

**Translation and Transliteration of Contact Information PDP Charter DT Meeting
TRANSCRIPTION
Thursday 22nd August at 1500 UTC**

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The audio is also available at:

<http://audio.icann.org/gns0/gns0-transliteration-contact-20130822-en.mp3>

Attendees:

Chris Dillon - NCSG

Rudi Vansnick - NPOC

Vinay Kumar Singh – individual

Amr Elsadr - NCUC

Apologies: none

ICANN staff:

Julie Hedlund

Lars Hoffman

Glen de Saint Gery

Nathalie Peregrine

Nathalie Peregrine: Thank you ever so much, (Tonya). Good morning, good afternoon, good evening. This is the Translation and Transliteration of Contact Information PDP Working Group on the 22nd of August, 2013.

On the call today we have Chris Dillon, Vinay Kumar Singh, and Rudy Vansnick. We have received no apologies for today's call. And from staff we have Julie Hedlund, Glen de Saint G ery, Lars Hoffman, and myself, Nathalie Peregrine.

I'd like to remind all participants to please state their names before speaking for transcription purposes. Thank you very much and over to you.

Julie Hedlund: Thank very much, Nathalie. And this is Julie Hedlund and I'll just go ahead and turn things over to our co chairs, Chris Dillon and Rudy Vansnick.

Chris Dillon: Thank you. This is Chris speaking. Rudy, are you going to chair today or shall I? I don't mind either way.

Rudy Vansnick: Well I would say go ahead. I'm just going to try to check out who is missing in the participant list in order to have a kind of quorum because there are just three of us and...

((Crosstalk))

Chris Dillon: Yeah.

Julie Hedlund: Yeah, there is - this is Julie Hedlund. I'll send - put the membership list into the Chat so you'll see who's there. Just one moment. We are missing quite a few people so I don't know that we could say that we have quorum with just three but let me pull up the membership list and put it in momentarily here.

Rudy Vansnick: Rudy Vansnick here. I think that one of the reasons why we are not that many is that the context of this work is not so easy. And getting a final view on what is acceptable and what is not acceptable for the working group is not that easy to define I think. So we have already a few discussions on the mailing list.

Go ahead, Chris, I'm letting you going ahead.

Chris Dillon: Okay. Well I think before we go into the agenda we really do have to make a decision about whether we're quora with this number. My own instinct is that

in fact we are and that we should continue. If somebody feels strongly about that then just say now.

Julie Hedlund: So this is Julie Hedlund. I just note - I put - I know it's a little bit messy because the copy and paste didn't work really well out of the member list but we - and so there's some duplicates. But we have Ching Chiao, Edmon Chung, Chris Dillon, Arm Elsadr, Yoav Keren and Vinay Singh, Rudy Vansnick. So we have - we have a total, by my count, of seven members on the drafting team.

Last week's meeting we did have several more people. I know Yoav participated. I think Amr also was on the call last week. I think Ching and Edmon have not joined for our last two calls.

Chris Dillon: Okay. This is Chris speaking. Well, I think if we - if we get going and I need to start by asking the official question whether anybody's statement of interest has changed. That's just a formality really.

If so hearing no response on that I will go into the rest of the agenda. I'm just waking my computer up here. Okay. So this is the - so we're into Part 2 of the agenda, which is the discussion of the draft which - and Julie's just displaying it now with certain sections that were added as a result of various contributions from Yoav and other people last week.

So really the question is whether anybody would like to make a comment about any of those additions?

Okay, this is Chris speaking. Well hearing no comments on the additions I'll just go back to a few things that - well there's one thing which was discussed on the mailing list, at least one thing, which I'll just mention briefly. I thought that somewhere in Section 2 - just try and find that for you - so that's on Page 4.

So on Page 4 there are bullets - five bullet points. And those were the five models that have been discussed in the two reports which are on the first page of our charter.

And I wanted to add a sentence which was basically saying that the working group would not be restricted to implementing one of those five; that they would actually be free to make a change to those. I mean, unless I've missed I don't think that's actually there in the document. And I think it's a useful freedom for the working group to have.

