

**WHOIS Working Group
Teleconference
TRANSCRIPTION
Wednesday 1 August 2007
13:30 UTC**

Note: The following is the output of transcribing from an audio recording of the WHOIS Working Group teleconference on 1 August 2007, at 13:30 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/whois-01aug07.mp3>

<http://gnso.icann.org/calendar/#aug>

Attendance:

Philip Sheppard - WHOIS wg chair

Yaovi Atohoun - observer

Jon Bing - Nom Com appointee to Council

Patrick Cain - observer

Steve Delbianco - CBUC

Wout de Natris - observer

David Fares - CBUC

Chris Gibson - observer

Palmer Hamilton - CBUC

Susan Kawaguchi - CBUC

Dan Krimm - NCUC

Steve Metalitz - IPC

Milton Mueller - NCUC

Kari Moeller - observer

Jon Nevett - registrar

Kristina Rosette - IPC

Adam Scoville - observer

Suzanne Sene - Observer

Michael Warnecke - observer

Shaundra Watson - observer

Absent - apologies

Avri Doria - Nom Com appointee to Council

Leo Longauer - observer

ICANN Staff:

Denise Michel - Vice President, Policy Development

Maria Farrell - GNSO Policy Officer

Liz Gasster - Consultant

Glen de Saint G ery - GNSO Secretariat

Philip Sheppard: Hello, everybody. Who do we got so far? I see Dan Krimm.

Glen de Saint Gery: And Steve DelBianco.

Philip Sheppard: Yeah.

Glen de Saint Gery: He just seems to have dropped off.

Philip Sheppard: Uh-huh.

Jon Bing: Jon Bing joining.

Philip Sheppard: Jon hello.

Glen de Saint Gery: Hello Jon. Are you on Holiday Jon?

Jon Bing: No, I'm not.

Coordinator: Excuse me, Yaovi Atohoun now joins.

Yaovi Atohoun: Yeah. Good afternoon.

Philip Sheppard: Hello Yaovi, welcome.

Yaovi Atohoun: Thank you very much.

Philip Sheppard: Yes.

Jon I was reading that you've got to do something about the Norway
and giving aids to Zimbabwe. (Do you want to hear the story)?

Jon Bing: Giving aid to who?

Philip Sheppard: Zimbabwe.

Jon Bing: Yeah, that's right. That's...

Philip Sheppard: Apparently - apparently Norway is being (wither than white) and using
this special exchange rates or aid, unlike everybody else who's
negotiated a lower rate.

Man: I say that...

Glen de Saint Gery: (Unintelligible) joins.

Philip Sheppard: And they're directly subsidizing Zimbabwe. And that's causing (mostly proven to seeing) politics when I was reading.

Jon Bing: Oh, I almost seem to see that's – see the fringe of that.

Philip Sheppard: Mm-hm.

Jon Bing: I agree they haven't followed - followed that way.

Philip Sheppard: All right. Hello. Pat Kane joining. Hi Pat.

Patrick Kane: Good morning.

Philip Sheppard: And there's Steve DelBianco who joined as I see.

Steve DelBianco: Good morning Philip.

Philip Sheppard: Good morning.

Coordinator: Excuse me. Palmer Hamilton now joins.

Man: Anyone I need as the (unintelligible)...

Philip Sheppard: Good day fellow! Everybody, welcome! Philip here.

Man: Thank you, thank you.

Philip Sheppard: Well, thanks for your comments all of this today. (Unintelligible) see information as whether it's complete.

Man: Right, thank you.

Coordinator: Excuse me. Wout de Natris now joins.

Philip Sheppard: Hello Wout. Hello, Susan.

Wout de Natris: Hello Philip. How are you?

Philip Sheppard: Very well, thanks.

Coordinator: Excuse me, Jon Nevett now joins.

Philip Sheppard: Hello Jon. Welcome.

Jon Nevett: Hey, Philip! How are you?

Philip Sheppard: Good.

Coordinator: Excuse me, Milton Mueller now joins.

Philip Sheppard: Milton, welcome. Philip here.

Milton Mueller: Hello Philip. This is Milton.

Coordinator: Excuse me. Suzanne Sene now joins the call.

Suzanne Sene: Good morning!

Philip Sheppard: Suzanne, good morning. You're very welcome.

Suzanne Sene: How are you?

Philip Sheppard: Good, thanks. And also welcome to Cary. Cary, (Mueller) is here to join as well.

Woman: Yes, good morning. And good afternoon, depending in where you are.

Steve DelBianco: Hello?

Philip Sheppard: Hello there, is that Steve? Good morning.

Steve DelBianco: Ye, yes...

Coordinator: (Liz Gasster) now joins the call.

Philip Sheppard: (Liz) you're very welcome.

(Unintelligible) Liz.

(Liz Gasster): Yes, (Liz Gasster) just joins.

Philip Sheppard: Hi (Liz), let me get a little bit more down the road. I might just ask you to say a couple of words about your self.

(Liz Gasster): Happy to, thanks.

