligible) accurate data on the registrant if there is virtually no data available on the registrant that someone could report on.

And then finally, on the fourth point regarding (dominion) transfers, we did take a position.

With regard to special circumstances, we supported that proposal in principle. We did discuss one aspect (unintelligible) in which there's been some discussion about the noncommercial criterion as stands now it applies only to individual registrants who be - (unintelligible) for noncommercial purposes. There's been a lot of criticism -- this would be difficult to enforce and welcome further study of that -- and if that appears to be the case, then eliminate - we would support eliminating that criterion or modifying.

And then with regard to the proposal for access to data, we didn't go through all of them in detail, but I guess I'll just mention two points in our statement.

One, the IPC believes that neither of the proposals, neither special circumstances nor OPoC should be adapted until an efficient, reliable and speedy alternative mechanism for access to the data that's hidden from public access is ready to be implemented. For those who have a legitimate need at access, I think that's a whole lot of the constituencies made that point in one way or another.

And then the only - one of the five options that we - or five notions that we talked for alternative access that we talked about in details was the first one about leaving it to the registrars, and we pointed out that the status quo is not very encouraging in that regard. There's a lot of instances where data - the registration that is in proxy or private registration services. It's not possibly to get access to registrant data.

So we would support the idea of that I think was in that option of developing best practices in this area for what - how registrars would respond to request for the data and we feel that probably could be applied right now. Even without any changes in Whois policy, it certainly could be applied right to how proxy your private registration services are handled. That's our submission.

Jordyn: Okay. Any question for (Steve)?

(Milton): I don't have a question for (Steve), but this is (Milton). Since I have to leave at 11, could I ask to be next on the queue?

Jordyn: Yes, I will change the order a little bit (Milton).

I have one quick question for (Steve), I guess. One is that - actually, I'll try to limit to one.

What is -which is that - so you mentioned that there's - with regards to the first item in OPoC that IPC had more questions, would resolving those questions - do you sense that resolving those questions would allow the IPC to support this or...

(Steve): Well, it depends. I don't think I can really answer that, it depends on how it's resolved.

Jordyn: Right. But potentially, for a certain resolution of answering this question, there might be some possible...

(Steve): This could certainly be part of the solution. We don't think any of these alone is the solution but...

Jordyn: Okay.

(Steve): They might contribute to it.

Jordyn: Okay. Any other questions?

Okay. We'll move right along then to the (commercial issues ahead).

(Milton): Okay..

So I think we made a point that was similar to the one - to - made by the registry constituency which is that it really has - it's time to bring this home,

it's time to finish the work, and we really feel particularly aren't in love with OPoC proposal, it doesn't conform to everything but it seems to be the only visible proposal that have any chance of getting required, support among the constituencies to actually pass through this process. It was one of our main points simply that it's time to recognize a decent compromise and to finish this process.

In that regard, another one of our main points is that we don't agree with some of the constituencies that we have to resolve all issues about access to data before implementing this proposal. We think a lot of the issues surrounding (tiered) access are in fact a separate (PDP) that has to resolved after we make some progress, and that if we try to resolve all of those issues before making any progress, we're simply playing in the hands of people who don't want anything to change and - or obstructing the process.

We did this in that a bit in all of (branch) to those who believe in (tiered) access. Again, it's not a position that we've been very sympathetic to particularly if you're looking at that name as an example. There are aspects of that we don't support, but we do think that those issues are negotiable, again, after we take the step of implementing the OPoC proposal. We think there's a lot of room for negotiation and we also, again, assuming that we implement OPoC to support the improved accuracy measures that some of the constituencies want.

We obviously don't like the special circumstances proposal. I think, you're probably familiar with our reasoning on that.

So that's basically it. The bottom line is we got to move, we got to move forward here, and we have to separate what can be done now with what needs to be done later.

Jordyn: Thanks, (Milton).

Any questions for now?

I guess so...

(Steve): And I guess everyone is speechless.

Jordyn: So efficient in your summary.

Okay. Great. Well then, we will just move on to the next constituency statement and (ask) if you need to drop off, (give up now).

(Steve): I will hang on for the remaining three minutes.

Jordyn: Okay great.

Next, something back in order would be the with - is that either (Maggie) or (Tony)?

(Maggie): Okay, this is (Maggie). I can go ahead.

We - well I'll just start out in order. We started out with some concerns we have with the OPoC those being as far as the timing issue goes -excuse me.

What kind of time frame are we talking about as far responsibility of OPoC to get in touch with the registrant and the registrant responding back and how that would really work from a practical point of view.

I think many of our comments really try to frame the issues in terms of practicality in the OPoC. It seems to come out short in our view.

We also didn't quite understand what the role of the OPoC would be when I request of general information falls outside. The operational domain, in other words is the correspondents is - in relation to something that is not operational, if it falls outside the resolution of the domain name, then and what would be the role and the responsibility of the OPoC?

And then also we just saw that OPoC as being overly broad because it really could impact all registrations where as the concern that had been raised regarding privacy of some registrants are far more limited.

And then moved, of course, to the special circumstances proposal and I have some questions about that including how noncommercial is defined. The first and second circumstances would be limited or the application would be limited to a Web site that is noncommercial in nature and we indicated that should certainly be defined further.

And then we didn't quite understand the funding issue, how the funding could be taken care of within the compliance that is listed essentially from existing funds and registrations.

And then we also indicated that the length of one year for an application may or may not appropriate, but we just really need more information on that and thought that - we certainly have some questions and on we thought that needs further discussion.

