

**ICANN
Transcription
Thick Whois PDP Working Group meeting
Tuesday 4 June 2013 at 14:00 UTC**

Note: The following is the output of transcribing from an audio recording of THICK WHOIS PDP Working Group call on the Tuesday 4 June 2013 at 14:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

<http://audio.icann.org/gnso/gnso-thick-whois-20130604-en.mp3>

On page: <http://gnso.icann.org/calendar/#jun>

Attendees:

Amr Elsadr - NCSG
Alan Greenberg – ALAC
Carolyn Hoover – RySG
Mikey O'Connor – ISPCP
Susan Prosser – RrSG
Tim Ruiz - RrSG
Jill Titzer – RrSG

Apologies:

Don Blumenthal – RySG
Frederic Guillemaut – RrSG
Steve Metalitz - IPC
Avri Doria – NCSG
Marie-Laure Lemineur – NPOC
Roy Balleste - NCUC

ICANN staff:

Berry Cobb
Julia Charvolen

Coordinator: Thank you. The recording has been started. Please go ahead.

Julia Charvolen: Thank you. Good morning, good afternoon, good evening, everyone.
Welcome to the Thick Whois Working Group call on Tuesday, 4 of June. On the call today we have Amr Elsadr, Alan Greenberg, Mikey O'Connor, Susan Prosser and Jill Titzer. We have apologies from Frederic Guillemot. And from staff we have Berry Cobb and myself, Julia Charvolen.

May I remind all participants to please state your names before speaking for transcription purposes? Thank you very much and over to you.

Mikey O'Connor: Thanks, Julia. I think we've got more apologies than that so, Julia, if you could ping me by email after the call I'll send you the other apologies. I know that Avri is - has a conflict and I think there are several others. Don Blumenthal, I think, has a conflict today. So just remind me after the call that we've got some more people to add to that apologies list.

Julia Charvolen: Sure, I will note that.

Mikey O'Connor: Thanks. And welcome, all, to the call. We'll do our usual check-in on statements of interest and the agenda. Pretty short agenda today, we'll take a quick look at the work plan and see sort of where we're at and where we're headed and then take a look at the draft so pretty straightforward agenda there.

Any statements of interest or changes to the agenda that people want to propose? Okay.

On the screen in front of you is our work plan. And as with many work plans always sort of a thrill to look back and see sort of how we're doing. If you roll down to the second page, bottom of the first page, second page, you'll see that we're actually quite a bit ahead of schedule.

That, I think, is part of the reason why we've got the puzzler that we had on the list where Marika folded some comments from the staff into our draft and then we trounced her in our conversation.

But it does bear noting that she, I think, was sort of working towards that May 31 deadline for our first draft whereas we're sitting here at a final. And so I don't know that this bears belaboring but it does bear noting that we probably shouldn't trounce Marika too badly on that one.

And I think another thing that, as long as I'm on that topic I want to mention, is that the arrival of those staff comments raised an interesting issue for me which is that I'm thinking that - and this isn't going to be a recommendation of the working group but I'd be interested in your reactions to it. I'm thinking that we ought to formalize a mechanism for staff to make comments on reports.

I don't know that I want to have a huge debate about it today but in the virtual world of ICANN community I'd be interested in reactions to that idea. Because clearly they have a stake in the outcome of this especially in the implementation phase and it certainly seems reasonable to me that we take their comments on board and consider them in our deliberations.

And I'm thinking that we might want to put that on some sort of a schedule so that we're not sort of caught by surprise on that. Oh I've gotten a couple of nibbles in the queue so I'll go to Alan and Tim and then sort of wrap this up and then we'll move on into the rest of the day. Alan, go ahead.

Alan Greenberg: Thank you. It's not just that it's nice to have comments. Under the new CEO there are rules that they must participate in these things. But that has been unspecified how that's going to happen and when that happens.

Mikey O'Connor: Oh, okay.

Alan Greenberg: And I find it a little problematic to be coming in, I mean, you don't want people commenting too early because the draft has little substance in it.

Mikey O'Connor: Right.

Alan Greenberg: So this may well be a good time. I found that they were a little bit misdirected and in some cases making assumptions that we didn't make. On the other hand they seem to have pointed out a number of errors in fact that we had in our various reports.

Mikey O'Connor: Yeah.

Alan Greenberg: And I find it problematic since in this particular case this is not a typical initial report in that it's composed, to a large extent, of documents that have been around for months.

Mikey O'Connor: Right.

Alan Greenberg: At least some of them. And it would have been nice if they had commented on those earlier. I suspect they're trying to feel their way as to how to implement this new direct that staff must be involved in PDPs. So, you know, we may be the guinea pigs.

Mikey O'Connor: Well and, you know, I think that we - as they feel their way through it I think we've also got the SCI that might be able to help with that as well. And, you know, so anyway it certainly attracted my attention. I don't know that I have real strong opinions yet. Tim, go ahead.

Tim Ruiz: Yeah, you know, I guess maybe I'm old school I guess but I - you know, if staff wants to comment on non-substantive matters, you know, or to bring our attention to, you know, information from previous PDPs or other, you know, published policies, etcetera, etcetera, that might affect substantive matters that's one thing.

But to actually, you know, participate in the fullest sense in policy development that I have a problem with. I may be alone. But, you know, I don't know what stakeholder group you would call the ICANN staff.

And if we're going to go that route then I think, you know, some of the accountability issues even become more prominent. If we're going to have, you know, ICANN proper, not ICANN in the widest sense of, you know, all the stakeholder groups but if we're going to have ICANN the organization starting

to, you know, participate in and influence policy then I guess I, you know, I have serious concerns about, you know, conflicts of interest and, you know, how we protect from, you know, those kinds of problems or, you know, what is the recourse if, you know, staff becomes - and the Board becomes too, you know, influential in directing and managing policy.

