

**Thick WHOIS PDP Drafting Team
TRANSCRIPTION**

Thursday 13 September 2012 at 1800 UTC

Note: The following is the output of transcribing from an audio recording of the Thick WHOIS PDP Drafting Team on the Thursday 06 September 2012 at 1800 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.

Attendees

Elisa Cooper - CBUC
Avri Doria - NCSG
Keith Drazek - RySG
Ray Fassett - RySG
Frédéric Guillemaut - RrSG
Susan Kawaguchi - CBUC
Steve Metalitz - IPC
Mikey O'Connor - ISPCP
Susan Prosser - RrSG
Evan Leibovitch - At-Large

ICANN Staff
Marika Konings
Berry Cobb
Barbara Roseman
Gisella Gruber

Apology:
Caroline Hoover - RySG
Alan Greenberg - At-Large

Coordinator: Welcome everyone and thank you for standing by.

Today's conference is being recorded. If you have any objections you may disconnect at this time.

Thank you. You may begin.

Gisella Gruber: Thank you. Good morning. Good afternoon. Good evening on today's Thick WHOIS Drafting Meeting on Thursday the 13th of September.

We have Elisa Cooper, Ray Fassett, Steve Metalitz, Mikey O'Connor, Susan Prosser, Evan Leibovitch.

From staff we have Markia Konings, Barry Cobb, Barbara Roseman, and myself Gisella Gruber.

An apology noted today from Caroline Hoover. I hope I haven't left anyone off the roll call. And if I could also please remind you all to state your names when speaking for transcript purposes.

Thank you, over to you Mikey.

Mikey O'Connor: Thanks Gisella. As always, a fabulous job and welcome everybody to the call today. People are I think still joining, and we'll just let them join silently and maybe acknowledge them as they get here in the chat.

As usual...

Woman: Thank you.

Mikey O'Connor: ...we'll take a brief pause to just take a look at the agenda on the right side of the page, which is pretty straightforward today. We'll confirm the Chairs, Alan Greenburg and me. We'll take a look at the draft charter and the comments that have come so far, and talk a little bit about the next meeting.

And, we'll just take a moment here to pause and let people either offer ideas to amend the agenda or if people have changes in their Statements of Interest that they'd like to share with the group, this would be a good time to do that too.

Okay. What you see on the screen is the two documents that we're going to be working on today. Many thanks to Marika for a heroic effort of getting a draft out and also summarizing the comments that have come in so far in that draft. I think the conversation on the list has been terrific. Substantive comments very useful, and I - you know, I think that Marika's got a great first cut at the charter done.

I thought that maybe what we would do is run through the charter with a couple of ideas in mind. One is to sort of familiarize ourselves with it. It's always good I think to take the whole group through it together. But then it's my presumption that after we get done with the Section 2 that from Section 3 on we can pretty much treat this as boiler plate pre-determined language.

So unless anybody's got anything really exciting that they want to add to the Section 3 and onwards, I think what we'll be looking for is tentative agreement that that part of the charter is essentially ready to go and focus what we're doing on Section 2.

And so after we've sort of reviewed all that we'll quickly step through the comments. And again, my idea is that we would on this call be looking for things to add to the charter and probably not spend a whole lot of time debating them. I'm not sure. My thought was that maybe what we could do is try and drive pretty much everything we can into the charter either on this call or between this call and the next.

And then on the next call try and identify those areas where we've got disagreement that we need to work through. I think that there's going to be a

substantial amount of charter that's agreeable to everybody, but you know one never knows.

So anyway, that's sort of the tentative approach that I was thinking we'd take. Sort of a run through today - add things today and then really tee up a pretty substantive conversation next time to iron out things coming in or going out. Try and get a final done, you know, either next week if we're really moving or the week after, and then on to Toronto.

So with that, Markia, do you want to drag us through this or do you want me to drag us through this? Either way is fine with me.

Markia Konings: This is Marika. Maybe would be helpful as well just to go to the people that submitted the comments and have them speak to it and then people can comment on it. I don't know if you - or you just want to...

((Crosstalk))

Mikey O'Connor: Well, I thought before we get to those we'd just go through the...

Markia Konings: Okay.

Mikey O'Connor: ...your draft.

Markia Konings: Okay.

Mikey O'Connor: And then...

Markia Konings: I'm happy to go - I'm happy to take people through the draft.

Mikey O'Connor: Okay. That'd be great.

Markia Konings: So Section 2 is the mission, purpose, and deliverables. And as we discussed on the last call and also on the mailing list, basically this content comes almost directly from the issue report. It basically phrases the question as was posed in the issue report, and it outlines the elements that need to be considered as part of the deliberations on the main question, which also directly comes from the issue report.

Initially I just listed the titles of those and referred to the issue report itself, that following comments, people suggest that maybe a bit of context around those would be helpful. So what I did is basically just list the language that was in the issue report for each of those items. So the first one is in relation to response consistency, then stability, accessibility, impacts on privacy, and data protection, including consideration of possible (cross-water) transfer of registrant data, (unintelligible) cost implications, database synchronization between registries and registrars, competition in registry services, existing WHOIS applications, data (unintelligible), and registrar (unintelligible) WHOIS requirements.