But overall amongst the two - as between that two proposals, we thought the special circumstances had more merit and would indicate for further discussion.

And then as far as the - obtaining access and the accuracy of the data, we certainly support the OPoC goal and that would be useful.

But again, we have some questions as far as how best practices would be implemented, what would be the consequences of a registrar not following the best practices and possibilities of using a registrar has been this model is to not follow the best practices, how that would just realize scenario for these violations about covers it.

(Jordan): Okay. Great. Any questions for (Maggie)?

Okay. Why don't we move on then? I think - I just - Ross, am I alphabetizing correctly?

Ross: Yeah, I think that's fair. I think that's fair, (Jordan).

(Jordan): Yup..

Ross: The last time I check anyway.

Our submission was pretty simple for we simply - the form of positioning of the constituency remains that we continue to support the implementation of the operation point of contact proposal or some variants of that proposal that's can get easily the broad support of the community.

There's two other points that we raised in our submission. One we need to close up this work pretty quickly ideally prior to the recent meetings and be that simply replacing existing who has access mechanisms with - who (done) test assistance would be largely responsible move and that's something the task force should further consider before we go down the road of the special circumstances proposal or where the (BC) submission on the same subject.

And that was pretty much it.

Jordyn: (?), with regard to that last point...

(Ross): Uh-huh.

Jordyn: ...that replacing who has access with some types of mechanism, can you just elaborate a little bit on - I mean I know you compare to this special circumstances of the (BC). What exactly does that mean?

(Ross): Both the special circumstance proposals on the (BC) proposals with eliminate Port 43 access and replace it with (on test) mechanism. We neither know what the impact of removing Port 43 access is nor do we know what the implications of implementing new systems would be that from a cost technical social blah, blah, blah basis.

Those sorts of things are likely beyond the consideration of this task force, but certainly without some broad sense to what those implications, we shouldn't even be looking at these serious proposals.

Jordyn: Right. So I guess you're talking because (Web) for (AD) access will be a requirement, right?

(Ross): Well, certainly. Absolutely, it's like about adding a capture or something like that, that would be the unknown element of...

((Crosstalk))

Jordyn: Well, these are really to the (BC) position. They advocate eliminating Port 43 access...

(Ross): Right. So I'm trying to talk about - which part is (untested).

Jordyn: I understand that (part)...

(Ross): It depends...

Jordyn: On which proposal we're talking about, yeah.

(Ross): Okay.

(Jordan): Any other questions, (?)?

(Marilyn): Yeah, I have question, (Jordan).

(Jordan): Yeah, go ahead.

(Marilyn): I think we're all (unintelligible) something that is a very fair question not only about the (BC) proposal but the (BC) made that point about the existing - the other two proposals as well.

We haven't analyzed the amount of time or the impact of the changes. So everything that (Ross) said about the (BC) proposals is, you know, certainly well taken but extends to the other two proposals.

So I'm not asking you, (Ross), to comment on the special circumstances.

But you could comment about those points in relation to the implementation of OPoC and what your suggestion might be for how to examine the time for implementation and the cost for implementation?

(Ross): Well, we're not talking about replacing who is with OPoC, who will be - much simpler than any other proposals that we have in front of us.

(Marilyn): Okay.

(Ross): In terms of implementing the modification for the data set, I would say, based on what we saw with the - with some past policy that we will be looking - likely looking at a (18) to 2-year - an 18-month to 2-year month ramp up around that, certainly, the initial phases is that would be much slower than the latter phases of that.

As far as the technical changes go, we're not talking about massive changes, there's no change to the amount of data that's collected. There would be changes to the registrar in reseller registrations group to start collecting OPoC data as in addition to the (admin technical) contact data. I suspect that could be not over 90-day rolling period - or a 90-day roll up period as far as the changes to the publication systems. Those are, again, are very light weight changes as far as the - you know, the biggest aspect that we're talking there is the socialization of these changes, and that's probably where we want to focus this much of our time if possible.

(Marilyn): Uh-huh.

((Crosstalk))

(Ross): As far as the cost associated with socialization, I - you know, I would hesitate probably something there. But as far the rest of the implementation, the cost are moderately light.

(Marilyn): And you said no change to the data but actually, various clarifications would continue to collect but not display.

(Ross): And there will be additional data collected not the diminished (unintelligible) collected.

(Marilyn): Yes.

(Ross): It would be easier to add an additional (field) to collect all part data and would be to pull those out.

(Marilyn): And you would estimate in 18 to 24 months for - to cover everything including the socialization and getting all the registrars on board and doing request and then going live?

(Ross): Yeah, I suspect that the -getting the registrant community on board, getting the user community on board would take longer than the amount of time we would take to get the registrar community on board.

We made similar skill changes with past contract changes. For instance, the move to (ETP) was largely a one-year process and that was a much more significant change in what we're proposing here.

(Marilyn): Uh-huh.

(Ross): I believe it was a one year.

(Jordan), can you correct me on that?

(Jordan): In for...

((Crosstalk))

(Ross): (Unintelligible) is there - you know, well from with (com) from the time the contract is changed to the time that we have to cut over?

(Jordan): No, that was longer. That (org) was about to (unintelligible).

(Ross): That is (org) is (unintelligible), okay.

(Jordan): (Not longer than that).

(Ross): All right.

(Marilyn): Okay. Thanks.

(Jordan): Okay. So, I'm going to - I'm sorry. Quickly, are there any other questions?

And do we have a registry representative yet?

Okay, so let's not talk about the registry constituency statement today and submitted and circulated so everyone can (unintelligible).