You know, they're supposed to be support. The idea was they were always the support to the policy development groups who were made up of the stakeholder groups. And I guess that's, you know, where I just begin to lose where's the line here. And I think we're, you know, we'd be treading down some pretty dangerous paths if staff starts to participate in actual policy development. That's just my opinion.

Mikey O'Connor: Yeah, no I'm with you. I think - and I think the key deal for me - I agree with you - is where is the line and what is the line and what are the dimensions of that line so that - and whether we could clearly document that because if we could I think it'd make it easier for everybody.

If you said, okay, here's the line and here's what's, you know, it's almost like the picket fence line. It's like okay here's what's inside and here's what's outside.

And in addition to sort of the timing issues that this set of changes raise, you know, we would then have something that we could look to and when we're reviewing some of these comments and saying, okay, this one's inside the line, it's fine because they're fixing a factual error that we did. And this one's outside the line because it's, you know, directly influencing policy, etcetera, etcetera. And so, you know, I think it's really interesting and important discussion.

Back to you, Alan.

Alan Greenberg: Yeah, thank you. I didn't read this document all that thoroughly, I admit. But I don't recall seeing anywhere staff was really trying to influence which direction we go that is in making a policy decision. What I saw were largely either correction - what they were claiming was a correction in fact or elaborating on some possible problem down the road or discrepancies or things like that. Now I may have missed something. So...

Mikey O'Connor: Yeah, well...

((Crosstalk))

Alan Greenberg: ...I'm not disagreeing with you and Tim; I didn't see a lot of that kind of thing. And we have always asked ICANN staff for input on is this implementable, tell us which way things really happen because we don't know. You know, so that kind of input has always come.

Perhaps now it's being forced a little bit by, you know, management edict. But I don't recall seeing a lot of things where they were trying to direct the decisions we were making on our recommendations. I may have missed something but I don't recall seeing a lot of that.

Mikey O'Connor: Yeah, I'm sort of stalling. I'm sort of hoping Metalitz gets on the call today because, you know, he was the one that sort of picked up some stuff that at least concerned him a bit. Anyway I don't want to - this isn't the reason you guys are on this call so I don't want to soak up any more of our time on it.

But it's actually useful sort of leading into the next part of the conversation where we actually dig into the draft because maybe what we can do is sort of use the fact correction, okay, fine; implementation, okay maybe fine; policy, no so fine, as a set of criteria to take a look at these. Thanks, Berry, for tossing the draft up.

Berry, just before we dive into this was there anything else you wanted to highlight in the work plan besides that note that I made about, you know, we're a bit ahead of schedule?

Berry Cobb: No, that seems to encapsulate it so we still are on target to hit the 21st, get this submitted to make the deadline.

Mikey O'Connor: Great. Okay. All right so I - Berry's got control at the moment and I think I'll just let you, Berry, why don't you just yank us down to where we need to start. And, you know, I'll sing a song or tell jokes or something. There we go. So we're on Line 375 for the transcript.

And what's highlighted there is the phrase - this was in - let me figure out which section we're in. I've grabbed the pen; I get to do this too. This I the Response Consistency Section. Just to remind everybody and for the transcript this is the labeling and display of Whois information is what we're really talking about in response consistency.

So everybody would use the same basically field descriptors, if you will, and also presumably a similar format, etcetera, etcetera. And so there's a clause that's in here that says, "The work group is considering recommending that all thick gTLD registries follow the same labeling and display requirements following the model outlined in Specification 4 of the proposed new gTLD Registration Agreement but would welcome community input on this proposal before taking a final decision."

And so there I've sort of set the stage. Alan, you're up first. Go ahead.

Alan Greenberg: Thank you. Am I missing something? But this recommendation is moot if and when the new RAA is adopted, is that correct?

Mikey O'Connor: Well, this is for registries. This is essentially the equivalent parallel suggestion but it's aimed at registries not registrar.

Alan Greenberg: Oh okay, sorry, I missed that.

Mikey O'Connor: Yeah. And so it's very similar to that but it's not same.

Alan Greenberg: Okay. I missed that.

Mikey O'Connor: Tim.

Alan Greenberg: My apologies.

Mikey O'Connor: Okay. Tim, go ahead. You may be muted, Tim. If you are I'll fill until...

Tim Ruiz: Oh sorry about that.

Mikey O'Connor: There you go. Okay. Carry on.

Tim Ruiz: Repeat what I was saying - I would actually say exactly that Alan just said except replace RAA with RA or, yeah, I guess it's RA.

Mikey O'Connor: Oh is that in the new RA as well?

Tim Ruiz: Well, we're saying it is. I can't tell you right off the top of my head but it said it's outlined in Specification 4 of the proposed new gTLD Registration Agreement which will, in time, become all gTLD agreements, I would imagine.

Mikey O'Connor: Oh, well okay so let me...

((Crosstalk))

Mikey O'Connor: Dolly back and tell you the case that we're trying to puzzle through here. And it's...

((Crosstalk))

Tim Ruiz: ...and I think the one issue that we had - and I don't know how we put it but maybe this is why we put it this way that the issue is that, you know, the only - the primary non-thick registry is DotCom, right?

Mikey O'Connor: Right.

Tim Ruiz: And the issue there is that they don't just have an agreement that's negotiated between them and ICANN like everybody else does. Their agreement actually has to be under the final approval of the US government still. And then they even have another agreement - a side agreement with the US government regarding root server administration but that's a different issue.

