

Thick WHOIS PDP DT Meeting

TRANSCRIPTION

Thursday 04 October 2012 at 1800 UTC

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Attendees

Elisa Cooper - CBUC

Keith Drazek - RySG

Alan Greenberg - At-Large

Carolyn Hoover - RySG

Susan Kawaguchi - CBUC

Mikey O'Connor - ISPCP

Jonathan Tenenbaum - RrSG

Ray Fassett - RySG

Ekaterina Dureva - Individual

Susan Prosser

Steve Metalitz

Jonathan Zuck

Jeff Neuman

Frederic Guillemaut

Volker Greiman

ICANN Staff

Marika Konings

Barbara Roseman

Gisella Gruber

Apology:

None noted

Gisella Gruber-White: Lovely. Good morning, good afternoon, good evening to everyone on today's Thick Whois PDP Drafting Team on Thursday the 4th of October.

We have Elisa Cooper, Keith Drasek, Alan Greenberg, Carolyn Hoover, Susan Kawaguchi, Mikey O'Connor, Ray Fassett, (Katarina Dureyva), Susan Prosser, Steve Metalitz, Jonathan Zuck, Jeff Neuman, Frederick Guillemaut.

From staff we have Marika Konings, Barbara Roseman and myself, Gisella Gruber. I hope I haven't left anyone off the attendance.

If I could also please remind everyone to state their names when speaking for transcript purposes, thank you, over to you Mikey.

Mikey O'Connor: Thanks Gisella. And welcome all. I still have my fingers crossed that this may be the last call. But Keith, I don't know. I kicked all the kittens out of the basket. But we'll see how we do.

Before we dive into the draft, Marika's done a draft that incorporates Keith's changes and some more. I can't remember who came in with. So we'll work through that. Alan's got some comments that we need to work through as does Avri.

But I want to check with you and see if there's anything in this pile of changes that's just come in that any of you think is particularly substantive. Because those are the changes we ought to work on first.

I'm still aiming us at wrapping up today so that we can hit the deadline for the council call. But, you know, if we don't make it it's just one more council meeting.

So, you know, I'm not going to push super hard. And if we don't make it, you know, we'll surely make the next council. So there you go. There's the level setting.

So first off, if anybody's got something that's come in on the list that they think is really substantive, this is the time to highlight it. Alan go ahead.

Alan Greenberg: Yes no this is in relation to the previous one. I would say there's nothing to present - prevent us with sending the draft as it stands at the end of the day to council.

It's close to what it's going to be. There are some, you know, wording changes that certainly may need to be done after today, maybe not, probably very little substantive.

So by sending it to council and perhaps council scheduling any discussion on it even though it's not finalized, may prevent at the next meeting it be deferred by a month. So it may be worth thinking about perhaps talking...

((Crosstalk))

Mikey O'Connor: Well it's - yes. And let's sort of take our temperature at the very end of the call and see if we're sort of at that place. And if we are great, then we'll push it on ahead.

Alan Greenberg: Yes just putting it on the table.

Mikey O'Connor: Yes that would be lovely. Okay so I don't hear anybody leaping forward with something super duper. So I'm going to push us along fairly fast. And if I go too fast, just slow me down. Keith go ahead.

Keith Drasek: Yes Mikey, I was just going to offer to sort of start walking through the comments that I submitted earlier today, if that would be helpful.

Mikey O'Connor: You know, I'm going to do that because I may do it more quickly than you since I...

Keith Drasek: Not a problem.

Mikey O'Connor: Don't have the level of ownership. But if I get off the beam, by all means, whack me. In fact go ahead and just jump in if I start.

Keith Drasek: No problem Mikey, thanks. I'll just say with the first comment, Comment Number 1 that relates to the full set of domain registration contact data. That's a comment that may be more appropriate for review or consideration by the working group and not necessarily incorporated into the charter.

But it was something that jumped out at me as I was looking at it. So, you know, if we need to set that one aside for the working group as opposed to having in the charter, I'm okay with that.

But, you know, certainly willing to just sort of walk through it all, so back to you.

Mikey O'Connor: Thank you sir. And I'm glad that you teed it up that way because that was sort of my reaction as well. I was going to - I was just taking a breath to sort of launch into the soliloquy about how we got to be careful not to do the work of the working group in the charter drafting.

And so if it's okay with you, I'd be inclined to agree and take that comment out. You know, it certainly is going to be a good topic for the working group. But I think we've got the legs in the charter to handle that discussion and don't need to change the charter to provide the container for it. Jeff go ahead.

Jeff Neuman: I was just going to say I agree. So should we just move on to the next one?

Mikey O'Connor: Yes, actually...

((Crosstalk))

Alan Greenberg: It's Alan. I'd like to know what - exactly what words are we removing? You can't just remove the highlight ones. It doesn't parse anymore.

((Crosstalk))

Mikey O'Connor: That first one Alan was just a comment.

Alan Greenberg: Okay.

Mikey O'Connor: So I'll show you what I took away. There's the comment. And he's highlighted the words full set of domain registration contact data. And so I've removed the comment. But the words in the charter have not changed.

Alan Greenberg: Okay.

Mikey O'Connor: That's what we're up to here. And, you know, Keith how do you feel about this now, Comment Number 1? Is this same kind of thing, a comment for the working group to consider? You've got some wording changes that are coming. So what about the comment itself?

Keith Drasek: Yes so I think, I mean we can certainly remove the comment. What I did was I made the comment and then made the wording changes to reflect the comment.

So I think basically what I've got here is just a slight rewording that clarifies what we're talking about. You know, more cost effective than a thin model. And in protecting users of Whois data as opposed to consumers.

I think that's fairly straightforward. The question was, you know, are we talking about users of Whois data? Or are we talking about the consumers as the registrants?

And I think that - I think the wording that I proposed I think clarifies the whole thing. I don't know if anybody else has a concern.

Mikey O'Connor: I agree. Jeff go ahead.

Jeff Neuman: I think Alan was before me.

Mikey O'Connor: Oh I'm sorry. My eyes played a trick on me. Go ahead Alan.

Alan Greenberg: Okay I have no problem with the suggestion Keith is suggesting. But I made a comment saying the title doesn't match the sentence. The sentence is talking about cost effective. Although someone pointed out we're not - that may need to be defined. But regardless, that's not accessibility.