With that in mind, I'm going to probably move on to the session of public comments.

(Maggie): I'm sorry, (Jordan). Real quick -- this is (Maggie) -- before you do that, (Maria) is reviewing our proposal with the group. I just noticed the major typo so I will send that into you via the list.

(Jordan): Okay, that should be no problem.

Okay, so moving on to public comment, we got a fair number of public comments.

But I want to focus on today, like I said earlier, I think that there's a fair number of public comments that I think make points generally along the lines of I support the OPoC, I support the special circumstances proposal, I work the status quo or I support some sort of variants of the OPoC that involves (explaining) even less data than the OPoC did.

So I think - I want to not talk very much about those today, I mean, those can be - I think what will - a reasonable summary and actually (Maria) is already taking a first passage sort of summarizing the comments, but we could (unintelligible) point of view so quantify the number of comments (fall to that) - those buckets. We got the helpful exercise.

But what I'd like to focus our effort on in discussing the public comments today is identifying other thoughts sort of outside of those general statements that I just identified just to see if there are some new perspectives that's been added from the public comment.

I went through - I've been through most but not quite all of the comments that extract from - of my own thoughts, but I know (Maria) has already been through the whole bunch of them.

So what I'm going to ask maybe is that we start - if (Maria) has any perspective and just went to the sort of summarize what she found going through the comments, and then I'll probably generally open up discussion if people notice things in their comments if would like to really (unintelligible) have at least of the things where that I'd like to do in any single (unintelligible).

So (Maria), if we could start maybe, if you want and maybe give us a high level of view of sort of what you - anything you know that sort of (unintelligible), and once again, in particular, to touch on comments that added some newer (interesting) insight.

(Maria): Sure, (Jordan), I will.

First of all, can everyone hear me properly? We're just having some problems with the phone here.

Okay. What I did with public comments was, since we had about 60 plus of them, what I've done is taking the main sentiments that many of them express and then just put them in the table and added on the names of the organizations to that and so you can pretty much speaks for itself.

And to answer (Jordan's) question about new and unusual, when you are unusual, what I've tried to do is pull out some of the themes that are in the public comments and see how some themes that emerged from them and see how they're dealt with by different commentaries.

So we have a short section of proxy registrations that seems to be quite a strong the theme from the (right) holders that they want to have (proxy) registrations (unintelligible). So that was one of the themes that emerged. Then there's also quite a few made by data accuracy and from various different people.

Previously, there were several comments. What I haven't - what I've not to them is to repeat the general statement of principal but we get on (analytic) issue (but this should be trying) collecting new things.

So from here, for example, we have a coalition of activist against spam and including (John Divine) from the (ALAC) who took a - some - a different view on previously on the implication to (privacy) than some of the other comments we previously have from the (ALAC) point of view.

But they basically took the view that - and that (unintelligible) data would lead to increased level of piracy. And their take was that this would - that would provide a change (unintelligible) provide marginally more privacy for a smaller number of individuals who register names that they felt that would have privacy cost to Internet users at large. So that was a point we haven't heard of before.

Then also, another thing that emerged was a couple of people had proved on a theme about the idea to distinguish between commercial and individual and

noncommercial registrants and to extend greater privacy protections to individual to register domain names for noncommercial purposes.

And in that respect, there were couple of things, first, Danny Younger submitted a proposal about that I put in a little box in the report and which would basically try to create a mechanism whereby registrants who affirm that they are individuals unless a noncommercial users of the domain name can have the greater privacy protection, again, they (withdrawn) from access.

And also, the New York States Office of the Attorney General weighed in on this as well, and they made the point for them maintaining a publicly available database and contact information for registrants of commercial Web site who didn't violate any privacy law or rules, et cetera that they are aware of.

So they also drew attention to an OECD report from 2003 on noncommercial name holders, so they seem to be supporting the idea of previously protection for individual for noncommercial Web site. And the Electronic Privacy Information Center drew attention to (.AU) in that makes this distinction between individual and a commercial registration.

There's another theme which was also on technical restrictions to data access, and on this - a couple of people expressed the idea that this should be - there should security measures such as requiring people to them to - to affirm that they are following certain rules not improperly using data, in this point, (they have live) access to it, and also that there could be a step whereby you have to somehow register or enter some details before you can actually get access to (host) data.

And that was also supported by (Patrick Van de Walle) who thought it would improve the accuracy of the data and also (Karl Auerbach) who wonders why

we weren't - why we haven't gone back to previous proposals for the task force that had asked for people who asked for (host) data to themselves register their data.

And we also - in that regard, the International Trademark Association Whois sub-committee said they supported hybrid proposals to the task force.

But again, always on the condition that searchers would have some technical security measures to clear and also to contract the (unintelligible) of the misused information.

And - but there are several people and from, I think, you could say several different angles where we're looking at the idea of some forms of technical restrictions and access.

And then finally, there were the group of several different points that didn't really come under any particular criteria but were new points to us. One was from real estate franchiser which uses Whois so that it doesn't end up suing its own franchisees.

Then there was a general set of questions which came from most rights holders who asked, who were very concerned about what the idea of operational issues under the definition of the purpose of Whois, the working definition that we have.

So many of them questioned whether this would include rights holder issues and one of them states that if that outright), that they believed it certainly did not include those issues. So that was a concern that came up.

And those - I mean, those are pretty the - that's kind of a summary, I think, of the new issue points that we heard or kind of an indication of how some of those points can be group into different categories, (Jordan).

(Jordan): Okay. Thanks, (Maria).

I think that was a very helpful summary.