That (unintelligible) first to also something that came up in the issue report that there may be other initiatives going on at the same time that either might help inform the deliberations or it's just good for the working group to be aware of those in case there's something that you know might come out of the working group that may impact other initiatives.

And, the (unintelligible) specifically are you know (unintelligible) discussion on registry/registrar separation and related developments with regards to access to customer data, results of our (RAA) negotiations just to verify if there's anything in there that would impact on deliberations of the working group and the WHOIS server review team recommendations.

And then, there's a suggestion in there as (unintelligible). So some other items highlighted in the report if there - should there be a consensus that a Thick WHOIS should be required for all gTLDs, then the recommendation is

that the PDP working group should also consider, you know, what are the cost implications? How to conduct or any recommendation there might be on conducting the transition and whether there should be any special provision and/or exemptions that were needed - would be needed.

And then going into the objectives and goals, as Mikey said here, I think we actually started in the boiler plate language. This is basically just referring to the required output that the working group will need to produce according to the bylaws and the PDP manual, which is an initial report. And, a final report emphasizing as well that the working group is expected to follow the process as described in the Annex A and the PDP manual.

And talking as well to deliverables and timeframe. Again, you know, looking at the Annex A and the PDP manual for guidance there indicating that a working group is required to develop a work plan in which it basically outlines how to conduct its work and expected timing for the different milestones. And, I think that those are the main items.

And then, it basically moves into his - like you said, you know, more boiler plate language and most of this language is drawn from what is in the GNSO working group guidelines and you know language we have used as well for previous PDP working groups. So not really sure if it's necessary to go through each of those. I'm happy to answer any questions people might have on any of those sections.

Mikey O'Connor: Thanks, Marika.

Let's sort of work backwards. And before we sort of get to the main event, is there anything that anybody really thinks that we need to do in terms of Section 3 and beyond?

My presumption is that these are pretty routine, pretty pro forma pieces of our work, and that we can essentially accept those by acclimation. We can

always come back if we discover something, but I'm presuming that the focus of what we're working on is really Section 2.

And I think at this point might be a good time to now switch gears. I note that Keith is on the call and Evan is muted at the moment. Evan may need to be unmuted because he's I bet on a cell phone outside and he's probably...

Evan Leibovitch: I'm inside so it won't be any problems now.

Mikey O'Connor: Oh, good. You're back. Great. Great.

I think with that, since you're on the call now, is it inconvenient, Evan, for you to run through your comments? Are you sort of doing this on the fly? Would you rather wait until you're somewhere where you can see a computer, or is this an okay plan?

Evan Leibovitch: Actually, I've just now, Mikey, run - walked into my office. So if you'd give me maybe about five minutes, literally, to hang up from this, call in on my landline, I'll be more than able to do it. But I'll need about five minutes.

Mikey O'Connor: All right.

I tell you what we'll do. We'll go to Keith next and that will probably fill the five minutes and maybe more, and then put you next in line after that. I'll bet by then you're ready to roll.

Evan Leibovitch: Perfect. Thank you. So I will be hanging up and redialing in on the landline. Thanks.

Mikey O'Connor: Okay, thanks Evan.

Keith, do you want to sort of walk us like through...

Keith Drazek: Sure.

Mikey O'Connor: ...your suggestions? Take it away.

Keith Drazek: Not a problem. Happy to do it. And, just like to note that on the list there, you know, were a few responses and exchanges to the comments that I submitted, and I generally feel comfortable with everything that's been suggested. So maybe I'll just summarize.

The two sort of high level comments were basically trying to ensure that the language does not either explicitly or implicitly single out one entity for treatment, and making sure that the language is broad enough that if it's going to apply to one, it will apply to all. And I think that some of that some of the language - I know Alan had a good question back to me, and the - you know, Avri recommended some language. And, I think I'm very comfortable with the direction that's going.

You know, the specific comment was to basically amend one of the - sort of the introductory sentence that talks more about the consistent Thick WHOIS by all gTLD registries. I know there's still some question about what exactly the definition of consistent is and how it applies, and that's something that we probably can still continue to discuss and work through.

But just as a general statement, provided the language is you know applicable to all but not singling out explicitly or implicitly any one party, I'm comfortable with the direction that's going.

The second item was a - basically a request to - for us to be as specific as we can in the charter as it relates to the language from the issues report and you know from the documentation that already exists, so we don't necessarily have to be going back and referring to it. So, it's sort of incorporated into the charter itself.

And to the extent possible, where we can be specific in outlining the detail around each on one of those, I think that's a positive thing. But, I don't want to - I did not intend for the comments, and for example, the list of questions to be comprehensive. It was more sort of a guide and certainly wouldn't want to necessarily you know limit or exclude conversation on other matters. Or, to become so specific that it was not something that the working group could handle.

As Steve correctly pointed out that some of the questions may require some sort of a legal determination. So again, not trying to be overly explicit, and certainly not trying to exclude, you know, other discussion if it's warranted.

But, just simply trying to provide some goal posts for us and perhaps some - you know, some guidelines or some - I guess a little bit of structure that would help the working group understand that we're on track and that we're meeting our milestones and to know when we're - when we've been successful in terms of completing a particular topic.