Mikey O'Connor: I see what you're saying. So what's a better word?

Alan Greenberg: I'm happy with changing cost effective to effective and cost effective.

Keith Drasek: I think that works for me. I think that's great. This is Keith, sorry.

Alan Greenberg: No, no, leading the title accessibility, but changing where it says cost effective to effective and cost effective.

Mikey O'Connor: Oh here.

Alan Greenberg: So I'm leaving the cost implication in, whatever that, I'm not quite sure what it means or how we measure it. But I'm leaving it in. And adding effective which says does it work.

Mikey O'Connor: So did I put it in the right spot? I think I did.

Alan Greenberg: You did indeed, for me anyway.

Mikey O'Connor: Cool, all right, Jeffrey.

Jeff Neuman: Yes I (unintelligible) the thought is it would be an okay substitute how the users (unintelligible) the consumers. Then I went back and I kind of thought about it a little bit.

And I think there is a subtle distinction between consumers and users of Whois data. I think when you look at some of the arguments as to why we need a reliable Whois. You're not necessarily talking about you need reliable for those people that look up Whois data.

You're really talking about as a measure to protect consumers in the market place. So, you know, if there's something wrong with a product and you want to contact the owner (on the list) right. I'm not saying this is my argument to whatever.

But I'm just saying, you know, the argument that was raised is you want to be able to look up the Whois information and have all that in one source so you could, you know, do something about it. Whatever the (key to) be.

So you're not protecting the user of the Whois data. You're actually protecting consumers in general. So I do think it should stay the way it was. I think that's the way it was in the issue report.

And I'm just worried that the, you know, you're narrowing the focus on the readers of Whois information as opposed to consumers in general.

Mikey O'Connor: That's a pretty interesting distinction. Let me throw that one back to Keith. What do you think about that?

Keith Drasek: Yes Mikey this is Keith. I think that's certainly a reasonable approach. And if that's the definition of consumer that we're going to be using, then we just need to make that clear.

So I'm fine with that. I - it makes complete sense. But I just want to make sure that we're, you know, and maybe it ought to be consumers and users of the Whois data.

I'm not sure. But I'm fine with Jeff's proposal provided, you know, we make it explicit that we're talking about.

Mikey O'Connor: How about the and approach Jeff?

Jeff Neuman: Yes that's fine.

Mikey O'Connor: I kind of like having users of Whois data together because that's the user thing. And then leaving consumers kind of apart. So let's do that.

I don't see any shrieks of protest. Oh, a check mark, I love those. Okay so I'm going to take the comment out. Oh I'll leave it in, what the hell. None of this is going to show up in the final draft anyway.

All right then Carolyn's next with the cross-boarder stuff. And again, we'll put Carolyn on deck to defend. Anybody got a problem with this? Otherwise we'll take it as a friendly amendment. It seemed reasonable to me. It's certainly an issue that people are going to want to talk about in the working group.

Steve Metalitz: This is Steve Metalitz. You know, I'm okay with it in there. My only point is that this suggested this is a new issue, which it's not. It's an issue in thin it was too so.

Mikey O'Connor: Yes I think that's right Steve. Mostly what we're trying to do is get a container that permits, you know, the right discussion. And I think that this is fine for that. Okay.

Alan Greenberg: Yes Mikey, a small comment.

Mikey O'Connor: Go ahead Alan. Yes go ahead.

Alan Greenberg: Yes, without trying to do the work of the working group, I'll just make a comment that a lot of these issues, if they are going to be a problem with transitioning from thin to thick Whois for those registries that use thin.

There are also going to be problems that will explode in glorious color with the new gTLDs. So presumably they're going to be easy to address. Or ICANN has a really major problem coming up ahead.

So I have no problem with adding these kind of things in. I don't think they're going to complicate the job of the working group significantly by putting them there, at least I hope not. Thank you.

Mikey O'Connor: Yes I think that's right. Although, you know, this is a little bit different because, you know, presumably a new - I'm not going there. I'm not going to do the working group...

Alan Greenberg: Yes, no, no. I was hypothesizing. And we don't really need to analyze my hypothesis.

Mikey O'Connor: We don't need to do that.

Alan Greenberg: But I'm not - I'm - for my hypothetical reason I'm not uncomfortable.

Mikey O'Connor: Okay, I got that. Okay. Let's see, now on to, this is the end users one. This is an addition by Keith. Probably takes us back to the consumers and users question. Raised the same issue Jeff. Why don't you take a look at this.

Jeff Neuman: Yes (unintelligible), I'm just not sure what it - Keith what did you have in mind as far as cost for users?

Keith Drasek: So I think, I mean obviously we are looking, this is Keith. We're looking at the cost to registries, registrars and registrants. But there are obviously users of Whois data today and users of services today that rely on the current model for, you know, for the thin registries.

So there are third party services out there that are functioning quite well and properly and appropriately. And I think that any time you make a significant change you need to make sure that you're considering the impact and certainly the cost impact on users. So that was the thinking behind that.

Jeff Neuman: And that makes sense to me. Should we just say and other third parties or instead of end users?

Keith Drasek: Yes that would be fine with me. Or you...

Steve Metalitz: Oh go ahead.

Keith Drasek: Or you could, this is Keith again, sorry. Or you could say just and other parties. But that does I guess broaden it quite a bit. Go ahead Steve. Sorry.

Steve Metalitz: Well no, actually my question was about something a little later in the sentence. So I'll defer.

Mikey O'Connor: I kind of like other parties. Again I'm looking for a container, not an answer.

Keith Drasek: Yes I'm fine with that.

Mikey O'Connor: Okay, anything else on that one before we move on to Steve's point? Okay Steve go ahead.

Steve Metalitz: Yes I was just going to ask, and I know this must have been brought in on a call I missed. But reference to over 110 million domain registrations, Keith are you okay with that given that to the - anybody with a modicum of information, you might as well just say .com.

Mikey O'Connor: .com. Yes I'm not sure we need that actually.

Steve Metalitz: I mean I know you're concerned about not appearing to single out any particular...

Keith Drasek: Yes, let me just take a quick look through that.

Mikey O'Connor: Well while you're looking at that, I'm going to change the second other users to the third parties down below too.