Let me ask maybe just to open it up to see if there are other observations that other task force members who were investing points and wanted that all the best of the task force (unintelligible)?

No, okay. Well I'll point out a couple of (unintelligible). Each of this - (Maria) already covered with most of them.

So, one thing I noticed is (Patrick Asando), (Wally) suggested that there's a need for some sort of sanction when ICANN policies are violated.

So that's something that I've been talking about a lot, and that sort of goes with another comments or - (David Yusaff) made the point that some registrars seem to repeatedly (fell) - or register names with unknown (cyber squatter) and then they can said double up on their profits by - you know, in privacy services with that in cyber squatters and indicate they might somehow be (listed) in the cyber squatting as a result.

The one other sort of interesting observation and it's so much consist with the point that (Ross) already made but sort in contrast to the comments from (Karl) and comments regarding (Tom) -- we don't know his last name -- pointed out that Whois data itself is often used to initiate scams.

The one - (Matt Scholl) made the point that we should treat with data sort of like a telephone listing with an opportunity for a fully unlisted entry just like we have for telephone numbers.

(Erwin), doesn't noted that we should have an address for local service or process in particular and that also sort of further - I think you start - you then indicate that we should have something sort of similar what you get with real property whether it be some sort of register that with list assignments and encumbrances on the property and so on that everyone to look much like you could do with property title.

And someone, noted that (unintelligible). (Matthias Jungbauer) noted that the - in addition to providing contact information for a registrant, the complete set of contact information for the registrar and for the web (hosted) is - should be (unintelligible) as well and that would be useful in resolving a lot of the issues - technical issues that may remain.

Probably, (Maria) has got all of my other - oh, and I guess another sort of interesting observation, the number of commentators that didn't like either one or both of the OPoC and the special (unintelligible) of the proposal made the point that the Whois should show registrant - information like registrants fax number and phone number and email, it's not actually currently required probably beyond our scope since we can't change the collection of data we can't ask - require the registrars to collect additional data or that will show it. So it's probably a moot point as least for the purposes of our policy recommendation testing observations.

So that's all I noticed.

Anything else?

One more chance if any one else had noticed anything in the public comment they would like to gather the attention of the taskforce?

(Steve): Yeah, this is (Steve), I think Maria did an excellent job here of - when out some of the themes, obviously there's a lot to cover and not everything is in there.

I did think that probably I ought to say something about the submission from OPTA -- the Dutch Consumer Protection Authority.

First of all, because I think they are one of the few government agencies that submitted - the New York State Attorney General's Office submitted to but I think we should mention that. And also I think they make a point that if they are going to be changes to what is made publicly accessible that needs to be an alternative mechanism for access by them, for example, and others in place first.

So I think that point probably wanted to be noted.

I had just a couple of other, you know, kind of minor points which I - It'll just make more (sense) to submit them to the list if that's okay? (But we're also)...

Jordyn: Yeah. That's fine if you don't think they're relevant to further discussion today?

Man: Then I'll go to the substance.

(Marilyn): Yeah so (Jordan) can I just - it's (Marilyn). So the thing I noted were - there were two submissions from government organizations, that one being a state -

United States State Agency and the other being a country - a European country contribution.

I didn't go back on the list in the last 24 hours but am I right that the list is now closed?

Maria: Yes. (Marilyn), I sent a message last week to our Web master, (Charles), and closed it on Friday.

(Marilyn): Okay.

Jordyn: The last submission was on January 18.

(Marilyn): All right.

Maria: And just on the OPTAs submission, I wasn't quite sure about that and I've actually tried to contact the OPTA person himself because it looked to me like it was simply a resubmission of the speech that the OPTAs person gave in Marrakech last summer so weren't quite sure if they wanted to, you know, come particularly on this one but it concerns me even to the list and put them in on under point on the access to data.

Steve: It did have that but it also attached the document...

((Crosstalk))

Steve: ...and specially goes though the some of the proposals.

Maria: Okay.

Jordyn: Thank you. So in the remaining time I actually want to talk through - maybe a couple of the concepts that came up in the - illuminating or help the or (unintelligible) parts for further discussion.

One concept that came up a couple of times and not just - but often comes up is this thing between commercial and non-commercial registration.

I think (Maria) noted the New York Attorney General's Office have sort of pointed out that there's certainly no limitations with regards to what information could be published. Commercial registrants that made the distinction that, you know, there might be some different circumstances with individuals.

And then (Danny Younger) made this proposal that essentially would allow a registrant - which actually probably a lot like OPoC from the perspective that an individual could opt out of publishing most of their contact information, but in seems from reading it -- and I haven't had the chance to talk with (Danny) to clarify this but, (insinuating) -- that the registrants name would still be published but their other contact information wouldn't be published. We wouldn't publish the administrative contact information, et cetera if the individual essentially certify that there were an individual and a domain that's going to be used for non-commercial purposes itself.

This is something that we have talked about a little bit in the past as one of a difficulties has been sort of how do we tell an individual versus a commercial user and here essentially (Danny's) proposal that we rely on a self certification at the time of registration and then use the - a mechanism that I had proposed which was the - if the domain's being used inconsistently with that -- for example if you proved that is the main thing, it's for commercial purposes or that an individual - it's not really an individual behind the domain or is the

domain is being used for a bad purpose to either do something illegal or do something that harms the security and stability of the Internet, then the information could be made available under those circumstances.

So if - that seems like at least a somewhat interesting proposal to me and I haven't quite seen before. So I wanted to see if (unintelligible).