But we do have the US government kind of in the mix there. So I don't if we're just trying to avoid - and I don't even know if we need to go down that road. But I think in time, you know, the new gTLD Registration Agreement - except for that situation which I don't know what we'd do or say about it, you know, is going to cover everybody, right?

Mikey O'Connor: Well...

((Crosstalk))

Mikey O'Connor: ...it's great to have Carolyn on.

Tim Ruiz: ...on whether we leave it in here or not.

Mikey O'Connor: Yeah, well let me drill even deeper into this tooth - and it's great that Carolyn is on the call because essentially what we've got is three groups. We've got existing that are thin, we have existing that are thick and we have new applicants. And we sort of have three piles of registries coming. New

applicants are easy because they're already under this agreement so they're going to be consistent.

You know, the thins are relatively easy because we can say when you convert to thick follow this agreement. The puzzlers - and Carolyn is one of them - is that we have existing thick that are all different formats right now. And the goal here is to get all registries displaying Whois data the same way. So that's the intent of this insertion.

And, you know, the language may be wrong, I don't think that the issue is with the language; the issue is really with that underlying intent to tidy up all three of those piles. Given that have you got any - I'll leave you in the queue, Tim, for just a second. Does that clarify the issue for you a bit?

Tim Ruiz: Yeah, and I just commented too in the Chat that...

Mikey O'Connor: Oh, I didn't see that.

Tim Ruiz: Yeah, but I got it now and I would agree with that intent so.

Mikey O'Connor: Okay. Alan and then Carolyn.

Alan Greenberg: Okay first of all I'll point out that the highlighted sentence is referring to an agreement that doesn't exist. There is no...

((Crosstalk))

Alan Greenberg: ...gTLD Registration Agreement. I suspect...

Mikey O'Connor: Oh.

Alan Greenberg: ...it was talking about the RAA. In fact, as Tim alluded to, if the new proposed RA does include a uniform presentation clause and it would be nice to have

someone who's actually read it thoroughly enough to remember that, this should refer to the proposed Registry Agreement.

Mikey O'Connor: Yeah.

Alan Greenberg: Or it should refer back to the RAA but not to a nonexistent agreement.

Mikey O'Connor: Oh you're no fun but you're correct. Okay duly noted.

((Crosstalk))

Alan Greenberg: I think it's a no-brainer that if there is value in being able to parse registrar Whois we should be able to parse registry Whois also without going to a lot of pain. I'm not 100% sure it's within our scope but...

((Crosstalk))

Alan Greenberg: I think it's a reasonable requirement if it is indeed within our scope.

Mikey O'Connor: Yeah, and that's part of the reason why we're so wish-washy in this language right now is because I think we don't want to solve this one at this phase in the discussion; we're very light on participation, we're kind of at the end of the road. We want to put it into the pile for the next round. And we also want to get public comments on it.

Carolyn, by all means carry on.

Carolyn Hoover: Yeah, so the point that Tim was making or, you know, that was being discussed was, you know, the impact on current thick registry. And the issue in terms of the contract is that eventually I would see the, you know, many of the registries would, you know, go ahead and move to that standard form because most of the registries will be supporting new gTLD registries as well so for them that would be a simplification.

But that's not necessarily the case for all of them. Plus depending on the expiration dates of their contract, you know, that may take quite a while to bring everybody into a consistent format.

And the only other way to make it happen in a specific timeframe would be to have a consensus policy which would, you know, require that everybody change that. And, you know, I don't know, you know, other registries, you know, whether it's an issue or not in terms of expense or timing but it's certainly something that, you know, we require more than just a sentence or two in this, you know, working group to be able to address that problem.

And I haven't, for instance, I haven't had a chance to check with our registry operator to, you know, be able to determine, you know, what the impact is, what the cost would be or, you know, whether it's just a real simple thing or more complex. So the timeline on getting it done through contract could be rather extended and probably not what we would want to see anyway.

Mikey O'Connor: I think that's really helpful. It raises several of the issues that I think we want to drive into this sentence or at least drive into this report somewhere to tee up that conversation in the next wave. Some of those are implementation issues and some of them are, you know, what is the destination issue.

Let me probe on the destination question for a minute. Is there anybody who - and I have to acknowledge for the transcript that this is a very lightly attended call so this is not binding on anything. But just curious if there's anybody who's sort of uncomfortable with the notion that we're trying to get everybody to consistent display of Whois data.

You know, we tried really hard in the registrars and now we're sort of swinging around to the registries. Is there anybody who's uncomfortable with that destination acknowledging that, you know, we've got - we certainly have implementation issues that we still need to puzzle through.

I'll take Tim and then anybody else who wants to answer that question. But Tim was in the queue before I asked it so carry on, Tim.

Tim Ruiz: Yeah, I was going to actually comment on that aspect of it actually. Yeah, you know, whether or not this is in our charter or not I think, you know, maybe it's not directly mentioned but I think the fact that, you know, the overall goal of the policy we're considering developing is, you know, whether or not everyone should - all registries should be thick.

And I think, you know, it's a pretty reasonable aspect of that to consider, you know, what that means. And, I mean, you know, how that's going to be displayed is a big part of that because, you know, if all registries are thick then, you know, how that data is displayed it's not useful or it's not - doesn't mean anything to anybody until they get the data.

And then getting that data, a big part of that, is how it's displayed or how it's presented. So I think that is a big issue and something that we may want to - if we don't feel comfortable making that decision ourselves maybe get clarity from the Council, you know, as to whether we want to - how deeply they want us to go into that.

Keeping in mind that, you know, with the plethora of registries that are going to exist there's going to be a lot of different models out there so, you know, there needs to be some flexibility in what they might want to or may even be required to display beyond some core that we might want to, you know, have some sort of minimum standards around.