I'll stop there and take any questions.

Mikey O'Connor: Yes, I think that's perfect, Keith. Let's go out to the queue.

Avri, (unintelligible) - you want to go ahead?

Avri Doria: Yes, thanks. This is Avri speaking.

The question I have is the meaning of the word all. And, I just want to make sure that I understand the same thing by all that you mean and that we - when we say all, we mean any of the incumbents who do not, any of the incumbents who already do, and any of the new ones that are yet to be created? Is that what we mean by all?

Keith Drazek: That's correct.

Avri Doria: Okay. Just wanted to make sure. Thanks.

Keith Drazek: So for - and let me just you know sort of extrapolate on that. Obviously, you know, we all know that almost everybody today operates Thick WHOIS, and the new round of TLD applicants will be required to operate Thick WHOIS. But, we don't know necessarily what will happen in the second round of new gTLDs because those - sort of the rules around that have yet to be determined.

You know, following the first round of new gTLDs, there will be a review and recommendations made. And so, it's not a guarantee that Thick WHOIS would continue through a second of gTLDs. So I think to the - I think - this is one of the reasons I like Avri's language is it basically says if we're setting a policy around Thick WHOIS and the use of Thick WHOIS, and a consistent use of Thick WHOIS, then it really ought to be a policy that applies to all.

So to the extent that we need to be a little more explicit about existing and any future, I think that's perfectly reasonable.

Avri Doria: This is one - Avri. One more comment, which was - and of course for the new one that has been deemed to have Thick WHOIS, we really don't know the conditions of that Thick WHOIS. We just know that Thick WHOIS is required, but the hows, whys, and wherefores area still sketchy around (edges).

Keith Drazek: Yes.

Mikey O'Connor: Any other thoughts about Keith's comments? I think that one approach to this is -- if we can continue to make unreasonable requests of Marika -- is if we have sort of a sense on the call that it's at least worthy of being included, we'll let Marika take a try at developing some language to drive into the charter rather than build it ourselves on the call.

Go ahead Marika.

Markia Konings: Yes, this is Marika. I think I heard Keith say that he was happy with the language that Avri drafted. Maybe just to check if people are happy with, you know, what Avri has suggested, we might take that as part of the - put that in the draft for the next round of consideration.

Mikey O'Connor: Yes.

And language is just a little bit further down in this same document, so maybe Avri it's your turn to speak to your language just to get that on the record, and then we can go ahead with that.

Oh, except I built a little bit of a queue. I guess before Avri goes, let's let Steve and Ray go.

Steve, go ahead.

Steve Metalitz: I'll defer to Avri because my comment is really on Keith's second comment.

Mikey O'Connor: Okay.

Ray?

Ray Fassett: Thanks Mikey. I just thought it might be useful to suggest maybe the language to be all gTLDs. That might - I think that covers it, so just a suggestion.

Mikey O'Connor: Great.

Okay, Avri...

Avri Doria: Yes?

Mikey O'Connor: You have the floor. You want to just walk us through your...

Avri Doria: Yes. I think I already said what was there. Basically, that the PDP working group is tasked to provide the GNSO Council with the recommendation(s) regarding the consistent use of Thick WHOIS by all, both existing and future gTLD registries.

You know obviously, that sentence might need to be wordsmithed, but that's basically - and what I'm trying to get to is that if Thick WHOIS, then A, we're trying to make sure that Thick WHOIS is required by all, just not - not just the new ones.

And B, that the rules that pertain to Thick WHOIS and any - you know, the whole set of policies that pertain to Thick WHOIS apply equally to existing TLD's as well as future gTLD'.

I'd love to say just TLD's, but we have to say gTLDs.

Mikey O'Connor: No. We're not going there.

Avri Doria: I know we're not, but I...

Mikey O'Connor: That's outside our (unintelligible). Even I know that.

Avri Doria: But...

Mikey O'Connor: Thanks Avri.

Okay. So given all that - I'm mindful that Steve is in the queue for another reason, but is there anything else that people want to comment on the - oh, Evan. ALAC's got comments on WHOIS in non-gTLDs, but no...

Evan Leibovitch: No. No. I'm just saying - sorry, Mikey. I just want...

((Crosstalk))

Mikey O'Connor: (Unintelligible).

Evan Leibovitch: I'm just saying ALAC does not have limit in scope and has been making comments a little bit more universally. But, I'm quite aware of the limitations here.

Mikey O'Connor: Yes, okay. Thanks Evan.

Anything else about this? Otherwise, we'll let Marika maybe pull that language into the next draft as a starting point for discussion.

And with that, circle back to Steve. Go ahead.

Steve Metalitz: Yes. Thank you.

I was really just - wanted to respond as I did on the list to Keith's second proposal. And, I wasn't sure whether Keith said in his earlier remarks that he was okay with kind of the approach that's in Marika's new draft here.

Again, here I'm talking about - since we've disposed of the first sentence of Section 2, I'm talking about basically the next sentence and all the bullets that hang off of that.