{Maria): And (Jordan) it's (Maria). The one point that's germane to this issue also with the new point raised in the public comments, that was, when somebody raise the question - that is, if somebody's name are for example, somebody's details particularly and perhaps the name are not published in Whois, then how can some third party know that their - that the registrant is not what they claim to be -- an individual and/or non-commercial.

So that the point of the information being hidden from the process could itself create an instrumental obstacle directly having said, you know, who is (unintelligible) public reporting system, complaints or something in that nature?

Jordyn: Right, so I think that may actually be why (Danny) - it seems like from (Danny's) proposal that you would still publish the name so, you know, (Maria) fairly - probably assume that it's a person as opposed to Coca-Cola, Inc. I think you'd probably assume that it's a corporation.

But I agree. There's probably some ambiguous cases like (Marie Claire) or something like that where you might have an entity name that look like (unintelligible).

Any other thoughts or comments about this proposal that (Danny) made?

(Steve): This is (Steve) there is - I should thought this proposal in some ways was like special circumstances, only it was allowing each registrant to certify circumstances under which they could hold back the data.

Jordyn: But I think the circumstances here is just a lot.

(Steve): Yeah.

Jordyn: The circumstances are basically you are an individual.

(Steve): ...and you're not commercial.

Jordyn: Right, exactly, as opposed to having sort of...

((Crosstalk))

Steve: Well there is some discussion of this issue in I think the New York state AG submission and by reference to the OECD submission and of course the problem is how prevalent do we think - one problem is, how prevalent do we think all certification would be and what could be done about it.

The other point, I think you interpolated something in your description here. I don't think it's in (Danny's) proposal. You said that there would be this third party mechanism when someone either was acting commercially or when they were acting illegally. And I don't think - I mean (Danny's) proposal is just about acting commercially. And the problem of course is, a lot of the activity we're talking about is -- depending on how you define commercial -- it might be non-commercial.

Jordyn: So actually (Steve), I don't think that's right.

I'm looking at (Danny's) proposal right now and it has the exact language that I originally had which is - or if the domain is being used illegally or to harm the security and stability of other Internet resources.

Steve: No that was in, yeah, that was - that his proposal is in the event that the registrant who is affirmed under A engages in commercial activity.

((Crosstalk))

Jordyn: So okay in any case but - yeah go on.

Steve: So I mean the problem with the - I mean there's a problem with the third party mechanism. It would have to be worked up, but there's also the problem that there's a lot of non-commercial activity which is also illegal or harmful activity.

So, you know, and the reaction we've got special circumstances, one of the reactions has been - and actually this non-commercial criteria is very difficult to apply. And, you know, whatever third party would be charged with this ultimately would have to have some criteria about what's commercial, what's non-commercial and that's controversial and not always clear from you know, would you base that on what's on the site, would you say if there's any advertising on the site it's a commercial use.

I mean, we might - this is a number of questions that would have to be resolved to do that. So one proposal on special circumstances that we referred to in the IPC comments was, well maybe that just adds a complicating factor that we really don't need because it's very difficult to enforce and if anybody who meets the criteria for, you know, threat to personal security, you ought to

be able to have this status, whether or not they're engaged in commercial activity.

But - and so I just wanted to point out that that's an issue that someone would have to decide and there would have to be a criteria for deciding.

Jordyn: And I think there are some countries that, currently -- maybe Germany at a minimum -- but there are some countries that have laws essentially that say for using Web site or domain names for non - for - I mean, for commercial purposes, they have some additional disclosures rules, you know, put right on the Web site. So they're instructed to look at...

((Crosstalk))

Jordyn: There are provisions in a lot of laws. I mean for example the (FTC), which has raised this in the United States, they do it because their jurisdiction only extends to users they're in commerce. But what I'm saying is that that's a line that would have to be drawn certainly.

Avri: Can I comment?

Man: And it might be drawn in different places, in different countries or by different people.

((Crosstalk))

MJordynan: Yes, go ahead, (Avri).

(Avri): Yeah.

I mean, this is one of the reasons why on occasion, I have sort of been arguing that these things are really so complex. So, while I'm not in favor of listing as much as being listed, if we get to the point of allowing the personal user or non-commercial user to opt out of being listed, I think it has to go only on, A, this self-assertion and then, B, any appeal that exists has to again be subject to national laws.

And I think that the most ICANN can stage in any of these policy recommendation is, you know, the rest of it is according to national law. Whether you are a private individual, a private person or a commercial entity, it's something that is not definable by ICANN because ICANN is not an international legal body.

And so, again, I think we're in one of those cases where I think we're asking ICANN to presume too much in its policy.

Now that's my reason for saying nothing should be listed. But if anything is listed, then you have to be able to opt out on your statement.

And if there's an appeal that somebody comes along and says, hey, this individual is not just an individual but is commercial that needs to be adjudicated on the basis of statutes in developing countries, in developing jurisdiction. We keep talking about, you know, legitimate access, legitimate issuing which should mean also to always contain the notion of law. ICANN doesn't make law, it has to live with the law of the locality.

Jordyn:

So let me just ask - maybe the question of, do we think it's a useful thread to continue to try to further pursue this concept or, you know, does this make anyone happier than any of the proposals out there right now, or are we better off if this can - finding our ongoing work to the (unintelligible)?

(Avri): I certainly - this is (Avri) again. I certainly think that if we're going to the point of tending towards special circumstances, this is a better variant of it. But if not adjudicated by some, you know, all powerful board that decides whether someone needs privacy or not, but their privacy is granted because someone says they're an individual.

So I still support listing as much as, you know, I mean I have a very cut down version of what an OPoC is.