Man: Mikey if you change over 110 million to lots of, to affect thin Whois registrant - domain registrants.

((Crosstalk))

Man: Hey guys, why can't you just end it over gTLD?

Mikey O'Connor: Yes that's what I - that's where I was headed actually.

Keith Drasek: Yes that's fine. This is Keith.

Mikey O'Connor: I mean lots of is kind of appealing to me for Minnesota too. But it's probably better not to do it that way. As a transition to thick Whois for all gTLDs, how does that make sense?

Man: You say in transition to thick Whois twice in that sentence now.

Mikey O'Connor: Yes. That sentence is starting to read a little weird.

((Crosstalk))

Ray Fassett: Mikey this is Ray. I had my hand up on this one Mikey.

Mikey O'Connor: Oh go Ray. I'm sorry. I'm busy looking at my screen.

Ray Fassett: That's okay. That's okay.

Mikey O'Connor: It's not because I don't like you.

Ray Fassett: That's why I butted in.

Mikey O'Connor: That's good. Good job.

Ray Fassett: I don't know. I kind of - I'm kind of taking the other side here. I kind of - if we're talking about transitioning, then we're talking about a - I think you can identify a volume of transitioning.

See it's kind of different than new. You start out new, there's no transitioning. But since this sentence is talking about transitioning, it seems relevant to me to show that the quantity affected is not immaterial.

Mikey O'Connor: Right.

Ray Fassett: So I'm not - I'm kind of taking the other side that it's not necessarily a good idea to take out the original language. So that was my comment.

Mikey O'Connor: Yes and I think that's, I'm meaning your way. I think, I mean one thing we could do is just say something like many existing.

Ray Fassett: Millions instead of how many.

Mikey O'Connor: Yes millions.

Jeff Neuman: You know what guys, I don't - I think that's what the working group looks at. I think he just hasn't said (unintelligible) put it in the chat. And then the working group will analyze the affects.

The working group will know the number expected. You don't need that in the charter. The charter is very simple. What are the cost implications of a transition to thick Whois for registries, registrars, registrants and other parties for all gTLDs period or question mark?

You don't need to say the number. The magnitude could be looked at and should be looked at by the working group.

Man: If the number is 1 the cost implications are negligible. Let's not worry about it.

Mikey O'Connor: Keith this is kind of in your backyard. I'm happy to paste that in there.

Keith Drasek: I agree with Jeff that it's probably not needed in the charter. That this is something that the working group can focus on. It will obviously be a big topic of discussion. But I don't think it's needed or necessary in the charter. This is Keith.

Mikey O'Connor: Okay. Sounds good. We're getting pretty good agreement there. But we've got a queue. Ray is that hand left over from before or is that new stuff that's left over? So is Jeff, okay. We're getting agreement in the chat. Last call. Sounds good.

I did the other party's thing again at the end of that paragraph just to tidy it up and make it parallel with the one up above. Okay so now we're on to the one that's newly labeled rights in data. And that was changed...

Alan Greenberg: Data synchronization. You skipped one.

Mikey O'Connor: Yes but there's - are there changes in there?

Alan Greenberg: I have a comment.

Mikey O'Connor: Oh you've got one. Didn't make it in. Sorry go ahead Alan.

Alan Greenberg: The title is data synchronization, but the text doesn't really talk about data synchronization. And perhaps changing the title to synchronization slash migration would fix it.

I mean in fact we talked last time about the fact that we probably do not - are not going to in the end, for most registries, registrars have two copies to keep synchronized.

Therefore the real issue is synchronization slash migration or synchronization during migration or something.

Mikey O'Connor: I'm okay with that. Both in migration phase as well as ongoing, yes. No howls of protest, okay, sorry I skipped over that. Thank you.

Alan Greenberg: That's okay. I like - sometimes I like being invisible.

Mikey O'Connor: I'm shocked. Okay rights in data that's from Carolyn. The implications of a thin regist - you want to clue us in on this one Carolyn?

Carolyn Hoover: Sure. This is Carolyn Hoover. Well I believe I'm trying to see the - I think the other - the title was before saying other implications of a thin registry possibly becoming authoritative. You know, it was rather long.

And so I was trying to come up with something that was a summary of, you know, what the discussion was, what that paragraph was about. And basically I've looked back at our contract.

And, you know, what is that called, you know, when we're deciding, you know, between our registrars and the sponsor or registry for .coop. And that section's called rights in data. So that was what I was suggesting.

Mikey O'Connor: Okay that, because rights in data was a phrase that didn't register with me at all because I'm not so familiar with the contracts. I think I'm going to...

Carolyn Hoover: I'm perfectly, I'm open to some other phrase. It was just I thought the previous one was rather long and not in the same, you know, format as the other section name.

Mikey O'Connor: Yes. I'm going to rely on you registry folks to keep us on the beam on this one because this is kind of inside baseball for me.

If this helps the - if we think this will help the working group understand what we're talking about, I'm fine with that. I'm all for clarifying these words so that the working group knows what's going on, Jeff and then Steve.

Jeff Neuman: I think rights is kind of a, I wouldn't necessarily use that term. It's more in the (unintelligible) intellectual property turn it to who owns the data. The first two and which is authoritative.

And I don't think anyone, whether it's registries or registrars technically quote, "own" the data. It's owned by the entity that's providing it. It's funny, we're arguing over a title in this section.

I think the rest of the section is worded okay. And to be absolutely - I guess every other section has a title. Or maybe I'll leave that to Steve.

Mikey O'Connor: Go ahead Steve.

Steve Metalitz: Yes, see I had the similar concern. And I would suggest we could change the title of this paragraph to authoritativeness, which is really I think what it's about.

Carolyn Hoover: Yes I was - this is Carolyn. I don't disagree with. I just wasn't sure whether that was, you know, the right word or not. But, you know, again just trying to synthesize that.

Alan Greenberg: I'm not sure it's a word, but I like it.

Mikey O'Connor: Yes well it's - that's sort of my reaction. But I'm willing to go with it. Avri go ahead.

Avri Doria: Yes I actually think I like, oh God, so it's gone. I actually like rights being there. And I like the notion of who's authoritative and who owns the damn data. And so rights concerning the data seems an important thing not to take out. Thank you.

Mikey O'Connor: The reason I like it is because this is one of those - this is a paragraph that we labored over. And where we wound up in the compromise - we labored over the first half. And this has ultimately raised new language.