Philip Sheppard: And that would be good for all of us to know the quality of the report again. How going forward, as we say good bye to (Maria).

(Liz Gasster): Yeah.

Denise Michel: Hi, this is Denise Michel.

(Liz Gasster): Hi Denise.

Denise Michel: Hello.

Philip Sheppard: (Look at that). Operator, if you could start recording please.

Coordinator: Okay sir, it's (unintelligible) announce and it's done.

Philip Sheppard: Yeah.

Maria Farrell: Hi it's Maria joining.

Coordinator: Thank you we're now recording.

Philip Sheppard: Thanks very much. We're going to make a start before we got quite a good (peer). Besides myself, Philip Sheppard, we have a Yaovi Atohou. We have Jon Bing, Pat Caine, Steve DelBianco, Palmer Hamilton, Susan Kawaguchi, Wout de Natris, Jon Nevett, Denise Michel, Milton Mueller, Suzanne Sene, Kari Moeller, Steve Metalitz and (Liz Gasster). Operator, do (you have) joins, could you join them in silence, please? And we'll record their names and the next if we go on.

David Fares: Philip, David Fares has joined.

Philip Sheppard: David, hello. You're very welcome.

Man: And (Dan) (Unintelligible)...

Maria Farrell: Hi, Maria as well, on the line.

Philip Sheppard: Hi, Maria. Hello. You must be (hanging shed a) line somewhere than I got (unintelligible).

And we also have (Liz) on the line, (Liz Gasster) who will be taking of the staffing responsibility for the completion of our report.

(Liz) can you just say brief – a couple of words about yourself?
Introduce yourself to the group.

(Liz Gasster): Good morning! Good afternoon everyone. I'm (Liz Gasster). And I'm pleased to be joining you as an independent consultant. I'm an attorney in the Washington DC area and have worked on internet and online issues for many years. For quite some time, previously with AT&T. And then most recently with the Cyber Security Industry Alliance. And I'm very pleased to be working with all of you.

Philip Sheppard: Splendid. Thank you very much. Maria, will this be your last call?

Maria Farrell: It well indeed I'm afraid so. Yes. Hello and good bye to everyone.
Thank you very much.

Philip Sheppard: Well, indeed. Well, Maria on behalf of all the group, thank you so much for your help so far. I think it's been excellent and dedicated as usual. And we wish you all success in your new role in ICANN.

Maria Farrell: Thank you very much.

Man: Thank you very much.

Philip Sheppard: So, without further ado, let's make it start and hope we can just lead us through the of this report on today's call before I issue than revised version which is all extended by many pages based on our discussions last week. And also points made on list.

And if you have already made points about section four going onwards on list over last week of service many to repeat that. And those have been captured. And will be reflected in the next version of the report.

So, we'll kick off if we can with section four compliance and enforcement. And to ask if anybody has any specifics they want to mention there. And not already said.

I've already got a number of alternative views I think that's been - that will be recorded on that based on list discussion. And a couple of clarifications in the introductory paragraph to make it clear there we're only talking about here whether it is in the clear failure of OPoC to perform in the way described.

Who would like to say s say something on section four?

Dan Krimm: Philip, this is Dan. Just a point of order.

Philip Sheppard: Dan, yeah

Dan Krimm: I'm just wondering if a given the fact that there have been some comments made on list, would it be useful to just briefly enumerate to get some sense of general response to them in terms of agreement and disagreement.

Philip Sheppard: Yeah, I can do something. Let me look at my notes on that. So, the views have been expressed so far is I've got us some member feeding update with (flight) suspension. We're out of scope. And now, they view that actions of basic website expansion to be the only ones in scope.

One registrar member feeding that all sort of this is should be chargeable, a general disagreement with the recommendation on the section four from one registrar and also from one registry member. And (experiment) for an (Unintelligible) member. Looking for means to regulate all sections OPoC who consistently failed to perform.

Philip Sheppard: So, other comments on section four?

Milton Mueller: This is Milton, I'd like to...

Philip Sheppard: Milton, who else wants to be in the queue?

Steve Metalitz: Steve Metalitz.

Philip Sheppard: Steve, who else?

Okay, (I leave them out to) Milton.

Milton Mueller: Yes on the line 359 I think we need to get rid of the word and remedy - the words or remedy – I'm sorry. Based on what we say in Lines 337 to 346 basically the OPoC is going to be doing remedy only when the registrants wants them to do. And this Section Four seems to talk about remedy as if it's something that any – anybody in request.

So I think we're talking mainly about reviewing.

Philip Sheppard: Yeah, you put it right as we basically define remedy of the wording will be clarify the next version to say that it's – it is something that they're doing on behalf basically, something that they're doing once authorized by the registrant to do it if it takes place at all.

So that probably make sense. Yeah, Okay. Thanks for that. Steve.

Steve Metalitz: Yeah, my comment was actually similar just to breakout the reveal by the registrar as a fail - reaction to the failure to fulfill relay or reveal. But their remedy should be treated separately.

You know, they're just bifurcating this so that the first bullet would apply where you take out remedy and then the first bullet would apply. And then the other bullets if they apply at all when we apply in the case of remedy, failure to remedy.