Mikey O'Connor: Yeah, and to the scope issue I'm actually going to amplify something. You know, you have to step back to why was this working group created in the first place? And the reason was because in IRTP-B we said consistent display of Whois data is critical and so we amped up on the registrars.

And then in IRTP-C we made the distinction between transfer of registrant - change of registrant and change of registrar. And in order for change of registrant to work the gaining registrar needs to be able to determine who the registrant is before the transfer is made so that they can decide whether it's a change of registrar only or also a change of registrant and thus sits under new rules.

And the only way to get to that data is if it's consistently displayed. So the rationale for this whole project is consistent display and accessibility for Whois data which is fine right now at the registrar level because we've got a mechanism to get to that through the new RAA. And this is essentially the parallel piece of the work.

So I'm pretty comfortable that it's in scope. If it's out of scope I think we've just lost the rationale for the working group. But I agree, we do need to take that issue back, you know, maybe to Council just to check and see.

Alan, I think you get last word on this.

Alan Greenberg: Thank you. I think the problem becomes a lot simpler if we divide it into two sections. There is an issue of assuming we're recommending thick for all; there is a transition required. And registries that are not displaying a lot of Whois information right now will be displaying the full set of Whois information.

It would be ludicrous for those to implement a Whois display format that is not compatible with the one that's being recommended in the new agreements.

Mikey O'Connor: Yes, I agree.

Alan Greenberg: Okay. Then there's the second part of it that we are recommending - and we can wrap words like Carolyn's into it, you know, in advance of possible changes, you know, essentially implying this is inevitable anyway but it may

take n years, we're recommending a consensus policy that all registries who are currently displaying information in different formats transition to the new format.

Mikey O'Connor: I agree too.

Alan Greenberg: But I think we have to separate those two parts. And the first part, I think, is a no brainer and the second part is a reasonable conclusion from it.

Mikey O'Connor: Yeah, and a good conversation for public comment, you know, back, you know, to the point that Carolyn made she needs to go back and - excuse me - check with her registry provider and I'm sure some others will too just to make sure that we're not proposing something that's going to devastate them.

Alan Greenberg: Yes. Recall most registry providers are running multiple registries which may have different Whois formats based on ccTLD rules or - and most of them are bidding on new gTLDs where they'll have to do the new format. I suspect most of them are pretty flexible.

Mikey O'Connor: Yeah, that's probably right. But we do need to give them a chance.

Alan Greenberg: Yeah. And that's why we're asking for the comment...

Mikey O'Connor: Yeah, exactly.

Alan Greenberg: ...registries...

((Crosstalk))

Alan Greenberg: ...to comment on our report.

Mikey O'Connor: Yeah. Okay well I think we've got enough in the transcript I'm going to throw the action to Berry, of course, to sort all this out and Marika when she lands

to turn this into another version of the draft. I think we're pretty comfortable with our direction here so I'm going to move us along or let Berry do it.

You've put us - oh that's...

((Crosstalk))

Mikey O'Connor: ...got it, down in 397. Okay. So the next one is at Line 397 in that same section and we're talking about possible downsides in response - kind of awkward phrase but there you go.

And at the end of that it says in the context of the 2013 RAA discussion some have also suggested the consistently formatted Whois may also make it easier for spammers to harvest registration data.

And Tim says in the Chat, "I think new applicants are at a point where they would agree to anything to keep the ball rolling." And I'm locked in a debate in another forum on this and I tend to agree, Tim.

Does anybody have any big issues with this? Alan, go ahead, you're up.

Alan Greenberg: Did that come out of our working group or is this one of the staff comments?

Mikey O'Connor: I don't remember to be quite frank.

Alan Greenberg: Maybe Berry can enlighten us?

Mikey O'Connor: My recollection is that it came out of the working group and that I deleted it but - and then it came back in. So I can't remember. Berry, do you recall?

Berry Cobb: This is Berry. I don't - I'm not 100% sure but I believe that this was discussed in the - maybe the privacy group kind of in terms of their initial deliberations. But I'll have to check with Marika exactly where this came from.

Mikey O'Connor: Oh that's right. I think that's right; it moved up from the - we moved it here.

Alan Greenberg: Okay.

Berry Cobb: I'm not sure if we moved it or not but I know that the topic has been discussed, I just need to find exactly where it fits in...

((Crosstalk))

Alan Greenberg: If it came out of the working group I can certainly live with it; if it's a staff comment I think it's out of place.

Mikey O'Connor: No.

Alan Greenberg: I'll point out that as difficult as it is to parse various registrar's output registrars do do it right now either manually or any other way. And spammers have a far larger vested interest in doing it. So I'm not really sure how relevant this is.
But...

((Crosstalk))

Alan Greenberg: ...working group fine, if it didn't, then it shouldn't be there. One of the...

((Crosstalk))

Mikey O'Connor: Yeah, I think basically what we're getting to is no big deal either way although Carolyn did raise the question, "Did we drop it because we had no specific facts to support it?" And what I was doing in that massive edit that I did is I was removing all of the sort of wishy-washy some have also suggested type language. And this one fell under that axe. And - but it also got moved.

I don't have real strong opinions about it either way either. And so why don't we leave it at the end.

Alan Greenberg: Mikey, it's Alan. I would suggest it's moot. Under the new RAA, which is virtually certainly going to be approved, the spammers will have access to consistent data through the registrars.

Mikey O'Connor: Well that's true. And, Tim - Tim, maybe as a registrar may want to weigh in on that as well. Go ahead, Tim.

Tim Ruiz: Well, you know, I think that is it likely that this - because I was in on the early RAA discussions but not later ones. And if this comment came up in the process of negotiations and all of that and comments back and forth from staff and registrars and that I'm not sure it's relevant here even if it was brought up.