Jordyn: All right. So you'd still think it would be better to have a load where everyone, commercial or non-commercial or whatever, would have a small...

(Avri): Would have that...

((Crosstalk))

(Avri): Right.

Man: ...published.

(Avri): But if we do list anything, then I think that this proposal is better, but it has to be subject to, you know, fashion or law in terms of disseminating (unintelligible).

Jordyn: So how do that work and impact us? I really - if we have some entity or some third party that is evaluating whether or not an entity is (special) to participate (in the deal), do they look at - would they have to be familiar with each of the jurisdictions in the world...

((Crosstalk))

(Avri): ...I think there's basically two options on it.

Jordyn: Uh-huh.

(Avri): And one of them is just going to the registrar and say, hey, you know, I don't think and then the registrar within the context of the national circumstances that they're in would be able with that one way or another.

The second is - it relates to the overall threat of, ICANN has to be able to do something about people that break the rules.

So, at that point, it would be ICANN recommending or having a review. It's not making laws but it's making recommendations according to laws. But I'm hand waving a lot about that one.

Jordyn: Great so...

((Crosstalk))

(Avri): ...it sits into that whole enforcement notion, what does it mean to enforce.

Jordyn: All right.

So in this first case, you're suggesting essentially something similar or like to what we have with an accurate data right now...

((Crosstalk))

(Avri): ...or it is an accurate data.

Jordyn: Right.

You - if this person claim that they're a non-commercial, you know, an individual using their domain non-commercially and really they're selling (tiny babies) on their Web site and so I think that they should have to show their (space) information. The registrar would figure out based on their national laws whether or not it was (unintelligible).

((Crosstalk))

(Avri): ...the first notion. You're right, it is a meta form of an accurate data.

Jordyn: You know, that's an interesting concept.

Any thoughts on that idea that (Aubrey) has just proposed?

(Steve): This is (Steve). I guess one thing you would want to - one input you might want to have on this is from the (.biz) registry because in order to register in (.biz), you have to be a business and there is a disputes procedure for challenging the registration of someone who is not a business. Now, I'm not sure that's directly comparable here. First of all, I'm not sure that a business is the same thing as commercial.

But - and secondly, the consequences are different. It's whether you can register at all rather than the Whois data is made available. But at least, you know, they have some experience with this process I suppose. I don't know that they've had very many challenges based on that.

Jordyn: You know, that's a good thought. That might be worth (coping) with (unintelligible).

Ross: Yeah, you know, (Jordan), let's, you know, let's not confuse registry practice which is something that they undertake with at their option with ICANN policy. I think it's - I don't find that this is a very realistic proposal on that basis.

The distinction between commercial and non-commercial use is such an error-prone judgment especially when the number of boundary cases are so excessively large in number. I really don't think that that's - that this is something we can put together any definitive policy on.

Jordyn: We can't put together a policy defining - so what is this decision? We just left the registrars (unintelligible)?

Avri: Excuse me?

Jordyn: It's unenforceable.

Ross: It's unenforceable. You mean the registrar's couldn't make the decision or ICANN wouldn't be able to enforce the...

Ross: Let me rephrase it. It's practically non-enforceable. On a practical basis, it's unenforceable.

Avri: And...

Ross: (I mean), are you using your email for commercial purposes or not, are you using your Web site for commercial purposes or not. If so, what constitute

commercial purposes? The - does running ads on your Web site mean that you're a commercial player, et cetera, et cetera. It's just like there are so many (rusty tables) in there that would be practically unenforceable.

Jordyn: So you're saying it's not possible to make a distinction on a practical basis?

ross: In a certain set of cases, it's very simple. You know, you go to Sony's Web site, it's clear that they're a commercial entity. Other sites, you go you'll find vacation pictures, it's clear they're non-commercial entities. But the number of boundary cases where those lines are completely blurred is so excessively large that it would be almost impossible to enforce anything that we could come up with.

Jordyn: So really, what you're saying it's impractical to implement?

Ross: Correct.

Jordyn: (Avri), we're you trying to get in there?

(Avri): No. I thought you've asked me something, sorry.

Jordyn: Oh, sorry, no.

Okay. Any other thoughts on this proposal that (Danny) made?

(Marilyn): It's (Marilyn). I think the point that (Ross) just made is a very balanced one.

It's very - very few - I would just say also that very few of the investigations of fishing and farming attacks lead us to corporations. They typically lead us to individuals. And, yet, that person, you know, might indicate that they -

they're not holding themselves out as a commercial entity, yet, they certainly are engaged in some kind of commercial activity.

So, I do think it's - I know in the U.K., there is an effort to use the term 'trading', which is not really necessarily limited to commercial. But one of the things that - and in Germany, we did hear from the - we heard from the German Registry once before in some detail about the requirement that they have that if you link your Web site to a single other Web site, you follow to this requirement that I think someone else mentioned earlier.

I wonder if there is anything to be learned from the practices of some of the large ccTLDs on their distinction particularly if they have structured second levels or, you know, if they limit who can register in second level? So in some gTLDs, some ccTLDs do.

You...

Jordyn: Yeah, that's an interesting - let me ask this. As opposed to trying to - it seems like there's a bit of support and specially it's very difficult then to make the distinction between commercial and non-commercial. What if that distinction were removed and instead replaced by just this notion of so if you're an individual, you can sort of self certify that you don't want this bit of information published. And rather than having the information published if you're a commercial entity who would be - there'd be the option that if you - the domain was used for the illegal or sort of bad security and stability purposes, that's when the information would be made available.