Oh and Rudy, sorry, I missed - yeah, I can see you're putting your hand up. Would you like to speak about that?

Rudy Vansnick: Thank you, Chris. Rudy here. Yeah, indeed as we already discussed by email it is important that we allow the working group to step into another model that would perhaps be a better solution as we...

Chris Dillon: Yeah.

Rudy Vansnick: ...as we have discovered to date. But the five are not really the five that will solve the issue.

Chris Dillon: Yeah.

Rudy Vansnick: We have seen that - the issue is really larger than it has been described. And when I looked into the report and the previous document it's clear that by the fact that we will have so many new data coming into the Whois databases due to the fact that we have the IDNs on one side and the new gTLDs will start soon.

Chris Dillon: Yeah.

Rudy Vansnick: I think it is important that we have a solution before...

Chris Dillon: Yeah.

Rudy Vansnick: ...before the (mess) starts popping up. I'm really afraid of what if there is a complaint tomorrow that cannot be solved the fact that a name was wrongly translated. And I think for that reason I'm really for your proposal of adding a sentence that would allow the working group to step aside the proposed models.

Chris Dillon: Yes.

Rudy Vansnick: But only if there is a - an agreement from the legal department from ICANN to avoid any further discussions.

Chris Dillon: Thank you very much for that, Rudy. This is rather an interesting point that whether - I was suggesting - this is Chris speaking again - I was suggesting that really effectively the intention of this document was that the - effectively the five bullet points were suggestions and that really all I was doing was adding a clarification.

And, you know, I certainly think what Julie is actually suggesting some text for the clarification which is in the window such as the PDP working group will not be limited to considering the above alternatives but will be encouraged to consider all possible alternatives.

I mean, whether - I mean, really all I have done is interpreted that as being - effectively what this document is doing. So I would tend not to refer that to the legal department.

And there was also a point that Vinay was making which, again, I felt, you know, I think if I understood the point Vinay was making on the list correctly, it was actually, you know, what constitutes a legal address?

And that was something that I thought possibly should be referred to the legal department but not by us. I thought really that was something that the working group should be doing so what I am saying is that I don't think we need to - that we need to refer either of these things to the legal department.

Rudy Vansnick: Rudy speaking.

Chris Dillon: Yes.

Rudy Vansnick: Well, indeed, when I said it would be with the agreement of the legal department would not be the legal department defining that we add that sentence but that the working group will consult the legal department if they're going to choose another model.

Julie Hedlund: This is Julie. May I comment on that?

Chris Dillon: By all means.

Julie Hedlund: So thank you. Perhaps I could clarify something with respect to - with respect to the PDP. So the - ICANN legal staff, when the - when staff drafted both the preliminary issue report and the final issue report that staff - legal staff were consulted and found that the issue - the issues, as you see here, under the mission and scope, whether it's desirable to translate contact information to a single common language or transliterate to a single script and who should bear the burden, legal's determination was that these are in scope for a PDP.

But legal does not have to determine what particular model the working group considers. For example, the IRD Working Group when it discussed the four models and also then there was the model - the fifth one that was suggested in the public comment forum, it simply - it simply proposed those as possible models.

And I think, you know, Chris's point is right that the working group does not have to be limited to these and there are, indeed, other possible alternatives. But the models themselves don't need to go through a legal review as to whether or not they're in scope of a PDP because basically the issue - the overarching issue itself is in scope for a PDP.

There may, however, be a need to consult with legal when one comes to the implementation of a particular model, you know, as far as the legal ramifications.

And of course - and we can say it here as well if we want to be very specific. And maybe this gets to Vinay's point as well. Maybe what we might want to add is some text that says, you know, the PDP working group, you know, may consult with ICANN legal staff on any legal ramifications that may apply.

And I'm - since I'm saying this off the top of my head I think it's badly worded. But any legal ramifications of any particular model or something like that. I can try to come up with something better. Thank you.

Chris Dillon: Thank you, Julie. This is Chris speaking. That - yes, that sounds - I mean, the key word in the sentence is really the may. You know, they have a freedom to do that. So, yes, that - you know, that feels more or less right.