And, my feeling was when you - if you say consider the following elements as detailed in the final issue report; you're kind of incorporating by reference what it says in the final issue report about them. But if people just as an editorial matter it would be better to actually reproduce what was said about them in the final issue report, I'm okay with that. And, that is I think what

Marika has done in all those bullets going down through - you know, through (unintelligible) 43 requirements.

Mikey O'Connor: Yes.

Evan Leibovitch: So I guess my question is...

Man: Yes. Those...

Evan Leibovitch: ...do we need to go farther than that on those topics?

Keith Drazek: This is Keith. I can respond. No, I think that's fine. I think that's very appropriate. Don't think we necessarily need anything more, you know, as far as an explanatory sentence, as I've suggested, than what's in the issues report. I think pulling that language into the charter would be beneficial though. So certainly, I'm okay with that.

Then I think there was a second question about, you know, does it make sense to outline a list of - you know, a list of questions you know to help us sort of (unintelligible) guide us a little bit? Is that something that we - that's still worth discussing?

I understand, Steve, that - you know, your comments in the email were - you know, you don't want it to be either too specific that it you know sort of boggs us down because we're unable to address it, or - you know but at the same time, I understand some people don't want things to be too wide open, because it - you know for example, brings in the possibility of you know introducing a proposal for Thin WHOIS, which of course nobody's intending to do.

But, I'm just trying to gauge whether, you know, there's an opportunity for us here to provide some guidelines of sentences or questions, you know, that would be - help us be more efficient I guess is what I'm trying to get at.

I'll stop there.

Mikey O'Connor: Thanks, Keith.

Steve, do you want to come back on that?

Steve Metalitz: Sure. Just to say - I mean, I'm not sure I see the need for any additional questions, but I'd certainly you know consider - I would certainly consider it if people have ones to suggest. I looked at the ones you suggested and I had some comments about those.

But in general, I think the issues report lays out the topics. This is not an exhaustive list in the sense that it says as a minimum, consider the following elements. So, I think it gives the working group the flexibility they need, but still gives them direction. They say, "You'd better look at these questions," and kind of leaves them more flexibility to decide how to do that and to what depth.

Keith Drazek: Yes. Yes.

And this is Keith. I'm comfortable with that. I mean I guess you know to the extent that we can be the most efficient that we can be and - you know, but at the same time, not tying the hands of the working group in actually conducting their work I think is reasonable. So I'm comfortable with where we are with Steve's recommendation.

Mikey O'Connor: All right, we've picked off Steve's comment. And as long as - Evan, I haven't forgotten you, but Ray was really riding along on the same thread that Steve started, so why don't we go down to the very bottom of that second - the document on the right side of the screen.

Ray, do you want to chime in on this particular topic? You listed a bunch of questions. Would you be comfortable with this somewhat less explicit approach that we seem to be settling on right now? Or, do you want to drive some questions like this into the actual charter?

Ray Fassett: Yes, right. Thank you Mikey. Ray Fassett.

I was - I did - the one I - the response I did was just to kind of draw out that putting together questions could an exercise in and of itself that if there was common agreement could potentially be helpful to the working group. So really to me, it's a decision of whether the drafting team wants to take on that exercise, which could prolong this part of the process of putting together the charter.

So, I'm not a strong advocate either way. I do like to help out future working groups whenever possible, so really the question to me became not so much the questions themselves that I drafted up you know rather quickly, but more to the point of is it worth the time of the drafting team to go down the path of trying to develop some questions to help the future working group? Or, whether or not just get the charter done and...

And again, I agree with Steve. You know, the working group is the place for the flexibility. I agree with that too, so we don't want to constrain them.

So all that said, I'm listening to Steve and Keith. I'm not offering any objection. Just my approach is just to offer out the notion of are we helping the working team - the working group by going through the exercise or not? But if we feel we're better off moving along with the charter, I'm okay with that too. Thank you.

Mikey O'Connor: Great. Thanks Ray.

I have some thoughts on this topic, but I don't want to get in front of anybody else, so I'll save them until the end.

Evan, go ahead.

Evan Leibovitch: Hi. This is Evan for the record.

I guess my own thoughts on that are simply that I would prefer for this drafting team to concentrate on the outcome that is WHOIS something that should be required?

And personally, I'm less interested in the how. That's something that can be left up to competitive - to the marketplace. I get - personally, I think that things are going to take enough time as it is. And Heaven knows we've rehashed this issue time and time again.

So on the specifics of a PDP that goes into should Thick WHOIS be considered, leaving the competitive issues of how that's done personally to me is beyond scope.

Mikey O'Connor: Thanks Evan.

Let me weigh in as well. I'm attracted to the idea of leaving the specific questions for the working group. And, I think one of the interesting puzzlers is your Chair. If we start going into specific questions, we make get into trouble where we start doing the work of the working group rather than the work of a drafting team.

And so while I think that these questions that have been posed in these email threads are really good ones and should be preserved, I'm pretty keen on the idea of not taking this drafting team through the exercise of developing questions like this, because I think it would add a lot of time to the work that we do.

And it's tricky from the vantage point of running the meetings keeping us out of the weeds of actually accidentally getting into the work of the working group.