But, you know, Tim Ruiz and I carried on for quite a while on the list. And then Ray came in and dropped this language on us. And we both went yes Ray. So that's the first half of the battle.

And then last - I think it was last week or the week before, we really labored over what authoritative means. And we actually widened that definition because I was laboring along with a technical definition, you know, authoritative in the database manager sense.

And others were thinking of it more in a policy sense. Who has authority over the data? And by using rights we narrow out quite a bit of that nuance.

Avri Doria: But by leaving out rights, what you do is you leave out the privacy and all rights of the person about who the data is. So perhaps we need an extra bullet here to make sure that we include the rights of the people whose data is being authoritatively spoken about here?

Mikey O'Connor: I thought we had that somewhere else.

Avri Doria: Maybe we have. But I don't see it at the moment. We talk about privacy protection. But when you're talking about the rights of the data to imply that it's either the registrars or registry who have the rights to the data is just insane.

Mikey O'Connor: How about adding it down in that broadening piece.

Jeff Neuman: Mikey this is Jeff.

Mikey O'Connor: Yes go ahead Jeff.

Jeff Neuman: I actually completely, so the first let me say I agree with Avri that privacy should actually be looked at as part of this PDP. But I completely disagree that we should be talking about rights in data as part of this PDP.

I don't want to take every other Whois to date and bring it into this, which we're merely talking should something be thin or thick. I think the rights in data is an umbrella issue over all of Whois.

And if we instill that into this thin versus thick, we will never get anything accomplished. So as long as registries are required to, or registrars are required to collect certain information, the only question this PDP should look at is should that information be passed to the registries?

Should the registries display it? Should it be thin versus thick? And privacy is an element of that. But it's not anything about who's got rights in the data, whether it's a registry or a registrar.

Again, those are important issues. But I think that is completely outside the scope of this PDP. And it's more appropriate in an overall PDP on your list.

Mikey O'Connor: Thanks Jeff, Alan I think you're next.

Alan Greenberg: Yes I very well support what Jeff just said. Again rights to data are important. But it doesn't change from thick to thin.

Avri Doria: Wrong.

Mikey O'Connor: I think we're into the nub of it. Let Alan finish and then we'll circle back to Avri.

Alan Greenberg: Yes it may change if the terms of the agreement with the registrants, you know, explicitly say we will not pass your data on to anyone. And now under thick they're going to have to - they would have to.

But conceptually it's going to be stored in one of the contracted parties or the other. And neither are saying we are taking ownership of your name or your address or any of the other information.

But I think Jeff is right. We're going to make this the generic Whois debate. And we'll never get out.

Mikey O'Connor: Back to you Avri.

Avri Doria: Okay thank you. This is Avri again. I think that one of the things that we are ignoring is that when you're with a registrar, you're putting your data in a particular country, in a particular place.

When it's moving to a registry, it's going to another one. When it's in a registrar, it's not that it's less visible. But it is less visible because you have to go through various steps to get it.

You put it in a top-level registry, you made it more visible. So there are essential differences in the whole discussion. And to say this brings in the whole Whois discussion is perhaps true.

But that's the central core of part of what needs to be talked about when you require everybody to go Whois. It changes the whole nature of the privacy relationship.

It changes the whole nature of who has control over their data in what jurisdiction. So I think that the whole notion of control and authoritative control over the data is a specific topic that has to do with the transition from thin to thick.

Mikey O'Connor: I'm going to keep going with the queue. But I am going to insert the Mikey (Litmis) test. Which is the quality of the container for the discussion of the working group.

I'm being persuaded that this privacy issue is a topic that's very interesting. And I am inclined, at least at this stage in the game, I certainly don't want to resolve it on this call.

But I'm inclined to leave it in. I don't think it's as bad as you guys think. I think that actually this group is in a different time and a different place than the last

time some of these discussions took place. And I think it's a reasonable thing to leave in the charter.

I'm going to - if it's okay with Jeff and Alan, I'm going to jump up to Barbara first and then circle back to you guys because she hasn't spoken. Barbara go ahead.

Barbara Roseman: Thanks. I'm - I guess I'm sort of caught where you are in that I think this is sort of the - an elemental question that has to be asked during the consideration of these questions.

I'm wondering if there's a way to put it in here that doesn't make it a central question for finalizing the charter. In that, you know, like recognizing that this is something that has a role in the discussion of transitioning to, you know, a different database but not necessarily...

Mikey O'Connor: You know, let us take...

Barbara Roseman: Yes I'm sorry. Just let everybody else kind of...

((Crosstalk))

Jeff Neuman: Mikey can I respond to that?

Mikey O'Connor: Yes.

Jeff Neuman: Can you scroll down, just scroll down to the document?

Mikey O'Connor: Yes.

Jeff Neuman: Because there is a section that already deals with privacy.

Barbara Roseman: That's what I thought.

Jeff Neuman: And my main point is that privacy is not rights in data. From an intellectual property standpoint, the term rights in data and ownership have very different meanings than privacy.

I totally agree that privacy should be a topic. The only part I objected to that we infuse the terms right in data into this because I don't believe that's a privacy issue. And I don't believe that is an issue that is a thick Whois issue.

I think that is a completely different issue that would just derail the whole conversation. So I believe privacy is covered somewhere. I thought I saw that.

If it's not we need to make sure privacy is covered. I know you're scrolling through it. I could have sworn I read privacy somewhere.

((Crosstalk))

Marika Konings: Yes this is Marika. It's actually up in the document, not down. It's a few I think bullets up. It's just between the accessibility and cost implications there's a section on impact on privacy and data protection.

Mikey O'Connor: Oh there we go.

Jeff Neuman: So I think that's important. I think - I really, I could not more strongly object to the term rights in data because that is not a thick versus thin issue. That is a Whois issue. And it's actually a contractual issue between the registrar and the registrant.

And then that chain follows its way up through the registry. But ownership of data I don't believe is something that - I think that would derail the entire conversation.

Mikey O'Connor: Let's see, where - oh Alan and then Avri. Thanks Jeff, sorry, Alan.

Alan Greenberg: Yes I basically agree. I put it - and I noted in the chat that if we're worried about where the data resides and data being moved out of country, there's already a host of services that data mine everything, including historical data.