Because clearly, you know, registrars would have been trying any argument they could to get what they wanted. You know, so I think things that are brought up in that kind of context I'm not sure they have a place in a policy discussion because that RAA negotiation was definitely not, you know, a PDP or related to policy, it was, you know, what can I get and what do I need to give to get what I want to get and blah, blah, blah, right?

So if that's the context this was brought up in I'm not sure it's relevant here at all actually.

Mikey O'Connor: No, I'm sure that it didn't come that way. It came through comments - it came through public comments from the NCSG and flowed in through the deliberations of the working group. This is not a staff comment; this is a - one of ours. And so I think this is enough good discussion to give Marika and Berry a sense of what to do.

My inclination is not to fuss about it a whole lot but if we lost it it wouldn't bother me.

Alan Greenberg: Mikey.

Mikey O'Connor: Yeah.

Alan Greenberg: I just read it again. The predicate statement in the context of the 2013 RAA discussions some have suggested...

Mikey O'Connor: Oh yes, that's true.

Alan Greenberg: ...I don't think it's relevant.

Mikey O'Connor: Okay, let's delete it. And I'm not getting anybody just fighting like mad to keep this one in. And I'm pretty sure I've already deleted it once so I'm fine deleting it again.

Alan Greenberg: We really don't want to redo the debates on the 2013 RAA.

Mikey O'Connor: No, we certainly don't. Berry, take us to the next one. Oh, look at you go. Okay so this is one in the stability - this is one - Steve isn't with us, rats. Okay. So the first one says, on Line 419, replaces a sentence that read, "In the case of the failure of one of these two sources there is one fallback copy of Whois data available for recovery efforts." It replaces it with, "In the case of failure of the registrar the escrowed Whois data is available for recovery efforts provided the registrar did not also fail to deposit current data into escrow."

This, to me, seems like a friendly amendment to a sentence that I've already edited once. So I'll throw that into the mix and then, Alan, carry on.

Alan Greenberg: The sentence changes the meaning. I think I was the one who originally wrote it before it got changed I don't know how many times. The original sentence allows for failure of the escrow agent. And, heaven help us, they are run by people and managed by people and they can do - they can screw up too. This...

Mikey O'Connor: Oh, you're right. Yeah, yeah, yeah, you're right. You're right.

Alan Greenberg: It may not have been well worded but the intent was changed in this change.

Mikey O'Connor: Yeah. Yeah okay so I think we'll decline that one especially since you're the original author of that. All right, then the next one...

Berry Cobb: Hold on, Mikey. Just so I'm understanding what was deleted should be reinstated and delete what was edited?

Mikey O'Connor: Yeah.

Alan Greenberg: Or do it better but don't change the meaning.

Mikey O'Connor: Yeah, I mean, if you and Marika want to make it so that the clarification that's being inserted still retains the original meaning which allows for the failure of both the registrar and the escrow agent then carry on. But, you know, if this becomes this huge convoluted pile then just revert to the original language because the original language had a different intent than this sentence. It's making a different point. So there is a set of instructions for you.

Alan Greenberg: Now the issue about registrar failing to deposit escrow maybe we need to reference that somewhere but it wasn't this point.

Mikey O'Connor: Yeah.

Alan Greenberg: It's an interesting concept that I don't think we discussed but...

Mikey O'Connor: Right. And so maybe that one gets yanked out for discussion by the working group. Berry, you should probably make a punch list for the post initial report discussion, the first being the points that Carolyn raised earlier in this call.

Alan Greenberg: Yeah. Mikey, actually...

((Crosstalk))

Alan Greenberg: ...that does raise an issue which the working group did - which the sub-working group didn't cover. In the case of a thin registry with the registrar not submitting escrow data, and we did have cases like that in the dark past, there is no recovery.

Mikey O'Connor: Right.

Alan Greenberg: Thick registry gives us a fall back for that one.

Mikey O'Connor: Oh that's true.

Alan Greenberg: We didn't consider that when we did this but that is a relevant issue.

Mikey O'Connor: Yeah, so, Berry, shovel that one into the pile. I think, you know, this is why I was pretty calm in my response on the list and said, you know, if there are substantive issues to Steve's point - if there are substantive issues in these changes there is not time to run the working group through that discussion before we publish. What we ought to do is publish and acknowledge those issues and grind them out in the transition between Durban and final report.

I don't think any of them are insurmountable. I think it's just inappropriate for us to rush that analysis especially given the small size of this group and the lateness of the hour. But there you go.

Okay I'm going to move us along because we are getting close to the end of the meeting here. The next one is on Line 428 on this draft and adds a clause that's talking - this is in the stability in a thick Whois environment. And it adds a clause to the sentence.

Here's the original sentence: "In the cases of a failure there are at least two remaining sources of data available for recovery." And they then add the clause, "Although it may be worth noting that in the case of a registrar failure ICANN does not necessarily have the legal right - a legal right to retrieve data from the registry's escrow account."

And with that we have Alan in the queue. Go ahead, Alan.

Alan Greenberg: I think it's a very relevant issue. I think it's - it was a reasonable way for staff to introduce the issue. I think our reaction has to be a recommendation comes out of this.

Mikey O'Connor: Say that last bit again in a different way.

Alan Greenberg: Well they're pointing out - I'm not - okay the wording says ICANN does not necessarily have a legal right. If indeed ICANN does not have a legal right to use registry's escrow data to back up a registrar failure...

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

Alan Greenberg: ...then I think there's a recommendation coming out of that.

Mikey O'Connor: Yes, I agree. And I...

Alan Greenberg: And remember they only need the registrar's - registry escrow data if the registry has gone belly up or had a technical failure.