So what I'm detecting on the call is that Marika's level of detail is fine. I think we should preserve this thread because I think it will be useful for the working group. But, we won't actually go through the exercise of building a series of questions like these.

Is that a pretty good summary? If anybody objects to that summary, this would be a good time to set me straight; otherwise, that's sort of the way we'll proceed on that front.

Okay, let me just roll back. I think that with - oh, Frederic - well, okay. So Evan you're now up because you were patient. So Evan's comment is the first one on the document on the right. Take it away Evan.

Evan Leibovitch: Okay, thanks.

Mikey, on re-reading things, I'm wondering if the original intention which was to put it into the - these things into the bullet points of Section 1 may be inappropriate. I'm sort of new to some of the inner-GNSO workings.

But the point that I wanted to do was sort of ensure that there were a couple of elements inserted to make sure that they're considered by the working group as it goes forward. One of - one is to make very explicit that there has to be a mindset of transparency of process. Maybe that's considered to be a given. I just want to make sure it's explicit.

The second one is not necessarily a given. Based on various fun that At Large has had with issues of contractual compliance, part of the problems we've run into is that resulting policy has produced wording that is so

ambiguous as to be unenforceable. So while it demonstrates a good intent, there's no or else concept of this.

And so I'd just like to make sure that moving forward that when policies like this are done, that there's a clear expectation of what is required and a clear expectation of what will happen if this isn't.

Like for instance, you know, will lack of provision - a lack of adequate provision of a Thick WHOIS constitute breach? Maybe these are getting into contentious issues? I just want to make sure that the working group understands that the product of what it does has to be sufficiently clear. That both the parties that are expected to adhere to it and the parties that are expected to enforce it understand very clearly what the parameters are.

The third point being public interest concerns as expressed by the GAC and ALAC. In this particular issue of WHOIS, I could easily make the point that the main reason that WHOIS even exists at all is a matter of public service. That is, giving an accountability as to identity of registrants to Internet end-users.

And as such, given that ALAC and the GAC, the two bodies mentioned by by-laws as representing the public interest and ALAC are outside of GNSO. Part of what I'd like to try and do here is to ensure that the PDP is made aware of the public interest concerns.

And I said in brackets, "As expressed by the GAC and ALAC," so that we don't get into this extremely lengthy definition of, "Well, what's the public interest anyway?" ICANN in its bylaws has defined who frames that, and the organizations that have been charged in doing that have been very unequivocal in how they've moved forward on this.

So I'm just suggesting that if the PDP is to indeed be representative of the entire multi-stakeholder process, that it needs to include explicit references to

what has already come out of the two public interest advisory bodies, since WHOIS itself is a public interest issue. Thanks.

Mikey O'Connor: All right.

In the middle of that Marika's hand popped up so I'll go to her.

Markia Konings: Yes, this is Marika. Maybe just as well to clarify that you know in addition to what is contained in the charter, and as mentioned before, the PDP working group is also expected to adhere to everything that's in the Annex A of the ICANN bylaws as well as the PDP manual. And especially (unintelligible) to their first two points and maybe partly as well the third one, you know it outlines very clearly as well, you know, how the work needs to be conducted. You know, everything is open, published, recorded, transcribed.

And on the second point, there's as well a requirement for a PDP working group to include a statement as part of their report that discusses the expected impact of the proposed recommendations also considering areas such as economic competition, (unintelligible) privacy rights, scalability as well as feasibility.

And I think maybe with regards to the last point, something that was introduced as well with the recently adopted PDP which you know was revised recently; as a requirement to at an early stage of the process, it requests input from other stakeholder - not only stakeholder groups and constituencies in the GNSO, but also reach out to other supporting organizations and advisory committees for their input in the issue to really make sure that that's obtained at the early stages of the process instead of, you know, towards the end when you know things might already be set in stone.

And people suddenly realize, "Oh, there are other opinions out there as well that may eventually influence." For example, a Board decision.

So maybe, some of that is addressed by what is in the PDP manual in Annex A. But, maybe there are other things that, you know, you feel that are not sufficiently covered by what is already there. But, I just wanted to (unintelligible) that.

Evan Leibovitch: Yes.

Well, in that list of things that you said about the Point Number 2, one of the things that wasn't mentioned was enforceability. And so, maybe that's something I'm suggesting be in there.

Under normal circumstances, maybe this wouldn't matter. But given the difficulties that we have experienced with the compliance department in their ability to even interpret the existing regulations, I think moving forward we need to be conscious of that.

And as far as a public interest concerned in ensuring that is built into the process very early, if there's boiler plate language that addresses that, I'm perfectly happy with that. I simply wanted to call attention to the fact that perhaps in contrast to something like registry/registrar separation that WHOIS is very much a public-facing policy.

It's very much a public interest policy. And as such, it is absolutely imperative that the public interest, as has been defined by ICANN's bodies that are charged to do that kind of thing, are very heavily brought into the process from the very beginning. Thanks.

Mikey O'Connor: Thanks, Evan.

Ray, go ahead.

Ray Fassett: Okay.

I think Evan says makes sense; however, just clarification that you know the statement that WHOIS is absolutely a public-facing policy, I'm not sure I understand that because I believe we're starting from a position that WHOIS is not a policy at all right now. So...