Philip Sheppard: I didn't saw the point. Is this how we work at it at the group has said, said that there would never be a case where we have a failure to reveal. And or we would want to that point is to go to the registrar to reveal instead.

Steve Metalitz: Right.

Philip Sheppard: I thought that I'd be in discussion on the group in terms of a things like phishing sites and others where there's an assumption that could be – that the failure to react at all was just affirmation of the suspected bad fate. And that at point the question wanted to go the registrar to have the site remove but that's not a harm.

Steve Metalitz: I thought that that would be coextensive with the circumstances in which the OPoC should apply the remedy. But may be I'm mistaken about that.

Philip Sheppard: No, we're there because the OPoC is only really applying a remedy on agreement from the registrar. The only remedy now that's let's say on the OPoC could do is really imagining the case where either it's a good fate change and they would be happy with the change.

For the consent also and we talked about in this large websites where there may be an action to move specific pages which is a petition going outside of our (unintelligible) anyway.

Steve Metalitz: Okay, well...

Philip Sheppard: But I think for past a point when you with - with the separation will still be helpful a thing in terms of the...

Steve Metalitz: That's right be the originality it almost sound as if it, you know, the take down and suspension of the website DNS might be a result reaction to

failure the OPOC to relay or reveal by itself. I would take ordinarily that would not be the case but...

Dan Krimm: Philip, this is Dan just a quick comment.

Philip Sheppard: So, Dan. Anyone else want to speak?

Okay Dan, off you go.

Dan Krimm: Yeah, the part of what may be confusing here is that we're kind of talking about two different active producing various kinds of remedy or either the OPoC or the registrar.

Philip Sheppard: Uh-huh.

Dan Krimm: And that the regist – basically section seems to be about remedies by the registrar if the OPOC fails to fulfill duties...

Steve DelBianco: Yes.

Dan Krimm: ...that's right.

Philip Sheppard: That was the part of the section four, absolutely. Yeah.

Dan Krimm: And so we need to distinguish between the OPoC remedy and the registrar remedy in the sense.

Philip Sheppard: Mm-hm. Okay, other comments on Section Four?

No? Very good. Thus, we're going to Section Five to basically the output from working group C. We had a session on this back in another fiscal meetings. All the – any specific comments on that. I know that Wout has basic comments on line which is – was quite helpful clarification. That will be included in that revision but if anything else anybody wants to say about that Section Five.

Okay. Splendid.

And we move on to Section Six, access to on display data record. It's going to firm up to comment on list there and I think not many changes a moment to page one which is at descriptive section. Although what I've try to capture now on the Section 6.1, 2, 3, 4 is to say well 6.1 states it I think the same in a moment.

But I've got a little description this before 6.2 explaining that we're – comments on the 6.2, 3 and 4. Others basically descriptions of the type of access and shouldn't be taken as a recommendations from a change of language slightly there just to explain to make it description of the type of thing there up close to the way it currently looks which seems to be a bit of mix between a description and a recommendation.

But bearing in mind that change and there's a remedy made on this.
Who would like to speak on Section Six?

Adam Scoville: To Adam Scoville.

Philip Sheppard: Adam, who else.

Milton Mueller: Milton.

Philip Sheppard: Milton. Who else. Okay, Adam, off we go.

Adam Scoville: Just a quick point of clarification actually in 611 where it says, "Web based or bulk", does that refer to bulk access or is that refer to 443 access?

Philip Sheppard: It's a very good question. I think that will also raise on a couple on discussion on (unintelligible) and my vision of that currently has removed everything inside this bracket. This access should continue it's present form.

Adam Scoville: All right, very good.

Philip Sheppard: Say – yeah, it makes life easier. And Milton.

Milton Mueller: Well, yeah I just wanted to reiterate the points I made I think on the list which is that my understanding was that the agreement was that private actors would never have 6.4 kind of access under the OPoC (report) or under the OPoC regime. And even the 6.3 access was, you know, pretty much evenly divided so there was no agreement on that.

And there was -- there's really only agreement at law enforcement should have at the very least which you're calling 6.2 once an access is on displayed but there was a support for the idea that they should have 6.3 types of access. And I don't see those agreement reflected in the report. I see much more (sleeping).

I guess the biggest problem is the merging of private actors and the law enforcement actors in line some - were 90 to 494, 495.

Philip Sheppard: Right. Yes, you all (unintelligible) indeed what was the outcome of the subgroup that you would shared. Part of the problem I have been trying to phrase this non-context for the rest of the report was where we came to later in terms of the discussion or authentication. We seem to be that the authentication was desirable with the last authentication seem to be fair far according to our knowledge in practical.

Which suddenly lead you back to if you're not authenticating anybody how do you distinguish between those sales granting access to except based on sales declaration. And that for the said props into that more generalize phrasing there.

So perhaps some discussion around that might be useful to hear. Are there other folks on that?

Dan Krimm: This is Dan.