And store it outside the country. And then distribute it. And, you know, that's presumably that is wholly within the rightful use of the data as it stands today, even if it's a thin registry.

So I think this is a red herring in our particular discussion. The data is already out there. It's going to continue to be out there. It's in multiple countries. It's stored all over the place.

Mikey O'Connor: Avri I think this is your last try. And then I'm going to tend to agree that we do have another chunk in here about privacy that maybe could be the container for that discussion. So take it away.

Avri Doria: Okay this goes beyond privacy. And I'll deal with the slander of being called a red herring. And trying to derail the process. Those are wonderfully loaded terms. Thank you very much.

But the point is the ownership of one's own data goes beyond any trade (Mac) issue. It's a specific human rights issue that needs to be considered in this. And it does change when you go from thick to thin. When you move from one jurisdiction to another.

And that's something that needs to be considered. To say that it's covered by privacy when it is not. Or that it is a red herring or that it's meant to derail the process somehow is just wrong.

It is a separate issue. And the fact that it's being excluded is problematic.
Thank you.

Mikey O'Connor: Yes and I tend to agree with the - let's try and not use the loaded words. But Avri, take a look at the paragraph just above cost implications where we do have a pretty - actually a more targeted container for that conversation.

And I think that the - to put words in Jeff's mouth, although he will have a chance to say them himself in a minute. I think that the argument that Jeff is making is a technical contracting argument.

That rights in data is a specific term that might be better addressed by that paragraph that starts off impact on privacy.

Avri Doria: Okay. I'm just objecting to the usurpation of the fact that rights only apply to the trademark law. Rights is much broader than that. And people have rights involved in their data beyond privacy.

Mikey O'Connor: Does that paragraph do that?

Avri Doria: No.

Mikey O'Connor: Or is it - it seems like that paragraph is broader than just trademark law. But I'm not by any means an expert. It says affect privacy and data protection, taking into account involvement of different jurisdictions with different laws and legislation.

I'm sorry. I rolled right over Jeff. It's your turn Jeff, go ahead.

Jeff Neuman: Yes thanks. So again, when a registrar collects the information for a registrant, the registry or a thick registry like this takes that information from the registrar.

We don't say we own the data. We don't say anything about that. That is not part of the thick versus thin discussion. I think it's too loaded when you talk about rights in data.

But I completely understand the privacy issue. And I do believe that privacy, impact on privacy and data protection already covered. I think here when we talk about rights in data, that does have a definitive legal meaning.

And I think that's not what we intended to mean. And that's what I mean by it will be a red herring. Not because I don't believe people have rights in data. Not because I don't believe that an individual should control whether they want their data displayed.

I do believe all of that. But that's not the meaning that rights - that's not the only meaning in rights of data. And I'm concerned that we're going to get into a legal discussion of other types of rights that are not privacy related.

And that's what I mean it will derail it. It's not to say Avri your issues aren't important. But I think they're covered.

Mikey O'Connor: I'm going to take this rights in data thing out because I am persuaded that we do have a pretty good paragraph up here that actually addresses it more head on.

And Avri, if that makes you crazy, let me know in the list. Or not on the list, but in the chat. But I am going to try to push us through this particular one. I don't want to leave it dangling. But I am persuaded by that sort of technical contract item that Jeff's making.

Okay now we've got that paragraph done. I think the next one that sees changes is the last one on this page, this one here. Existing Whois applications.

If existing Whois applications are upgraded and/or changed, how would that impact users of those applications if thick Whois is required? Keith I think this is yours.

Keith Drasek: It is.

Mikey O'Connor: Do you want to - I'm not clear what you're trying to accomplish with that.

Keith Drasek: That's no problem. I'll address it. This is Keith. So the original language said - basically lead with the question do these applications need to be updated slash changed?

And in my reading it, that actually may be a little bit too broad for the purposes of this PDP. You know, should this working group be, you know, be required to make a determination about whether these existing Whois applications need to be updated or changed?

So the replacement language basically says if existing Whois applications are updated and changed, how would that impact users of those applications if thick Whois is required?

Mikey O'Connor: Got it.

Keith Drasek: So is that clear enough?

Mikey O'Connor: Yes. Now I think that I am slightly thick in the stupid sense here. And that is what's a Whois application? Can we put a such as in here?

Keith Drasek: I think Jeff's got his hand up. Maybe he would like to.

Mikey O'Connor: Maybe...

Keith Drasek: Jump in.

Mikey O'Connor: Go ahead Jeff.

Jeff Neuman: Yes actually there's some people on this call that operate such applications.

Mikey O'Connor: Yes well that's why I was thinking.

Jeff Neuman: We're not one of them. But I think - well I don't want to volunteer people. But there are certain companies that have domain-type tools. That's not us, because I know Susan's on the call. So there are third party applications.

My comment actually was that the changing language looks like it assumes that (interesting) applications have to be changed if common and (unintelligible) thick.

I'm not sure that's actually necessarily true. So we should as the first question as do existing applications have to be changed? And if so, how would that change impact users?

I'm okay with something like that. As long as we don't make the pre-supposition that applications would need to change. Although like I said, you know, Domain Tools is a company that's got a bunch of tools that rely on Whois. And I'm not sure they're going to want to speak up. So I don't want to put them on the spot. But they would know the answer to that better than I do.

Mikey O'Connor: I'm not going to do that. Jeff can you do your - write a sentence and paste into the chat trick again? I can't do that one on the fly. Jeff, let's see. Alan go ahead.

Alan Greenberg: I think my concern is going to be covered by what Jeff writes because as the sentence was phrased with the if at the beginning, it leaves open the implication or what are the implications of if the applications are not changed but should have been or whatever.

Mikey O'Connor: Yes.

Alan Greenberg: You know, so the supposition is wrong. While I still have the mic though, can you scroll back just a little bit to the previous section. And I think the word possibly is still there, fine okay.

I had a concern with that statement because it implied that after the transitions registries were authoritative over all of the data, the user data, where they're not. The registrars are still authoritative over that, authoritative in the second definition. But that possibly covers that. So I'm happy. Thank you.

Mikey O'Connor: Okay. Jeff was typing. I'm going to leave this one for now. And maybe circle back. Well maybe we're done. Maybe this is the last one. Oh no, we've got a couple - let's see Carolyn change the 2004 transition from - oh .org from thick to thin. That seems like a friendly amendment.