Evan Leibovitch: Sorry. WHOIS is a public-facing service.

Ray Fassett: Okay.

Evan Leibovitch: And so the provision of WHOIS I guess is the policy, but WHOIS itself is a public-facing service.

If you were to ask some reasonably Internet-savvy people on the street what is registry/registrar separation? And you asked them what is WHOIS? Which one was more likely to elicit a positive identification?

Ray Fassett: Okay.

Again, I don't want to get into a debate about it. I just wanted to point that out. Thank you, Evan.

Evan Leibovitch: Okay.

Mikey O'Connor: Thanks, Ray.

Evan, I guess my question to you, being this sort of anal-focused kind of guy, is do you see any changes that we need to make to the charter? Or, do you think that the - I mean, much of the stuff that you talk about is sort of embedded in the fabric of GNSO policymaking. And so I'm curious if...

Evan Leibovitch: Well, I have an answer for you. It might not be satisfying, but I have an answer. And, that is that I think there needs to be explicit language in here to

make sure that the policy - the public interest groups involved in ICANN are explicitly brought in. That is, the working group not should but must consider GAC statements on WHOIS. That it not just should but must consider At Large issues.

Will it need to agree with them totally? Not necessarily. But, I need - part of me wants to put in that there's got to be an obligation for this working group to look outside the GNSO constituencies themselves in how to frame this. And I'm asking to make that very explicit.

Mikey O'Connor: I think that's fine. I think what we then need is some language and where to insert it so that we can then debate it. And I think that where I would tend to look for that is Marika.

Oh, she - Marika and I are actually joined by a secret ESP subsystem. She raised her hand as I was saying that. Go ahead Marika.

Markia Konings: Yes, this is Marika. I think a place where that would fit is basically this second paragraph when we talk about that they have to take into account all the initiatives. I think there we might just add a sentence saying, "And the PDP working group is also required, or obligated, or has to," or however you want to word that to review you know, any information that is provided by other SO's, AC's on this topic. Something along those lines.

Maybe that fits well with that specific paragraph which talks about making sure that the PDP working group doesn't only look inside, but also stays aware of the other initiatives that are going on in this area that might help inform the deliberations.

Mikey O'Connor: What if you drafted a sentence for that section and sent it around to the list? And then maybe we can work it in in the next - oh, I'm sorry. I walked right over Steve Metalitz. Go ahead Steve.

Steve Metalitz: Oh, no. That's all right. This is Steve. I was just going to, you know, support what Evan said and also the idea that this could go, as Marika said, in that second paragraph. And I agree with you. I think a sentence or two would be sufficient. But I think these are important points to mention. Thank you.

Mikey O'Connor: Yes. I think we're all sort of headed in the same direction there.

If anybody thinks we're off the beam, this would be the right time to raise your concerns. But otherwise, I think a sentence - Evan, do you want to take the lead on there, or do you want to have Marika cut a draft for you and (unintelligible)...

((Crosstalk))

Evan Leibovitch: I'll tell you what. Marika, why don't I work offline with you? Maybe between the two of us we can bang something together.

Markia Konings: Yes. Sounds good.

Mikey O'Connor: Cool. All right.

Now the last little thing in your comment, Evan, mentioned is the tiered access mentioned in the last paragraph of the mission to find an RAA. If so, references would be given - should be given. If not, the issue is a matter of competitive implementation.

I think tiered access is baked into the RAA. I don't think it's just mentioned. I think that's kind of the core of the whole shebang.

Evan Leibovitch: If that's the case, then I would simply ask for the benefit of the non-savvy reader, such as myself, to be given pointers to that.

Mikey O'Connor: Cool.

Evan Leibovitch: So that was more a matter of information. If it's baked in, then to me it's a non-issue and I just need to rate the roving parts. If it's not baked in, then it's out of scope. But you've answered that question.

Mikey O'Connor: I think it's baked in, but Steve, you're better at this than me. Go ahead.

Steve Metalitz: Well, I was just going to say that I think this comes from the issue report. The issue of this phrase, and it - there are two footnotes in the issues report that talk about .tel and .name. it describes what they...

Mikey O'Connor: Oh, that's right.

Steve Metalitz: Yes. That's tiered access. So I think that's what that refers to.

Mikey O'Connor: Yes, it's a different thing. You're right Steve.

Steve Metalitz: So (unintelligible) and that's sufficient clear.

Mikey O'Connor: Yes. So we should go ahead and...

((Crosstalk))

Steve Metalitz: (Unintelligible). In the context of the issue report it says...

Mikey O'Connor: Yes.

Steve Metalitz: ...tiered access as is mentioned in these two footnotes.

Mikey O'Connor: No. I was thinking equal access, but that - you're right. This is a totally different thing and does come from the issues report. And so Marika, if we could just extract maybe a sentence or two and wrap that into that paragraph,

that would be good. Because, I was riding along on a totally wrong definition. So, that's a good catch Evan.

Okay. That's it for comments. I - oh, no. Wait. Wait. Wait. I'm sorry. I skipped Frederic's comment

Frederic, do you want to dive in and just walk us through your...