Milton Mueller: Yes, on the report that I read about certifying law enforcement agencies. I didn't really, you know, when they got down to the factual matter in that report I didn't see any technically. In fact, to describe in detail as if to everyone data basis I think it's clear that thousands of local law enforcement agencies are being certified in some way.

I can't just go ask the access to every licensed agency as private individual. So there must be some system in place.

Philip Sheppard: Yeah, Milton, you're fading in and out of affordability.

Milton Mueller: No, I was just saying that I did not interpret the report to save it that gate keeping for law enforcement was impractical. I mean, in fact it provided an existing proof of such gate keeping with the driver's license data basis.

Philip Sheppard: It did I mean, it give examples, I mean, while I'm try to cherry pick the report or I had to captured in our report really. And that report will be our next to the final work or reference to some way was consultant and conclusion is there is – is in summary. And rather try to put any other gloss on that. I think that was the most useful thing to capture.

Certainly and as we talk last week we have the idea of opening up a further section and which will be Section Eight about feasibility studies. And this will be where issues have come up unresolved because of technical or legal uncertainly.

And certain my intent is to include precisely this question of looking at the feasibility of the (thought) authentication mechanism that we're talking about there was a recommended further work. I think that would be a useful to say. But it can do something that has a (wide) to global scope rub on that quick snapshot that we had.

Milton Mueller: Yeah, just – I don't want to monopolize the discussion here but it seems to me that we're still working at the policy level. And the policy agreement was that it would be good, you know, those of us who are concern about shielding the data will except certified law enforcement agencies having more access than any private actor that came along.

And as policy level agreement I think this group can face a disagreement on that. But we can't say that this agreement that private

actor should have this broad level of access and dated undermine the whole point of having the OPoC.

Philip Sheppard: (Unintelligible) it, I mean, if we have them if relate that change that would be that the private actor – at any days would be granted and potentially 6.4. But private actors would be excluded under recommendation to be (excluded) under all circumstances 6.4 bulk access.

Is anyone has a problem will that change?

Man: (Bug)...

Adam Scoville: Adam Scoville.

Philip Sheppard: Adam, anyone else?

Michael Warnecke: Warnecke.

Philip Sheppard: Warnecke, anyone else?

Kristina Rosette: Kristina Rosette.

Philip Sheppard: Kristina, anyone else?

Steve DelBianco: Steve DelBianco.

Philip Sheppard: Steve, anyone else? Okay, Adam.

Adam Scoville: Just to state that yeah, I think I do have a problem with that. I think that the current report I think probably quite diplomatically to some degree avoids coming down to a specific conclusion on this point. And I think it's probably best for to sake of not spending the entire rest of our time as a group to – that we do continue to avoid such a – such a conclusion here today.

Because I think that we would not as you heard from a list of people on the queue that there are quite a lot of people who disagree with that that effect.

Philip Sheppard: Okay. Michael Warnecke.

Michael Warnecke: Yeah, I concur no additional comments.

Philip Sheppard: Okay, agree with that. Kristina.

Kristina Rosette: The same.

Philip Sheppard: And Steve DelBianco.

Steve DelBianco: Philip I wanted to comment on Milton's observation the respect to the certification of the law enforcement since you said that you may use some of that phrasing in areas prefer to study.

That will correctly observed that the driver's license access system might exclude him as private actor.

But that is not what the government seem to be concerned about when we meant in same law. They seemed to say that non – that many law

enforcement and consumer protection agencies don't think they would be actually served by the certification system.

So we can't address the certification systems or whether it excludes to stop Milton it or I from getting access to driver's license. Instead we have to look at does it give access to the right amount of law enforcement agencies around the world and government agency. So it's not just who to excludes but does it adequately includes. Thanks.

Philip Sheppard: Okay, thanks so much for that.

Milton Mueller: Philip one comment.

Philip Sheppard: Yup.

Milton Mueller: The – what Adam said that he thought that the current Line 49 – 4982, 4985 was diplomatically worded. I don't think it is – I think it says both LEAs and private actors must have access describe above 6.2, 6.3, 6.4.

No, I'm asking is that you separate the level of access for LEAs and private actors as a matter of policy and we did agree on of – on that in Subgroup B. And so and I think the statement is a no. It simply has to be changed. There's support when the idea of alienation have 6.4. There may be some support for the idea that private actors should have 6.3. But there is no definitely no agreement. We just can't say that.

Philip Sheppard: Okay and I think that's fine.

Adam Scoville: If could may be clarify there.

Philip Sheppard: By all means.

Adam Scoville: This is Adam, just – yeah, I didn't mean to – I think that Milton has a point that may be too strong to say there's agreement that both must have all those different kinds of access. But I just think that it would be – I don't think that there's in anyways sort of agreement that private actors should not have those – any particular of those types of access that it's – it's fine to separate out law enforcement and private actors.

But to the extent we separate them out that I think that's probably the most accurate and a way we avoid the most debate. And allows us to wrap up our work would be simply to kind of reserve judgment as to whether private actors should have any particular of those kinds of access.

Philip Sheppard: Uh-huh.