Mikey O'Connor: Yeah, yeah, yeah, okay. So...

Alan Greenberg: So it maybe irrelevant; it may be the registry uses the registry escrow to fix their problem and then it gets repatriated from there. I think this needs a little bit of careful thinking. It may be a moot problem in the case of a registry and a registrar failure at the same time. With all the new registries and some - and vertical integration that's quite possible. We - it looks like there's a recommendation out of this.

Mikey O'Connor: Yeah, I think this is another candidate for the...

((Crosstalk))

Alan Greenberg: ...not just a note.

Mikey O'Connor: Yeah, I think that's right. It's certainly a candidate for delay it seems to me. Tim, go ahead. Sorry to preempt you but hopefully you'll agree with me. Go ahead.

Tim Ruiz: No, I would agree with Alan and just was going to note, too, the last part that he brought out that I think we're going to see potentially cases where the only registrar is the registry. And so, you know, if that fails it's sort of like - at any rate I agree with Alan, I think that there's probably more of an issue here than just a note.

Mikey O'Connor: Yeah, okay. So that says punch list to me. All right, Berry, carry on. Oh he's figured out some cool way to jump around. Okay so now we're to 446. I think this might be the last one in Steve's stability chunk here. And, again, there's a sentence that, on 445 reads, "One example of such a mitigation approach would be the use of multi-master replication..." and a footnote to the tech description of that across the data.

And then the change adds the following, comma, "Although it was pointed out that currently registrars escrow their data in a particular schedule that is

inconsistent with the schedule at which registries escrow data. Similarly registrars are not required to post new data to registries instantaneously so a registry and a registrar could reasonably be out of sync frequently. At least four sets of contracts would have to be amended in order to change the current model by which data is backed up through escrow."

And I think this may be the one that Steve was reacting to because this is clearly one for the punch list. There's several issues being raised here. And this is the one that struck me as dang, we need some mechanism for sort of staff comment so that we can run them through the same comment review cycle that we run all the rest of it through.

So unless there's anybody just throwing their body on the tracks this clearly goes in the punch list and gets - I think the way to handle the punch list, Berry, is to delete these from the draft and then write up essentially a comment based on them that references this section of the draft just as we would ask any constituency to do, and append that to the report as an annex or something. We'll figure out the mechanics.

But I really don't want these in the report without clear understanding that the working group's got deliberations in it on that. Alan, go ahead.

Alan Greenberg: Yeah, if you read it it's saying that you can mitigate risk through a variety of techniques. One example is multi-master replication and if I now paraphrase the rest of the sentence, which won't actually work.

Mikey O'Connor: Yeah.

Alan Greenberg: I would suggest everything from one example goes into that footnote.

Mikey O'Connor: Yeah, I think that's right. You know, remember that this example was thrown out by Rick on a call and we all went, wow, what's multi-master replication?

And, you know, we had a little discussion about that. I mean, one option is just delete that whole thing.

Alan Greenberg: But since the rest of the paragraph says multi-master is an option which won't work...

Mikey O'Connor: Yeah.

((Crosstalk))

Mikey O'Connor: Well and raises a bunch of other...

Alan Greenberg: ...current set of rules and practices...

Mikey O'Connor: Yeah.

Alan Greenberg: ...I would take everything from the one example on, put it in the footnote and...

Mikey O'Connor: Yeah.

Alan Greenberg: ...you know, we're brainstorming there in the footnote that here's an example which won't quite work; maybe some smarter person will figure out a way that will work. It's not our problem.

Mikey O'Connor: Yeah. I think that's right. And I think Rick would agree. Say well, you know, fine, whatever. I mean, all I was trying to do was given an example, I wasn't trying to specify.

Alan Greenberg: And remember there are going to be 1500 thick registries.

Mikey O'Connor: Wow...

((Crosstalk))

Alan Greenberg: ...or whatever.

Mikey O'Connor: Fifteen hundred, really?

((Crosstalk))

Alan Greenberg: I don't know what's going to come out of this game; we may have no new registries by the time we finish.

Mikey O'Connor: Oh by the time we finish? Hey...

((Crosstalk))

Mikey O'Connor: ...I'll take that bet.

Alan Greenberg: No, no by the time ICANN finishes and we apply all of the GAC rules and everything else.

Mikey O'Connor: Oh okay, I thought you meant that we finish in this working group. I'd take that bet. Okay Berry take us to the next one.

((Crosstalk))

Mikey O'Connor: Pardon me?

Berry Cobb: So just so I understand so one example all the way down through escrow should be appended to the footnote and just leave the paragraph as it is right?

Alan Greenberg: Yeah, the URL becomes a parenthetical or something like that.

Mikey O'Connor: Right.

Berry Cobb: Thank you.

Mikey O'Connor: Okay dokey, next is - I think now we're out of substantive land I'm hoping soon. Berry, do you have a sense of how many more of the really tasty ones are left? Are we going to put this in...

((Crosstalk))

Berry Cobb: I think it was - let me get - I think it's only two or three at most.

Mikey O'Connor: I really want to push through this so that we can get back to the list with a consensus candidate on this call. So for those of you who...

((Crosstalk))

Alan Greenberg: ...is the next one I see.

Mikey O'Connor: What was that again, Alan?

Alan Greenberg: Line 597 is the next one I see.

Mikey O'Connor: Okay. Let me - there we go. Possible advantages to - for data protection and privacy. Data at rest, who's database would be published instead of held by the registry and not necessarily multiple registrars? And Marika's comment is, "The data will be - will still be held by registrars even if they're not publishing Whois data directly from their database." Anybody got a giant pain if we make that change?