The work being done to create models in support for an adequate Whois model and the availability to cover IDNs. I think that's Avri's right?

Marika Konings: Yes this is Marika. I just added that in copied and pasting from what Avri put in our email. She might want to reword it. But this was what was in the email.

Mikey O'Connor: Avri is that capturing the notion that you put forward in the email well enough?

Avri Doria: I was muted. Yes that works quite fine. Thanks.

Mikey O'Connor: Oh good deal. Jeff's got a sentence in there. Here let me steal that. And Alan is reminding me that indeed, there's a big conference call coming up in a few minutes. So we'll see how we do. Here goes the paste, not quite right there.

What, if anything, are the potential impacts on the providers of the third party Whois related applications if thick Whois is required for all gTLDs. Oh that's nice. Keith you were the fellow that was working on this one.

Keith Drasek: Yes. This is Keith and I'm fine with that.

Mikey O'Connor: Okay. Steve are you on this one or shall I wait and come to you as soon as we finish this one?

Steve Metalitz: I'm not on - I'm on the last one what Avri was.

Mikey O'Connor: Okay I think we've got this one done. So we'll circle back to this one right Steve. So take it away.

Steve Metalitz: Yes I just wasn't - I just wanted to ask Avri to explain what she - what - is this just - is this about the successor to the Whois protocol and internationalization? Or is it about something else?

Mikey O'Connor: Avri do you want to take a - and maybe we need to stick some words in this sentence. If Steve was puzzled, then other may well be as well and maybe.

Avri Doria: Sorry this is Avri again. I was muted again and we have long message mute and un-mute. Yes Steve, it's exactly about those. It's about that work that's being done concurrently.

And since we were listing the other efforts that we were paying attention to, I figured that was something that we should specifically pay attention to as opposed to just including it in the, you know, and any other information, advice provided by supporting organizations, etcetera.

Mikey O'Connor: Do we have a name for the gang that's doing that work? Internationalization I think is.

Steve Metalitz: Yes. This is Steve. And I think if we refer to two things, internationalization and a successor to the Whois protocol that captures those streams. I don't think we have to refer to a particular organization. But I think those are the two topics that Avri was referring to there.

Avri Doria: Yes those are specifically it, yes.

Steve Metalitz: Okay.

Jeff Neuman: Yes so this is Jeff. There's work that the (unintelligible) forgot what it stands for, but it's actually called a weirds, W-E-I-R-D-S. They're working on the successor protocol.

And then ICANN is also working on a roadmap for implementing (S SAC 51), which includes the work of weirds.

Avri Doria: And another part is that the ICANN folks are working with the weird folks to design - to define the appropriate data model for the new protocol. So it's very intermingled.

Mikey O'Connor: I'm going to take these to lower case so that we've just thrown a basket around them rather than actually naming them because it's clear that there's a boatload in there. If I do it the way I just did, how does that work for folks?

Steve Metalitz: This is Steve. I think you could then end it at - after protocol.

Avri Doria: No, well it's both protocols and data model. And I think we actually care as much about data models as we care about protocol.

Steve Metalitz: Okay I'm comfortable with that.

Mikey O'Connor: What about that? Going once, going twice, oh Alan, I'm sorry.

Alan Greenberg: Yes I can live with what we have here. I'm not sure it is relevant. But we can't pretend that this working group can ignore what's going on around the world related to Whois.

I suspect these other groups will be - would be impacted more by what this working group does than vice versa. But so be it.

Mikey O'Connor: Okay. So the - I think the queue is clear. Oh Jeff is in. Go ahead Jeff.

Jeff Neuman: Yes I was just going to say Alan I think you're right. I don't think the work is real impact. The work of weirds won't impact whether (comment that list of thick).

I think they're considering different models. They're considering thin and thick. They're not - their policy is not thick, let's put it that way. So they're working off protocols. It doesn't matter whether it's a thin versus thick. But it's still something, like you said, it shouldn't be working in a (vacuum).

Mikey O'Connor: Okay I think we're down to the last one...

Alan Greenberg: You got one more quick comment Mikey. I agree. We cannot ignore it since we can't work in a vacuum. I'm a little concerned that putting it in will raise the question in the workgroup that since there's new models coming, let's not do anything now. We'll just wait for them.

I guess I'm going to have to trust the working group to not go that - down that path but.

Mikey O'Connor: Yes. We've got one left to go. And that's Carolyn. Did you really intend to delete that whole section Carolyn?

Alan Greenberg: She moved it.

Mikey O'Connor: Oh.

Carolyn Hoover: Yes this is Carolyn. Alan's absolutely correct. I simply moved it to consolidate it with the other, you know, sections that were more relevant.

Mikey O'Connor: Oh okay.

Carolyn Hoover: And, you know, basically putting the two pieces together.

Alan Greenberg: Mikey I did have a comment on one of those however.

Mikey O'Connor: Okay. Let me - hang on a minute.

Alan Greenberg: Can find out wherever it talks about transition timeline requirements.

Mikey O'Connor: Timeline.

Alan Greenberg: It was the last paragraph of mission and scope. It's somewhere else now.

Mikey O'Connor: Okay.

Carolyn Hoover: This is Carolyn. Again, it was moved to the end of the original section paragraph by paragraph.

Mikey O'Connor: Oh this is - okay, it's right there near the bottom of your screen. How to conduct such a transition, timeline requirements, etcetera.

I believe it's the mandate of a working group to make sure that what they're recommending is implementable. I do not believe it's their responsibility to plan the transition and give the timeline and stuff. That's implementation.

Did the PDP reach consensus on a recommendation? So you're suggesting striking that one?

Alan Greenberg: Yes because I believe reaching consensus implies, and I don't know whether we have it somewhere. But certainly in my mind you cannot make a recommendation which - where, you know, the experts on the working group say it's not implementable.

But I do not believe it is the working group's responsibility to plan the implementation. It could set a target that it would like to see the implementation done by a certain date.

I don't believe it should go any further or is expected to go any further. That's the job of the implementation team after the PDP is approved.

Mikey O'Connor: No I'd consider striking that one.

Alan Greenberg: You seem to have some hands however.