Frederic Guillemaut: Well, can you hear me? Yes?

Mikey O'Connor: Yes. I can hear you just fine.

Frederic Guillemaut: (Unintelligible). Thank you. Frederic speaking.

I just - at some point - I mean (unintelligible) and also tried to decide more and more in the (unintelligible) details what Thick WHOIS should be in the future. But to me, putting a charter together using Thick WHOIS, if you don't really define what's behind Thick WHOIS, it's getting (unintelligible).

But apparently, everybody wants to put more and more definition and details, so I'm fine with that. Or I - I don't know if I make myself clear, but I just wanted to say is Thick WHOIS like a (unintelligible) the same definition for all of us on the call for example.

Mikey O'Connor: I actually think that yours is a very good idea. We've been talking about this for a long time. Steve is pointing out in the chat that Section 4.1 in the issues report does that definition. But I wouldn't be at all adverse to a suggestion that we roll that definition up into the charter just to keep the material...

It's sort of the - very much along the same lines as Keith's suggestion, where we pull some of the material out of the issues report and then pull it into the charter just to make it easier for a person to understand and follow.

Frederic Guillemaut: Exactly.

Mikey O'Connor: So unless anybody has a huge objection to that, I take that as a friendly amendment to the charter as it stands.

Because you know, Thick and Thin WHOIS has been the topic for a long time, and it's - I think in this issues report for the first time actually defined.

Go ahead Marika.

Markia Konings: Yes, this is Marika. No objections, but just trying to clarify then where we put that? Should that be then as an introduction if we start with mission and scope, that it just first explains you know Thin versus Thick, and then you know it goes into the PDP working group and staff.

Or, should it be in the form of a footnote?

Mikey O'Connor: I like it in the mission and scope, you know? I mean, our mission is to do something. Here's the definition of what that something is. That seems like a good spot for it if it's not terribly long. I can't remember how long the definition was.

Markia Konings: It's the whole description - the whole description is quite long, but I think we, you know, an just abstract from there just in a very short way, you know, what Thin means. Because I think I have used it as some background papers. Like just two sentences on describing it. But, the issue report goes into further detail.

But in any case, I mean it is one of the recommended materials that the working group will have to review before it starts its work. So hopefully they'll read it in greater detail then.

Mikey O'Connor: Yes.

I'm thinking not so much the working group as the other people who will use this charter who will probably not read that stuff. You know, folks on the Council and stuff like that. And, I think it's good to have a couple of sentences in there and then a reference to the issue reports for a more complete definition.

And I think right up in the mission. I think that's the right spot for it.

Ray, go ahead.

Ray Fassett: Yes, thanks Mikey. Just a clarification. So are we looking to pull in the definitions as they are contained in the issues report? There were - I think there were examples to support those definitions. Are we looking to pull the examples in as well, or just the definitions?

Mikey O'Connor: I was thinking something - I'm thinking more in terms of sentences like, you know, I'm thinking if there's a way to summarize that in a sentence or two.

Ray Fassett: Okay.

Mikey O'Connor: And then a reference to it for people who want a more complete version.

Ray Fassett: Okay.

And...

Mikey O'Connor: I wasn't thinking so much the actual content as the size of the statement, because I don't want to overwhelm the mission and scope with a great big huge narrative, but rather just sort of give people a toe-hold that says, "Oh, yes. Thick WHOIS. Ah, yes. I remember now what that is," or, "No. I don't really know what that is. I'd better go read that."

Ray Fassett: Right. I think it's a good suggestion myself. And is the idea to pull in the definition of both a Thick and a Thin?

Mikey O'Connor: Yes.

Ray Fassett: Then my last question would be does that get where Frederic wants to be? I think he was getting to the point of, you know, what are the actual fields or something like that. So just wanted to toss that out.

But, I do agree with the idea. Yes.

Mikey O'Connor: Yes. That's a good question, and we'll circle back to Frederic and put Frederic on the spot.

Does this notion that we've sort of been homing in on that we put a sentence or two in with a reference to the issue report meet the need that you were expressing Frederic?

Frederic Guillemaut: Well, yes it meets it. I always think it's always useful to remind people what we want to achieve. At some point, I guess I realize that in the following comments, then the working group would have to set the levels that we have to understand that. We have to reach (unintelligible).

And so I think just the definition and not try to decide what's the (unintelligible) output of the working group?

Mikey O'Connor: Yes. Okay. I think we're on the right track. And Frederic, I think just like I left Evan with an action item, I'll leave you with an action item to take a look at - a careful look at the language that Marika inserts to make sure that it really works well for you. And then, we'll carry on from there.

Ray, is that an old hand or a new one? I saw some people (unintelligible)...

Ray Fassett: That's a new one. That's a new one.

Mikey O'Connor: That's a new one. Go for it.

Ray Fassett: I'm back again. Yes.

Mikey O'Connor: Back again.

Ray Fassett: My question is - I've not reviewed the definitions that were actually provided in the issues report in awhile. Once they are incorporated in, is it open for a discussion on the drafting team, of those definitions or not? They might be appropriate. I don't know. I'm just pointing out that I've not reviewed them in awhile. I'm not sure how many others on the drafting team have.