Alan Greenberg: Well her - it's Alan speaking. Her rationale, as I pointed out in my email note is incorrect. I'm not sure how relevant that is to the change. But her presumption that under the thick model registrars publish registry data is not

anything that we know. Under a thick model registrars have to provide Whois whether it comes from their own databases or the registries is not specified and not known.

Mikey O'Connor: Oh.

Alan Greenberg: So her comment is not applicable. Whether the change is good or not I'm not sure I understand.

Mikey O'Connor: Well, you know, we could always yank the comment if the comment is the problem.

Alan Greenberg: Yeah, no, no I understand. I'm just not sure what the intent of the change was.

Mikey O'Connor: I don't know if we've got anybody from this working sub group on the call. Who we really need is...

Alan Greenberg: I am but I wasn't heavy on this particular part.

Mikey O'Connor: Yeah, we really need Don on this one because this data at rest, data in motion stuff that's a Don Blumenthal notion...

((Crosstalk))

Alan Greenberg: Whois databases would be held by the registry and not necessarily - puts the old word in, I don't know what it means. Whois databases would be held by the registry and not necessarily multiple registrars.

Mikey O'Connor: Yeah, I'm okay with the change. Published certainly makes more sense to me. I think you're right on the rationale.

Alan Greenberg: What multiple registrars are we talking about? That is the Whois database for the composite TLD? Is that what it's saying?

Mikey O'Connor: Yes. The single point of failure, instead of multiple ones, would increase data protection. I'm sure that's a Don sentence.

Alan Greenberg: Yeah, I...

Mikey O'Connor: Amr, were you on this one? You're typing. Feel free to jump in the conversation here if you've got something that you - that can clarify this.

Amr Elsadr: Hi, Mikey. This is Amr. I'm just - I'm actually a bit confused. That's what I was typing.

Mikey O'Connor: Yeah.

Amr Elsadr: I can see how the word 'held' might be a - well might be some question marks. But then when I think about the sentence with 'published' instead I'm wondering about what that does to the context of where the sentence actually is, what some other possible advantages for data protection and privacy in a thick Whois environment if we use the word 'published' what is the relevance of the sentence now in the context of does publishing this - is this advantageous in terms of thick Whois and privacy and data protection?

Do you get my meaning?

Mikey O'Connor: Yeah, I think - yeah, I think that the change from 'held' to 'published' is substantive. And so let me throw another word at 'held' instead of 'published.' I think that another way you could say this is to say, "Whois databases would be maintained by the registry."

You know, I think that this word is really aimed at okay well who's the person that's actually going to have the data spinning on a disc drive? And...

Alan Greenberg: Mikey, it's Alan. I think we have to wait for Don on this because read the second sentence. I think it's incorrect. I think there is a 'not' missing or something. The single point of failure instead of multiple ones would increase data protection that is protection from hacking?

Mikey O'Connor: Yes. Actually that I think is correct. Because the presumption behind that sentence is that when you have multiple - this is one of those security concepts. If you have multiple links in a chain then the weakest link is your vulnerable link. If you only have one link then presumably you make it really strong.

Alan Greenberg: Yeah but that's...

((Crosstalk))

Alan Greenberg: But that's...

Mikey O'Connor: It reduces your risk of...

Alan Greenberg: That's the in addition, the registry may be more professional than the small registrar.

Mikey O'Connor: Right but...

((Crosstalk))

Alan Greenberg: ...is trying to make a different point. And I'm not quite sure what it is.

Mikey O'Connor: No, I actually think that one's just fine.

Alan Greenberg: Okay.

Mikey O'Connor: We can argue that one over beer. But I think that the published change does change the meaning because it changes the focus of the sentence. And 'held' may not be the right word. But I think that what the intent is to point at well who is the person that's actually spinning the data on disc drives? And so I would substitute 'maintained' rather than 'published'.

Because lots of people could publish from that database not just registries but registrars that have access to it as well.

Alan Greenberg: Yeah, I think 'held' is actually the right word. 'Maintained' implies the action of changing...

((Crosstalk))

Mikey O'Connor: Yeah. Well I'd be okay with 'held' too.

Alan Greenberg: In fact the registrar is the one that effects the changes and their slave, the registry, you know, passes them on.

Mikey O'Connor: Yeah.

Alan Greenberg: So 'held' is probably the right word there.

Mikey O'Connor: Okay. I'm fine with that. Amr, you want back in the queue or is that an old hand?

Amr Elsadr: Yeah, no I was just going to pretty much say what Alan just said. I agree that 'held' is probably the better word here as opposed to published and maintained. That's just my opinion in terms of the context of the whole paragraph.

Mikey O'Connor: Yeah. That works for me.

Amr Elsadr: But again I'm just questioning whether that really makes much sense because in thick environments the data is held both by registrars and registries it's just that that registrar is the organization that publishes. So I'm guessing this is why there's confusion here. But I'm glad to be corrected if I'm wrong.

Mikey O'Connor: Yeah. I don't want to rewrite that whole hard-fought data protection privacy thing on the fly. I think if we wanted to, you know, certainly that section of the report is going to get reviewed pretty hard and - between initial and final draft. And so at a minimum what I'd like to do is take that question and put it in the punch list.

Alan Greenberg: Yeah, I would put it back to 'held' and defer to Don whether he thinks the change is appropriate to publish but I suspect he will concur with us.

Mikey O'Connor: Yeah. Okay I'm pushing us a bit here, guys, because we're right at the end. Berry, next one or anybody else who - I haven't got enough screen landscape here to find the next one.

Okay we're on Data in Motion. Oh my goodness. How - so here it's a comment. So the whole sentence is on 617, Data in Motion. "Thick Whois model introduce - models - introduce the necessity for data transfer which requires additional security measures beyond what are needed for information that remains in a single system."