Mikey O'Connor: Oh I'm sorry. Keith then Jeff, Avri's again.

Keith Drasek: So this is Keith. I'll defer to Jeff here because my comment was actually about something else.

Mikey O'Connor: Okay Jeffrey and then Avri.

Jeff Neuman: Yes so I agree in part with Alan's comment. But I disagree in part as well. So I don't think...

Mikey O'Connor: Look at the language.

Jeff Neuman: Yes so I think the technical implementation should not necessarily be the subject of it. But I do think, and maybe Avri will raise this too. I do think there are certain ways that a trans - certain guidelines that the policy group may

want to provide, specifically as it comes to timing and how registrants - the policy behind a registrant's transition from thin to thick.

And certain principles that they group may want to make sure that users and registrants understand. So I think technical implementation, completely agree with Alan. It should not be discussed.

But I do think there are certain implications on registrants and users that will need to be addressed or that should be addressed by the policy group.

Alan Greenberg: I support that 100% Jeff.

Mikey O'Connor: What about something like that? And then Avri, feel free to jump in. Oh Keith, how did - Avri is that an old hand?

Avri Doria: Hello, yes this is Avri.

Mikey O'Connor: Go ahead Avri.

Avri Doria: I guess, you know, calling it guidelines is fine as long as we leave the word requirements in there because indeed, the modalities, the way this gets done and how it affects everything.

And how the timelines and, you know, whether there should or shouldn't be various timeline dependencies on other things happening. I do believe is policy.

How they actually do it is right. It becomes implementation. And we get into that fuzzy boarder between them. But I do think that, you know, the how the implementation gets done has to be dealt with from a policy perspective.

Mikey O'Connor: Yes.

Alan Greenberg: Yes it's Alan. I can live with those words. I'm not unhappy with them. The implication that the working group had to plan out the whole implementation was what I was objecting to.

Mikey O'Connor: Yes. I think that's a good clarification. Okay I'm going to - I'll take those words and this is a really old draft. So don't pay any attention to anything else in the draft.

Yikes, so where's my draft? This must be it. There it is. Okay so I'm just going to put this in as a note. Anybody figured out how to teach a Mac not to correct their spelling? Okay.

Man: Usually an option somewhere to tell it...

Mikey O'Connor: We're getting really close to the top of the hour. Keith is that an old hand?

Keith Drasek: No Mikey. I need to just to confirm something. It's still in the document. If you could scroll up to the section that Carolyn cut and pasted, up. Yes.

Mikey O'Connor: This section I think actually went - did it get moved up?

Keith Drasek: It did. Yes that's it right there.

Mikey O'Connor: Oh here we go. Oh there it is.

Keith Drasek: Yes so I don't know that we actually spoke to the insertion that I put in there about the existing contract terms. So I wanted to flag that as something that was added. And I didn't want it to get lost in the fact that it was moved.

So if anybody has any questions or concerns, it's something we ought to talk about. It's the bullet that begins our existing contract terms. Actually it says contact, but it should say contract.

Steve Metalitz: This is Steve Metalitz. I do have a question about that.

Mikey O'Connor: Go ahead Steve.

Steve Metalitz: Are, Keith are you saying - are you asking whether there need to be changes in the RAA for this? Those are the contracts, or at least the RAA has some requirements for what needs to be in the contract between registrars and registrants.

So either you're talking about the RAA or you're talking about the contracts between registrars and registrants.

Keith Drasek: Yes. I think what I'm talking about here are the - is the registration agreements. In other words the registration agreement between registrars and their customers.

Steve Metalitz: Right. So why is that an issue for a PDP?

Keith Drasek: Well it's not clear to me that those registration agreements are, you know, basically have appropriate contract terms, you know, in terms of data transfers, in terms of the movement from thin to thick. But it's more specifically around the transfer of data issues.

Steve Metalitz: Well we don't even know what those registration agreements say.

Keith Drasek: Exactly.

Steve Metalitz: RAA requires them to say. So...

((Crosstalk))

Steve Metalitz: Are we now saying that ICANN is going to set policy and dictate what will be in registration agreements? Because that may be worth pursuing, but that's I think what you're implying here.

Keith Drasek: I think that's absolutely the concern is that we don't necessarily know what's in all of the registry - registration agreements. And that it's something that if the PDP working group decides that thick Whois should be required for all TLDs. But that's something that needs to be considered or investigated. Actually Jeff and Alan and Jonathan have their hands up.

Mikey O'Connor: I'm going to take a process checkpoint here. We're now into another call. And I am not - I need to check and see if we're close enough that we can use Alan's strategy of forwarding this to the council even though it's maybe going to change a little bit.

If we're not, then I think what we'll do is we'll just end the call and punt on the thing to the council. If we're close enough then maybe some folks can hang on and tidy this one up.

But I need to let you use your little green check marks for a minute and say are we close enough that we can forward this or not, because if we're not, then we'll just pick this up next week?

((Crosstalk))

Mikey O'Connor: Close enough, then a few people can just stay in.

Alan Greenberg: Are you talking about forwarding it with or without this paragraph?

Mikey O'Connor: Well with whatever this rump group comes up with at the end of the call.

Jeff Neuman: And Mikey, so my comment relates to that. I say we're close enough if you take out this paragraph. This paragraph I think is - I don't think that that's something that the working group should look into.

First of all, this is no different than any issue of consensus policies right? Registries are required to adopt consensus policies. Registrars are required to adopt consensus policies and are required to pass through those consensus policies.

So every registrar agreement, if it's following the rules, should have with their registrant in their registrant agreement the ability to change their contract upon the development of the consensus policy.

Plus every registrar agreement that I've ever seen has the ability for registrars to leave them out of changing agreement with a certain amount of day's notice.

Now it may be that they might need to give the registrant the ability to delete their names or, you know, whatever. But I don't think this is an issue that should be looked at by the working group. It's really kind of a legal analysis.

And I think it would take years to get every single copy of every single registrar agreement and figure this out. So I do think this is kind of one of those - (Keith) I think this is kind of one of those red herrings.

I think without this paragraph I think we've very close. And we should (fill it in) for the council.

Mikey O'Connor: I'm going to jump in the queue here and say that I lived through the IRTP, no the RAP working group where we tried to collect agreements between registrars and registrants.