So that would fall more under the category of the fishing and farming attacks than the various - sorts of bad behaviors that you might see in one event

including probably most of the concerns that sort of bad commercial entities might do in terms of trying to trick people into buying bad stuff.

Is that a more helpful distinction than the commercial versus non-commercial distinction?

((Crosstalk))

Avri: I'm not sure how you determine that at the time of reg. How would you...

Jordyn: No, no. So you - at the time of registration, you would - it would be based --as (Aubrey) has pointed out earlier -- it's just purely based - when you declare that you're an individual, and then your information isn't displayed. And then if you end up using the domain for a bad purpose, then the information becomes made available at that point.

(Steve): This is (Steve).

I mean, you know, one question is how much would this just shift the whole question to this alternative access mechanism, you know, if they quote that there's a bad purpose or if you're doing it - using it for a bad purpose, I think a lot of the people who were engaged in bad purposes if you will, are individuals. So there would be - it could be a lot of stress on that system. And in effect, it's putting a lot of - especially because this is a self-certification process, it would be putting a lot of data - it would be depriving the public of a lot of data that they've always had and doing a lot more over to this other system.

So, I would just point that up.

Jordyn: I think - well in any case, I don't think that we need to resolve this question right now. People don't have other thoughts but maybe we need to - a lot of marinate as we read further along.

The other thing that I noticed, a general - several commentators and I think this came up in a couple of the constituency statements as well, is this notion of trying to define essentially a set of responsibilities - a specific set of responsibilities for the OPoC.

And I'm wondering whether maybe the proponents of the OPoC roster, others think that there's some - there's some reasonable definition of responsibilities that you made in order to address this concern that's been raised by a number of commentators or whether there are current sort of operational issues as far as the (inspected) overview..

Ross: You know, I think we've had that conversation a number of times. During that - again, I'll go back to a practical basis. I don't see how something like that could be implemented without a massive upset of the existing system.

You know, I would like to see a concrete proposal on that subject before I make a broad judgment. But generally everything that I've heard thus far is operating from the assumption that registrants are ill intended with their registrations and that we need to burden the vast majority to protect the rates and interests of the various small segments of the population.

I'm not sure I necessarily agree with that point of view but, you know, that aside, I think with a concrete proposal on that subject, it's something that we could take into account next and have a healthy discussion around it.

I've not seen that proposal today.

But generally speaking, I would say continuing with the level of rigor that we have around the requirements of the current administrative and technical contacts would be probably the most appropriate go forward.

Jordyn: All right, okay. So it sounds like you think that in the absence of - you're not going to run out and create a set of criteria. I see that you'll all evaluate it but...

Ross: I'm happy to collaborate on it.

Jordyn: Sure.

Ross: I have no idea what that might be -- if it wasn't something that I or my colleagues had proposed. I haven't been able to wrap my head around the underlying set of requirements to the point where it's something that I could start crafting a proposal around.

So I just - I don't understand the impetus enough to actually implement anything or develop anything so.

Jordyn: So let me ask, maybe anyone - I think a number of the constituencies raised this concern as well at the responsibilities of the OPoC weren't very clearly defined. Does anyone would care to comment on what they think? What a set of responsibilities might actually look like? Just maybe as a strawman or an example of one responsibility that we might be able to find that would make this a little bit more clear for the constituencies that are coming honestly?

Ross: Let's be clear, (Jordan). The question that I'm asking around the general underlying requirements is, why these responsibilities, whatever they are,

would have to be applied to an operation of point of contact when the current set of responsibilities that we apply to a registrant or admin contact or technical contact, for that matter, are completely undefined yet, the system hasn't fallen down around for years.

So what I don't understand is the need for all requirements above and beyond what the - the (factor) that we ordinarily have.

Jordyn: All right. So are you saying, so it sounds like before you were saying as well though that you haven't seen set of requirements, and now you're saying you also don't understand the motivation (unintelligible).

Ross: Perhaps I'm using - that's how I intended to use the word requirements, yeah, to motivate your requirements. In other words, what's the need and what's the driver.

(Marilyn): (Jordan)?

(Jordan): Yes, go ahead, (Marilyn).

(Marilyn): The business constituency under Number 3, Page 61 did provide some ideas of the task and purposes of the OPoC and I think that actually in the original drafting of the OPoC proposal, that (Ross) did at least indirectly, suggest that the OPoC would be taking on functions that are now performed by parties who stated they will no longer be displayed.

So, I guess I'm a little confused that in, you know, in fact I thought (Ross) in drafting the OPoC that proposal that you were proposing the OPoC would take on activities that the technical and administrative contacts were presently performing.

Jordyn: So I think (Ross) is making a point that we don't have - there's not a set of ICANN policies that...

(Marilyn): Uh-huh.

Jordyn: ...require the admin or tech contact to do anything (about it)...

((Crosstalk))

Jordyn: ...but you certainly have to list them but it doesn't say like, "Oh, admin contact when you get a...

(Marilyn): Right.

Jordyn: ...,you know, X notice, that you have to pass it on to the registrant or technical contact. If someone complains about fishing he needs a...

((Crosstalk))

(Marilyn): It doesn't seem to make sense - to make a change if we're not trying to provide - to improve behavior and performance. And I - if we're going to create a new category called an OPoC, I think it's pretty unrealistic to assume that we can spend another five to ten years by trial and error with coming up with what the function would be.

It seems if we're - if the idea is to create this new function and this new role, I guess it would seem to me to be important to provide some guidance on what that party is supposed to do.

We did list some examples in our submission.