And the comment is, "How about the existing shared registry system SRS? Presumably this is a secure channel regardless of the type of data being transferred." I'm for putting this in the staff comment pile. I don't want to belabor this one today. This is just a discussion question so let's have that discussion in the next phase unless anybody just throws their body on the tracks.

Alan Greenberg: Again thick registries exist and will exist in multitudes.

Mikey O'Connor: Yeah.

Alan Greenberg: We can't fix every problem with thick registries.

Mikey O'Connor: Yeah. Okay next one, Berry, I'm really pushing us now because - but it's right at the top of the hour and I really want to get through the rest of these. This is a footnote that we're adding. Where are we adding it? Berry's getting us to the...

((Crosstalk))

Mikey O'Connor: Oh there it is, okay so there's - yeah 633 is saying, "While more official copies of Whois information may exist in a thick environment the fact is that bulk record access..." and this is the footnote, "...is available to the public and likely - and the likely magnitude of those copies in the hands of individual analysts or aggregators makes the value of discussion questionable."

And the footnote is, "The working group does note that changes to bulk access are proposed under the 2013 RAA."

Alan Greenberg: Suitably vague, it's okay.

Mikey O'Connor: Yeah, I don't have...

Alan Greenberg: The 2013 RAA doesn't really eliminate the concept; it eliminates the implementation at the moment. It could come back. So...

Mikey O'Connor: Yeah, okay. So we'll acknowledge that. That one, I think, can stay in, Berry. Berry, go ahead unless your hand - is that and old hand for you, Berry? If it is just clear it.

Okay so now we're on Line 641. "The working group finds it hard to conclude that risks of data leakage will increase at an identifiable level in a thick registry..." I'm trying to figure out what the change is here.

Alan Greenberg: It used to say, "...over a thin one in a thick model," or something like that. In a thick model over a thin one and it says when - it's trying to make it better language. I think it's fine.

Mikey O'Connor: Yeah, and this is all about Data in Motion. Yeah, I think that's okay. That one we can accept. Okay and Amr is saying, "This looks like grammar." I think you're right, Amr.

Six ninety-seven in the conclusion - this is my language so, data protection. "The working group..." oh no, yes. "The working group finds that requiring thick Whois for all gTLD registries does not raise..." - a G is inserted - "...data protection issues that are specific..." Yes and this is actually something we discussed on the call.

Because when I put this in I didn't have that qualifier in there; I didn't restrict this sentence to data protection.

Alan Greenberg: It is in the title of data protection...

((Crosstalk))

Mikey O'Connor: Yeah, I know but, you know, I'm okay with this qualifier.

Alan Greenberg: Non-English speakers always have been grammar than we do.

Mikey O'Connor: Yes. Well and...

Alan Greenberg: Non primary English speakers.

Mikey O'Connor: Yeah, I would say that Marika is an English speaker. Cost implications - oh I wrote all of this. She's highlighting in Line 768, "The working group views the initial transfer of contact data to the registry as similarly straightforward and could be as simple as using the Restore Contact from the data escrow provider process."

((Crosstalk))

Mikey O'Connor: That presumably already exist since she's saying we don't know about that.

Alan Greenberg: Where are we?

Mikey O'Connor: Seven sixty-seven.

Alan Greenberg: Oh you missed 735.

Mikey O'Connor: Oh, hang on. Let's roll back to that one.

Alan Greenberg: It looks like it was an error in fact.

Mikey O'Connor: Yes, that was a fact I made up on 735. So she's correcting my guy behavior so that's good. On 767 it's - you know, Alan, you and I were sort of speculating that it could be...

((Crosstalk))

Alan Greenberg: That's not what I speculated.

Mikey O'Connor: Oh so I mis-wrote what you speculated.

Alan Greenberg: I simply said that the escrow data could be used as the source of the transfer. I didn't - I certainly didn't say that there's already a process in place to import it; I was simply saying that the data that the registrar creates for escrow

purposes might be a viable source for the data that has to be transferred to a registry.

Mikey O'Connor: Okay that's great.

((Crosstalk))

Alan Greenberg: ...and it's probably in a format the registry is already familiar with. But I was not claiming that there's a process in place. Someone may else have, I didn't.

Mikey O'Connor: No, no, I made that up.

Alan Greenberg: Okay.

Mikey O'Connor: I made that up from memory from the conversation. So, Berry, just take Alan's meaning and drive that meaning into that sentence and we'll be fine.

Alan Greenberg: Yeah, at the time I, you know, it's a light that came on over my head and Tim said, yeah, that may be practical so, I mean, I think that was the sum total of the discussion at the time.

Mikey O'Connor: Yeah and then I turned that into - because I'm a process guy I turn everything into a process. I love processes.

Alan Greenberg: Implementation, Mikey.

Mikey O'Connor: Oh, pick, pick, pick. Okay I'm moving us along. I'm seeing people drop off the call and so let's try and pick off a few more of these and then carry on.

Alan Greenberg: It...

((Crosstalk))

Mikey O'Connor: So on 772 - yeah, we're way past the hour. Berry, how many more of these have we got? I mean, am I just tackling too much in one call? Should...

((Crosstalk))

Alan Greenberg: ...yeah there's quite a few.

Berry Cobb: Yeah we have five or six more to go through.

Mikey O'Connor: All right well then we'll throw in the towel and pick it up next time. Dangnabbit.

Mikey O'Connor: Okay. Thanks, folks. This was a very useful call and we'll see you in a week.

Alan Greenberg: Thanks, Mikey.

Mikey O'Connor: You bet.

Berry Cobb: Take care, everyone.

Mikey O'Connor: Bye-bye.

END