Adam Scoville: And simply not make it a conclusion as to private actors on those points.

Philip Sheppard: Sure, okay. I think the ways on the group appear to me and I will attend to it that change in that paragraph by spitting that out and characterizing that debate as we just had it. Other points on Section Six?

Dan Krimm: This is Dan.

Philip Sheppard: Dan, anyone else? Okay, Dan.

Dan Krimm: I would concur with Milton about that the feasibility of certification. I don't think that's been disproven by any means...

Philip Sheppard: Right. How do you square that with the statements at the beginning of that report that says, "I am not confident that there's an organization that can properly credit law enforcement agencies in United States left alone internationally".

Dan Krimm: Well, first of all I think it does...

Philip Sheppard: And I mean, that was a consultant...

Dan Krimm: It contradicts, you know, one of the actual examples in the report that HDCC is willing to accredit law enforcement...

((Crosstalk))

Dan Krimm: It doesn't prove that it can't be done either.

Philip Sheppard: Absolutely and I think I can't say anything says...

Dan Krimm: That I think it's suddenly ruled out.

Philip Sheppard: No, no I think we aren't ruling it out. What we're saying is that I think it was seem to be desirable but to the moment practically allusive.

Dan Krimm: Will I don't know the practically allusive. We – I think it's practically is undetermined.

Philip Sheppard: Okay, (unintelligible) allusive then you can probably write something to the list and tells what practically is and we'll globally scalable Dan.

Dan Krimm: I'm saying that it's undetermined I said...

Philip Sheppard: Okay, well...

((Crosstalk))

Dan Krimm: It's not determined that it's impractical that's what I'm saying.

Suzanne Sene: Sir, excuse me this is Suzanne Sene. Could I just chime in briefly?

Philip Sheppard: You may certainly may, Suzanne.

Suzanne Sene: Thank you. Just to clarify, we, in the U.S. government has given this quite a bit of thought in consultation with both civil and criminal law enforcement agencies. And from our perspective to date we have not been presented with the proposal or consider the proposal that seems to practical and implementable.

Milton Mueller: Yes. (Unintelligible)...

Philip Sheppard: Thank you for that application. Milton, anybody else who want to talk on this?

Milton, off we go.

Milton Mueller: Yeah, I couldn't disagree with Suzanne that there is not a proposal on the table that is practical and enforceable simply because there is no

proposal on the table that's been seriously developed. Again, I think we are talking about policy principles and we're not talking about implementation. And you say that because you don't have a full pledged proposal on the table that everybody likes and accept that it's impossible to simply not a logically justifiable conclusion.

Suzanne Sene: Oh, well. Excuse me. I wasn't very clear, Philip. If I could chime in again?

Philip Sheppard: Okay, Suzanne.

Suzanne Sene: It's not the absence of a proposal per se. We have given thought to the concept. And I would just remind you all that whatever you would propose for a national system or as Philip puts it quite well, a globally scalable system.

You have to have the acceptance and the commitment by law enforcement agencies themselves. And that does not exist.

Milton Mueller: Well, we know that. Actually we know that they don't want to give up any access to WHOIS data. But...

Suzanne Sene: No, we're talking about...

Milton Mueller I think we're...

Suzanne Sene: ...certification here.

Milton Mueller ...whether law enforcement wants change with the question of whether it's a practical decision.

Suzanne Sene: No, no, no. Excuse me, Milton. We are not talking about the larger philosophical question here. This is a very practical question from a practical implementation perspective. It will be very, very difficult to arrive at consensus among law enforcement agencies around the world...

Milton Mueller: Yeah.

Suzanne Sene: ...as to how best to do this. That's all I'm trying to say. Thank you.

Milton Mueller: Okay.

Philip Sheppard: I would say, I mean – Milton, for me in a way that we've written reports so far. I mean, the WHOIS generally the assumption where we made a portion recommendation and then perhaps Liz did some implementation options.

So, it's an assumption that implementation is practical. And we haven't heard, you know, voices against saying, you know, it's impossible that there was a working (fear) and that can't be done. Just – it's just detail we definitely need to go into. And I think this – I characterize this particular issue a bit differently for the reasons you've heard. But I will attempt to capture this discussion in the next version.

Milton Mueller: Yeah, I think we need to move on. But again, I've – existed has always been more powerful argument than a consultant's opinion and there is the database that does restrict access to 10,000 of local law enforcement agencies in the US. I'm sorry that's just the fact.

Philip Sheppard: Okay. Anything else on section six before we move on to seven?

Dan Krimm: Yes, this is Dan, a different point.

Philip Sheppard: Yup.

Dan Krimm: I just wanted to say that from my point of view, self declaration would be unacceptable for non law enforcement agencies. I just don't think that's effective in terms of providing, you know, any kind of control on the use of the data.

Philip Sheppard: Mm-hm.

Dan Krimm: That's effective.

Philip Sheppard: Okay.

David Fares: This is David Fares, try to response there.

Philip Sheppard: Yup, by all means.