Jordyn: I think there's a big difference between providing guidance and licensing the roles and responsibilities...

(Marilyn): Uh-huh.

Jordyn: ...in legislating the rules and responsibilities that ICANN has been advocating. And it's also I think a misrepresentation if the proposal is to state that we are creating new contacts and assigning new responsibilities which in fact what we're proposing is to merge the responsibilities of these two existing contact types and assign to them to this - the operation on point of contact.

We're not proposing new responsibilities there, we're not proposing to eliminate all the responsibilities. The amount of data that flows through those two contacts would simply go to this emergency contact, that operational point of contact. And it...

(Avri): Can I add something?

Jordyn: Yeah, go ahead (Aubrey).

(Avri): Yeah, the way - I mean, the way I look at the OPoC is they're responsible and the guidance also is responsible for following through any issues revolving operation or technical problems with the domain name entry.

And I mean, that that seems to be, you know, perhaps a little more of what they needed for if anything.

Jordyn: Okay. So I haven't had the chance - maybe - that's maybe a helpful thing but I'm also going to look at the chance to look at it and (unintelligible) on this and they'll clarify the question for me to (unintelligible).

Marilyn: (Sorry), you cut out there, I didn't...

Jordyn: Oh sorry, I was just saying, I'm - I'll - it's maybe effective -- to me at least -- to look at the (unintelligible) as a starting point but also (unintelligible) this is probably instructive to note, but I think (Ross) is - makes a good point to the different - in providing guidance interms...

Marilyn: Uh-huh.

Jordyn: ... - legislating on this issue.

Marilyn: I don't disagree.

Jordyn: Okay, we have about ten more minutes, are there any other points that were raised in the public comments that people think is worth having further in depths discussion on? Where we resume our regular works?

(Steve): (Jordan), this is (Steve), could you just outline where we are in the process and what's - what lies ahead and what we're going to be doing over the next few weeks and...

(Jordan): Yes, so...

Man: Thank you.

(Jordan): So our goal is - that obviously to get to a final report relatively (quickly). And the elements that we were missing, I think prior to - and from the preliminary report that we need to have before we publish the final report are, I believe as follows:

Number One, we needed to have public comments and constituency statements which we now have. And so I think that requirement has largely been met.

I think there's an informal requirement that hopefully we'll take in under advisement -- the comments that came out of the public comment period. And if we - if they're instructed in helping us shape the policies we should do so.

Third, we should - that we needed to resolve the question of access to data. And I think the important thing that we've talked about is just finding a set of success metrics as well.

So, I think that our - the goal over the next few week is to resolve each of those questions. I think the access to data topic is one place where we still have a little bit - we need to work and the success metric is another place where we have for their work to find one as well.

I think - largely, I think if people have specific comments with regard to (Maria) on, you know, the public comment or the constituency statements, those are probably the - (kind of belong) on the list at this point.

And - so I think that my goal is - over the next couple of weeks to try to mail out any remaining issues with regards to whether or not there's any adjustments we should be making to the proposed policies to take into account like constituency statement or the public comment and make sure that we give

ourselves opportunity to do that as well as to resolve the access to data questions and the success metrics.

So I would view over the next couple of weeks, probably really only the next two calls is solely the opportunity we have to do those two things.

And then the last - and hopefully (Maria) can give us the new draft of the final report that incorporates all that discussion. And then we'll aim to get our support for whatever proposals made at that point in time and (unintelligible) the reports at the table.

Steve: And so when would that be?

(Jordan): So the date that we've discussed in the past is that we will try to have - (vote) on the final report and to send council on February 12.

Is that's fair enough for you?

Steve: Yes thank you.

(Jordan): Okay, so we will be framing our work over the next two calls probably on either revisions to the main proposals we have based on the public comments then - or the constituency statements and also resolving the access to data and success metrics topics.

So, if people have proposed revisions to the recommendations based on the public comments, I think that truly encourage people to make those (unintelligible) to the list over the intervening week - over the week between now and the next call.

My intent right now is to have the next call focused largely on - well, first on a quick review of a general structure of the final reports to make sure that there's no any big gaps missing and then secondly, to talk about the success metrics and revisit the topic of access to data.

There are additional proposals for taking in to consideration some of the public comments. We have time for that to a next call on the call after that as well.

(Marilyn): And I have a - just a quick question.

(Jordan): Yup go ahead.

Marilyn: (Jordan), you went through some additional nuggets, if I might call them that, but, when you - that you had found in the contributions that were not included in (Maria's) initial review. Was it your intention to have those then added in?

(Jordan): Yes I think so. In some cases I think they're maybe similar enough that (Maria's) and I also go through but...

(Marilyn): Yeah.

(Jordan): ...in case where they do seem genuinely like new observations, I'll work with...

(Marilyn): Right.

(Jordan): ...(Maria) to get them...

(Marilyn): Okay.

(Jordan): ... (integrated).

And certainly if other people noticed additional, as you put it (Marilyn), nuggets from the public comment, I would encourage you to bring those to (Maria's) attention so she can have them - to summary their comments.

Okay. So unless there's anything else, (people), on the discussion on the last two minutes we'll wrap up this call and we'll need - we'll have another call again this week to discuss primarily - I want to talk about success metrics and the final report at the minimum and hopefully we'll get a further discussion of access and/or any proposals that may have come out of the public comments here at the constituency statements that people may shift to the policy recommendations that may be appropriate or help us get closer to a consensus.

Okay. Well, I will conclude this call at this time then and we will resume next week.

Marilyn: Thanks (Jordan).

(Jordan): Thanks everyone.

END