And I would emphatically agree with Jeff. It's almost impossible to even scratch the surface of that. This is a gigantic scope increase. So I would...

Alan Greenberg: It's Alan. Having run a PDP where we tried to do something similar, I agree.

Mikey O'Connor: Okay, so (unintelligible) running into quite a bit of headwind on this particular paragraph. Are you okay if we drop it?

Steve Metalitz: Well I still think that the issue has relevance. And is an important one. But obviously I'm a bit alone on that one at the moment. Just one note, the - don't delete the entire paragraph because it looks like a couple of bullets got run together.

The following one that says are special provisions and/or exemptions needed. That's actually a separate bullet. And that was something I think that is specific to the sponsored registries.

Mikey O'Connor: Done. Okay I'm going to drop this one out. It's five minutes after the hour. I want to do that final check and see if we're close enough that we can push this along to the council.

And so if everybody could unlimber your little green check marks. That would be fantastic. I'm scrolling down. Avri's uncomfortable. Avri, want to take just a minute and share?

Avri Doria: Yes just quickly. Just like with this last issue, all of a sudden we run into something that we say oh, that might be hard. And yet no one argued that it wasn't a necessary thing to solve. So we strike it.

Mikey O'Connor: No actually not.

Avri Doria: I think if we're doing things like that so that we're quickly finished and could submit something quickly, then we're just not ready.

Mikey O'Connor: Yes.

Avri Doria: So I was in the queue to try and agree with Keith. But, you know, oh no, no, no, no. We have to get this done quickly so let's just delete it. And so I'm objecting to rushing. Thank you.

Mikey O'Connor: Yes I get that. I was probably not eloquent in my words.

((Crosstalk))

Alan Greenberg: Mikey it's Alan. We didn't finish the discussion. It looks like we're going to have to meet again. It can be the first item on the agenda for the next discussion. Let's forward to council.

I'm comfortable with forwarding to council what we have agreed to at this point.

Mikey O'Connor: Well we've got another red tick mark. So I...

Alan Greenberg: Okay.

Mikey O'Connor: I was uncomfortable going to council making substantive changes to the document today. So I think we're going to - I think we're just stretching too hard. I tend to agree with Avri's point that I - we're under no particular magic deadline. We were just trying to hit a council submission deadline. But...

Barbara Roseman: So yes, so this is Barbara. That's what I wanted to remind you of. The council submission deadline is the 9th. So you might want to keep that in mind. But if you're not focused on that then, you know, you can just pass it.

Mikey O'Connor: Yes I was trying to hit the 9th. But I'm uncomfortable with that. So I'm going to make the call to take it easy. And we'll - the council is certainly going to meet another time after Toronto.

And I'm uncomfortable enough to not want to forward what we've got. Jeff I think you get the last word and then we'll...

Jeff Neuman: So I think we should forward something to the council, maybe not by the deadline. But after, you know, the call next week, there could be - because this subject is going to be discussed at the weekend session.

I think if it would be possible for someone to craft a motion for the motion and the document could be discussed. It can't be voted on if it doesn't meet the deadline, which is fine.

But hopefully it will be provided. And hopefully there will be enough time by the November meeting to actually vote on it. It's out. And I'm hoping, you know, can't prevent it. But I'm hoping no one defers it because there's going to be enough time.

So I think you should still shoot to get it out by the - before the weekend session. And so it could be discussed. And even if this provision is not put in there, you could still discuss it. The council has a right to add things to the charter if it wants to or take things out for that matter.

Mikey O'Connor: Yes I think that's right. So let's consider that on our next call. I'm sorry to drag you all away, almost ten minutes over now. And I think we're making good progress. But I am also not comfortable pushing it quite that hard.

I think we do need some more time to think about these things. So I've left Keith's language in for now. We'll pick that one up again on the next call. Thank you all very much.

Alan Greenberg: Mikey it's Alan. Are we having a meeting next week? Some people are traveling already.

Mikey O'Connor: No. A week from the day is travel to Toronto. Oh that's right. Oh I guess this is the status of the - for people who need to get on to that other call, I apologize. But we do need to sort of nail this down because...

Barbara Roseman: Would you like Marika and I to see - do a doodle poll to see if there's another date earlier in the week that might work?

Mikey O'Connor: Oh that would be good.

Barbara Roseman: Okay I'll mention it to Marika.

Jeff Neuman: Yes. And just in case if another time doesn't work, I know people said we should do a status report. I think we're too close to the end to do a status, just status report.

Maybe it's just highlighting language and saying this is still under discussion is good. But I think everything else, which we're all agreed upon, it should go to the council.

I - the only way to really try to combat a deferral is to give as much information as you can to the council and plenty of notice. So it's always my goal to avoid a deferral if we can.

So again, I would send a draft as is by next week to the council. Say it's not ready for a vote. Here's the couple of areas that still need to be worked out. Let us know if you have comments.

I see Avri's comment of another way to combat a deferral is to finish the work. I agree with that. But we're trying to do that. And if there's only one or two sentences that are being worked upon, I think it's okay.

Mikey O'Connor: Okay. So let me replay where I think we're at in the bidding. I think we've got a draft that has one section that's under discussion, the one that's on the screen.

We'll forward that draft with a draft motion and a note that says we are close but not quite complete with our discussion as of submission. And put it in the queue for the council in that state. Is that correct?

Barbara Roseman: Yes and if we can squeeze in a meeting on, you know, Monday or Tuesday, then you could always update that to say, you know, here's the agreed upon draft.

Mikey O'Connor: Yes. Okay I'm okay with that. Okay it's way after the hour. Thanks gang. We're going to wrap it up here. Marika and Barbara, could you guys hang on the call for just a sec so we can...

Barbara Roseman: I can. Marika's already on the other call because her update comes before mine.

Mikey O'Connor: Oh okay. We'll just...

Barbara Roseman: If you want to leave to go do that call, then you should go get on that on the policy update.

Mikey O'Connor: Yes.

Barbara Roseman: And I'll stay on the line with Mikey.

Mikey O'Connor: Yes. So Barbara are you comfy that we have...

Gisella Gruber-White: Sorry Mikey. Can we stop the recordings?

Mikey O'Connor: Yes sorry.

Gisella Gruber-White: Thank you (Tanya) if you'd be so kind as to stop the recording. Thank you.

END