Are they in concrete or are they open - can they be discussed is my question. Just more of a procedural question really.

Mikey O'Connor: That's a good question. Marika, where did you get those from? That probably determines how in concrete they are. Do you remember?

Markia Konings: This is Marika. I need to think deeply, but I think they come from some new gTLD papers that described I think the Thick versus Thin as part of, you know, their recommendation to I think (unintelligible). I think that's where it came from, but I'm not 100% sure.

And so I think - you know, I should be able to trace where it's probably from. You know, I think Google. I Google lookup for me, they'll tell me where it originally came from. But I'm sure input was as well provided by some of our technical staff members that reviewed the paper and provided input specifically on that section.

Mikey O'Connor: Yes. I think that's probably going to give us the answer to Ray's question, because if they came out of the new gTLD stuff, that I think gives us room to

discuss that in the PDP because that's for new gTLDs. So I think the sequence of events on that one is let's go find out where those came from and then circle back to Ray's question before trying to answer that.

Because at this point, my consultant's answer would be it depends on where it came from. So, I'll leave Marika with that action item, and then Ray, maybe you can be the watch guard to keep an eye on that issue because it's a really interesting question.

We talked about it a lot in the IRTP series, the ongoing series of working groups about inter-registrar transfer, but we didn't make policy around it. We just talked about it.

Steve, go ahead.

Steve Metalitz: Yes, this is Steve Metalitz. I guess I was just - I mean, Ray phrased his - or presented his question as a procedural question. I guess I'd ask the substantive question of whether he thinks there is a problem or a defect in the definition of Thick WHOIS versus Thin WHOIS that's in the issues report.

Mikey O'Connor: Ray, do you want to take a crack at that?

Ray Fassett: Well, I wish I was that smart. That's my answer. So right now - again, I've not reviewed them in awhile. I can review them and that can kind of do the - you know, the substantive review if you'd like. I could do that, but I - really, I'm just thinking ahead.

In terms of a procedural question, we're talking about putting it into the document. And I'm not recalling where the sources of those definitions came from. I wasn't sure if others did, so I raised the question.

I don't, Steve, have an issue with the substance of them. Again, I've not looked at them. The question just popped into my head as we were talking about it.

Mikey O'Connor: Steve, any further thoughts on that?

I'm thinking that this is a little bit of a soft spot in our charter that could use a little firming up, so I'm inclined to let Marika go back and find the source and then we could circle back to that question next week and maybe put it to bed. But any thoughts from you, Steve, on that?

Steve Metalitz: No. No. I - I mean, I didn't know whether Ray's - what the genesis of Ray's question was.

Mikey O'Connor: Yes.

Steve Metalitz: So obviously if there's not a problem with the definition after he's reviewed it, then we don't have to - if no one thinks there's a problem then we don't have to go through the exercise of determining its genealogy and everything else.

But you know, he's not in a position to answer that, so I can...

Mikey O'Connor: Yes.

Steve Metalitz: I'm fine.

Mikey O'Connor: I think it's a pretty easy one to track down, and I think it's useful to do that.

Avri, go ahead.

Avri Doria: Yes. Thanks. This is Avri. I actually wanted to speak in favor of having a definition. You know, we may have a working definition in the report and in

the charter, but I think it's good for the outcome of the working group to produce a definitive definition.

If we all understand it and it's easy, then it's a trivial milestone to meet. But if there are any questions, then obviously it's something that takes time, you know, and therefore even more should be done. So to make sure that there's no ambiguity about what is being talked about, I think it's good that the definitions be included. Both a working definition perhaps in the charter taken from the report, and then the working group could be definitive about it. Thanks.

Mikey O'Connor: Yes. And I think the one caveat I would add to that is I'm fine with that unless somebody else has actually already done it, at which point I wouldn't want us to redo that work. But I think that's where the genealogy is.

Avri Doria: But then we could just cut and paste.

Mikey O'Connor: Yes. (Unintelligible).

Avri Doria: I mean if it exists and everybody agrees, "Yes. That's the one," then it's a trivial activity.

Mikey O'Connor: Yes.

Avri Doria: But it's not this group that's going through the work of determining whether it exists and it's good enough.

Mikey O'Connor: Yes.

Okay, so we're getting pretty close to the top of the hour and we have a hard stop at the top. We've got a pretty good thread going in the chat that I'm not going to replay for you.

I feel like - so let me spend 30 seconds describing the plan going forward. My thought is that in the next week people should take a good, hard look at Marika's charter and think about other things to add. We'll run down the actions that fell out of this call. We'll start the debate about content of rest of the Section 2 stuff and see if we can get through all that next time. Maybe we can.

And so, we'll continue meeting this time every week for the next several anyway, and I think that's the story.

It's a minute until the top of the hour. Hopefully, that gives people who have a hard stop time to get onto the next call. And, I thank you all. I think we made a heck of a lot of progress today. We'll see you in a week. That's it for me.

Avri Doria: Bye.

Woman: Bye.

Man: Thanks.

Coordinator: Thank you. This does conclude today's conference call. You may disconnect at this time.

END