David Fares: I think I might have mentioned this before on the call but there are examples where self declarations by private parties is deemed acceptable not just by private actors but also by government. But I would just note that EU US safe harbor on that regard.

Man: Okay.

Dan Krimm: But did those context compared to these context in any way.

David Fares: What? What was that Dan?

Dan Krimm: It seems to me that deciding whether it's acceptable or not. It's context dependent so I don't know what context you're talking about that's compared to this context.

David Fares: It's in the context of disclo – transfer of personal identifiable information from the EU to the US. So if the largest concern is privacy...

Dan Krimm: Mm-hm.

David Fares: ...laws, it's directly applicable. So, those who have concern regarding privacy, it's directly applicable on that regard.

Dan Krimm: Okay. So, I...

Philip Sheppard: (Unintelligible) I mean, the – if you remember this is not on restrict of access to the date. So, it's all based on a presumption of reasonable suspicion or whatever the...

Dan Krimm: Yeah, that – it only means anything if there's a challenge perceived to that has any (achieved) to it. So...

Philip Sheppard: Yes.

Dan Krimm: ...without understanding with the challenge perceived, I couldn't agree to it.

Philip Sheppard: (Unintelligible). And have we recorded on the (unintelligible) earnings procedure.

Dan Krimm: Yeah. But what kind of challenge procedure, what it's cost involved, what are the barriers. You know, entry what are the burdens.

Philip Sheppard: A good challenge procedure.

Okay, all right. Enough with that – get over that implementation. And effective challenge procedure. I think all our – (unintelligible) effective before every now and then in this the whole report we wanted but also any report in there.

Wout de Natris: This is Wout.

Philip Sheppard: Wout.

Wout de Natris: Can I get in the queue?

Philip Sheppard: Please do.

Wout de Natris: Okay. Thank you. Of already original list of other word finally in the reports.

Philip Sheppard: Yes.

Wout de Natris: I think what I just thought of is that it could be split in two. Because you've got finally direct – digital access. But after that, you might want to access to date which is there which is definitely not revealed. And then you get signed in the written way.

So that's something we make a distinction – the definite distinction about as often. Because if you want digital access, we would like to have it just straight away and direct. But if you want other forms of information, then you would do it inviting an official. And of course, they would give a signed day to one or two weeks to respond in writing.

Philip Sheppard: Mm-hm.

Wout de Natris: So, that I would like to make that distinction please.

Philip Sheppard: Okay, that's fine. Yeah, your other comments I think were also. We're just on (unintelligible) I think I can add that to what we're going to capture there. (What was on section two), it was me. Yeah.

Okay. Are we done on section seven.

Very good. Section seven. Now the section seven and perhaps Maria and/or (Liz) may want to comment on that. Wout, what section seven is intended to have is records of whether had been substantive discussion of some of the issues that we had talked about. But basically didn't get anywhere. There was recording.

And be anyone that I (unintelligible) with was we currently see on the 7.1 which is the distinction between commercial and non-commercial which we have the certain amount of support. But I think so full of too many problems in the implementation for it to garner what we described as even support on the group to go forward.

And so, it's captured under seven because in particular it was also alluded to in our terms of reference. But Maria or(Liz), are there other

areas of discussion that you're thinking of including onto that at the moment?

(Unintelligible) surprised (unintelligible).

Well, while you're thinking about your answer to that, perhaps I can ask anyone on the list of their own recollection is there were some discussions that are placed in part of earlier report that maybe in particular worth recording in the last – ask our support to dig out those record and incorporate it there.

Adam Scoville: Philip, Adam Scoville.

Philip Sheppard: Mm-hm. Go ahead Adam.

Adam Scoville: Would it be worth – and I'm sort of frantically flipping back now to see the references earlier in the report. But would it be worth addressing the issue of accreditation in this context?

Philip Sheppard: It should be although, well obviously it's not excluded. I mean, if we – I think the debate around that is going to be, for the moment is I think, I'm might as well try to capture sufficiently under six. And also marking this element of further work and (unintelligible)...

Adam Scoville: I'm sorry. I meant not accreditation of the request or under a tiered access system but accreditation of the OPoC.

Philip Sheppard: Well, right. Yeah, yeah. (Unintelligible), where you got else where in the report and then we skipped over there and it maybe better except moving that chunk and expanding it to here.

Adam Scoville: Yeah. Or, you know, leaving the kind of conclusion that the group as a whole didn't like it up above. But, you know, just leaving only that conclusion up above...

Philip Sheppard: Yup.

Adam Scoville: ...and may bring it down here or (unintelligible)...

Philip Sheppard: Plus, you have it more what we talked about. (Unintelligible) that thought. Thanks for that.

Any other thoughts on the where over (Liz) have you come back on line?

Maria Farrell: Hello. Sorry it's Maria here. My - managed to dropped off distantly one moment.

Philip Sheppard: Did you hear the question?

Maria Farrell: I heard it. They were basically about filling in section seven on capturing previous discussions. And...

Philip Sheppard: Yeah.

Maria Farrell: ...where was it's also talking about the distinction between commercial and non-commercial and also legal and naturals.

Philip Sheppard: Mm-hm.

Maria Farrell: And yes, these sections are being added. Were there any – that was the commercial/non-commercial was (main) when I thought but was their – what other...

Philip Sheppard: Yes, I mean, that was (unintelligible) too. And do they hear this what Adam had suggested which is quite useful which is the discussion around the accreditation of the OPoC which we had dismissed. So I think what I would do is maybe I'll check of the wording at the beginning of the report. And maybe just minimize that and we can perhaps out the argument that was there.

I think you fully – I think you captured that back in earlier report versions already.

Maria Farrell: Indeed we did. I'll work with (Liz) and we will get that to the – we'll get that to you so we can be in the next version of the report.

Philip Sheppard: Okay, we got that handy. Any other suggestions on section seven?

Milton Mueller: Yeah, we might want to include this business about exclusion of private actors from certain kind of access here.

Philip Sheppard: Okie-doke.

Man: Philip what's the status of including public interest and private interest in that report?

Philip Sheppard: There was some very helpful discussion I thought on list and what I've meld on is a revised version of that introductory section, where I think

its the – and it clarifies better what were talking about. I do – for me there wasn't epidemic debate over that...

Man: Okay.

Philip Sheppard: I think it was discretion of clarification as to what were at - we were trying to capture there and in particularly with that compatibility with – with the way that laws also look at them and recognize the reception.

Man: All right, are those words still in the reports? Public and private interest.

Philip Sheppard: I'll look and currently got the note. Public interest certainly is because that's a super word, so I continue in there. The title is currently the public interest colon balancing the privacy and harm, demonstrating very clearly versus there's aspects of the public interest.

Man: All right.

Philip Sheppard: So let me go further on the seven. That leads us onto that's it – the new Section eight we'll capture a number of things with future possible work just in short focus studies. And what I have recorded under that so far is things relating to actual caused, such as implementation the verification and consent proposals. Such as compliance issues in Section four we've just discuss, such as access auctions described in Section six.

And indeed the marginal cost of setting up a new fee nay system compared with recovering cost from a user these system. So it's just trying to capture some of the real life things. I think we should have very simple to report on.

Excuse me. Of the - two on the things that came out there would be data privacy issues arising for self declaration of access of proposals describing six and indeed the – what we discussed the feasibility of fan authentication mechanism for accesses as described in section six.

And for probably give (unintelligible) enough to be getting on with. I think all of there is should be useful. And then our next one has changed or it has a bit. Yes.

I think annex one in it's new version would now be reflecting the all the (unintelligible) already maybe yes. The difference we discussed in terms of whether or not under new proposal OPoC and admin which some have been merged as to where a tech would continue. And just a sort of illustrative group of what looks like maybe display options.

If anybody perhaps particularly registrars could cast on eye over that. And let us know if there's any of this error on this characterization that would be very helpful.

Annex two is a glossary and then we have one term on the accuracy. And I think Maria you told me before you're working on including a number of other things under annex two. Is that right?

Maria Farrell: Yes, I have done so in affective as a template of that to Glen so that it cleared some extra terms that were requested on the list and also the glossary that we have had before we started as working group.

Philip Sheppard: Excellent, okay. So any comments then on those last sections – the new section eight studies and annexes one and two.

Wout de Natris: Hello, this is Wout.

Philip Sheppard: Wout, yup. Anyone we have for the queue?

Not at the moment. Wout, off we go.

Wout de Natris: Okay, what I understood from the last week or two weeks ago discussion that nobody really knew where the admin thing was about. And I just past my colleagues are really researching and they said "This is where the bill get sent". And we actually got very value information to pause answer the three cases where that their lips sort of the (couple).

So that's what I was explaining and I wanted to share this with you, but maybe I'm wrong and please let me know what you think.

Philip Sheppard: Maybe characterized in the (Dot NL) code, I don't think the - my understanding perhaps Jon I think if you if anybody is strong on the call at the moment, you can help without them.

My understanding is typically, you have a – it's actually outside WHOIS but typically read registrars keep a separate record for the bidding contact. Is that right?

Philip Sheppard: And Jon Nevett is currently off line? We need to check on that – that's my understanding.

Steve Metalitz: Philip, this is Steve Metalitz. Can I get in the queue?

Philip Sheppard: Yes...Yup Steve, go ahead.

Steve Metalitz: First on that question, you're right at least some registries actually are do make – are required to make billing contact information available through WHOIS.

Philip Sheppard: All right.

Steve Metalitz: But in general and in the – in Dot Com, certainly the registrars are not required to do that and presumably they collect some type of billing information and retain it and it's certainly could be useful to law enforcement and to others, but it's not made publicly available.

Philip Sheppard: Yes, I mean in the sense that, you know, it's almost a visual path. It's worth recording because the billing contact is at least guaranteed to at one point in time had been the real contact, because otherwise money went to slow and registration might have happened. Where in the current situation everything else could be a little non-sense, so I think that's actually point of certainty.

Wout de Natris: I think that is a very good point Philip.

Philip Sheppard: Mm-hm. Yup.

Steve Metalitz: Philip I had said one other question which is you referred to section eight.

Philip Sheppard: Yeah. Yes.

Steve Metalitz: Am I correct that hasn't been circled.

Philip Sheppard: Correct, yes.

Steve Metalitz: I just want to make sure it wasn't missing page or...

Philip Sheppard: No, no. I was just running through what would be a new (unintelligible) any other thought of to study by means, I mean that wait until you see what's currently there as I listed it. But that would be the opportunity for just specifying in one place, specifying in one place for further work.

Steve Metalitz: This is Steve in the queue please.

Philip Sheppard: Steve, yeah anybody else for the queue, okay Steve off you go.

Steve Metalitz: For areas of further study, I feel like – this is an opportunity for us to return to the chore problem that all pause I supposed to solve. In respect to stopping the heart of Steve and me mail dresses, that presumably cause incremental amongst (unintelligible) did monetary commented on the list with regards to the S fact study that discuss and listen?

There has to be - at some point we do a sanity check to see whether the OPoC system we've created, the whether the cost of such a system are adequate to the benefits for about presumably stopping some incremental stand that arouse through harvesting.

So I would I actually recommend that area for further study is to just take our plan and align it against whatever evidence we have, of abuses a few weeks data and do that kind of balancing that cause some benefit. Thank you.

Wout de Natris: This is Wout.

Philip Sheppard: Wout yes.

Wout de Natris: Just on a reaction to that, I'm not the European commission, I'm not worthy for a privacy bureau over before law enforcement but I think that one of the reasons with that were doing this also is because in the European Union this sort of data is not allowed to be revealed. And we are trying to find ways to have it revealed to agencies which are allowed to view them, so that's another part of the discussion of the OPoC I think.

Philip Sheppard: Yup, (unintelligible) Okay, other comments from anybody?

Those latter sections of the report. No well if not that's splendid, I would try and have out this week on new version which should be 1.6 which capture all discussions we've had over the last two weeks on the list and on the call and what I welcome are, in terms of further commentary on that I think is not sort of so much high.

I agree or disagree with things that have happen – have that, but only to say if you think your view point has not been captured at all to point that out. In other words so that the spread of opinions as to what we have in the report is correct and indeed any last minute clarifications that will still be necessary, will be useful and we can probably capture most of that on line.

And then Maria and (Liz) perhaps you could inform us, what would be your in timing in terms of doing all the extra bits that you need to do for turning that report into a ICANNesque creature?

Maria Farrell: If I might something, it's Maria we've have pretty much off them except from what come up in today's calls, so I think we should have been turn around and by the end if this week.

Philip Sheppard: Okay, and so. Okay so you could probably get those two – to me I want my shine is to use so they can have it all in, in the next version this week.

Maria Farrell: Absolutely, could I just come back also in this one when we were talking about Section and I thought (unintelligible) look and mention something about access on published data. Am I going to quite capture for it was meant?

Milton Mueller: Well it's simply is the question of this Section 17 to be repository for alternate views is that correct?

Philip Sheppard: Yes.

Maria Farrell: Yes that was.

Philip Sheppard: Well, were we had substantive discussion about alternative views that did not go forward.

Milton Mueller: Yeah right, so I basically am not quite sure. I mean I think that the view that are basically think that there working through was equally divided on the question and it's not an alternate view as its now characterize

and if we get un-justly down graded to that and I would want essentially what I would conceive of it, a minority report in section seven objecting to that and explaining the true situation.

Philip Sheppard: Okay, thank you for that off the (host) characterization.

Maria Farrell: Philip I don't really think I can right a minority report, so what is it that we should be providing?

Milton Mueller: I'll right it for you.

Philip Sheppard: Well, Milton will wait with you how we capture that in Section first, I think it's what he's saying...

Milton Mueller: Yes.

Philip Sheppard: And the certain is right to come back to us.

Maria Farrell: Thank you guys.

Philip Sheppard: So anything else before we conclude?

Adam Scoville: Philip this is Adam, just - the guidance that you gave just a moment ago about sort of guidance on the kinds of response that you think will helpful, at this stage it might just be helpful for you to repeat that to (unintelligible) there are people who aren't listening now...

Philip Sheppard: Yeah sure, I'll have that in the batch of e-mail when we distribute the report texture account.

Adam Scoville: Okay.

Philip Sheppard: Anything else? Okie-doke. When terms of future calls, I think, the moment we'll not schedule future calls. Let's see if we can do it all by list. If it turns out other issues raise themselves and to which we think call will be the right mechanism to short that out, then indeed we may go for one. But if not we will attempt to clue our work with 1.6 and maybe revisions to that in the final 1.7 rapidly there after.

So thank you all very much for your contributions and so far and I'm hoping that together we could come out toward a report that may lead to change, thank you and we'll end the call now.

Woman: Thank you.

Man: Thanks, thank you.

Wout de Natris: Bye.

Woman: Thank you.

Man: Bye.

Milton Mueller: (Unintelligible).

Glen de Saint Gery: (Louise)? Hello?

END