And, you know, one certainly suspects that if a particular model, whether it's one of the five or another model, if any model were chosen, you know, actually I can't imagine that the ICANN legal department wouldn't be consulted.

But really the reason I'm sounding a little bit hesitant about this is that it's quite a long way away and there is a desire not to do anything to trip up the working group; that's really the only thing that's motivating me.

So, you know, sorry this is Chris speaking again. To conclude I think I would really like to ask Julie to add both sentences so it's the sentence about the - you know, the possibility of an additional model. And also the sentence about the PDP working group may wish to consult or something along those lines.

Oh yes, okay, which we can now see in the Chat room. This is Chris continuing to speak. So the PDP working group also may consult with ICANN legal to staff when considering alternatives. I can't imagine that would do any harm.

Rudy, would you like to say something?

Rudy Vansnick: Thank you, Chris. Rudy speaking. Yeah, I'm really liking the proposal that Julie has put in the Chat room. But I start having some thoughts about who is going to be in the working group once the charter is done? I have the impression that it will be probably all of us being - in the (draft) (unintelligible) as we are already collecting a lot of experience.

But as I was mentioning also in the Chat I think it's really important that we get some input from Edmon Chung, for instance, who I consider being a specialist in implementing IDNs.

I will probably already have looking to how as a registry and a registrar we can solve the issue of different languages than the (unintelligible) language. So I would propose that we send the message email to Edmon and eventually also to - what's the name - (unintelligible) Ching Chiao to ask their feeling about what the working group should really look into with the experience they have doing the IDNs.

Maybe we are just looking over some issues that they have in mind and that we don't see. Is that something we can go for? I would like, eventually, to draw up the mail and then send it to Chris - and we send it out as the co

chairs of the drafting team to people we think could advise us a little bit more in what are the real issues with especially the IDNs with contact data.

Chris Dillon: Thank you, Rudy. This is Chris speaking. Yes, I think that makes huge sense. There is no doubt that when it comes to the working group, you know, it would be very good to broaden the, you know, the scope of the people involved and specifically into Registries and Registrars, those stakeholder groups. So I think that makes huge sense. We might as well do it now, why not? I can see that...

Rudy Vansnick: Rudy speaking again. A question...

Chris Dillon: Fire away.

Rudy Vansnick: A question for Julie. Can the members of the drafting team be members of the working group or is there any restriction? I don't know.

Julie Hedlund: This is Julie. Thank you, Rudy, for your question. Absolutely, the members of the drafting team can be members of the working group. And my understanding is that it is usually the case that drafting team members stay on as working group members because of the experience in drafting the charter and how useful that is.

And I think I noted in the Chat room that both Edmon and Ching are members of this drafting team and we certainly would encourage them to stay on as members of the working group.

I very much support, however, the idea of engaging them to specifically provide comments on this charter. Since they are in the drafting team and have not been able to attend the meetings I don't - I think that - and also because we have a number of people who are missing again today while we're discussing these issues.

I would feel more comfortable if we could get more people in the drafting team commenting on the charter including, of course, both Edmon and Ching. And hopefully get more people - encourage more people to attend next week's meeting as well.

Chris Dillon: Hello, this is Chris speaking. Yes, I couldn't agree more. I mean, you know, certainly effectively what they will be looking at is a, you know, a third draft of it. You know, there was the basic draft that you did then there was the major upgrade and then there are a few sentences going in. So it's really, you know, it would be a really good time to look at it and get their input.

Amr, you've just put your hand up. Would you like to say something? I think that - this is Chris speaking - I think we've got technical problems. Amr, would you like to type a question perhaps? We can't hear...

Amr Elsadr: I'm just trying to use audio on Adobe Connect for the first time. Can you hear me?

Chris Dillon: Amr, yes, yes we can hear you. Thank you.

Amr Elsadr: Thanks. I have a question really. I think it touches upon the issue of asking for legal advice as well as another part of the draft charter on the same page saying that the PDP working group should also consult with the different SOs and ACs.

Should we not add perhaps that the working group should consult with the - or at least review work by other PDP working groups that have done - that have addressed issues relating to Whois such as, for example, the Thick Whois PDP Working Group, which already has an initial report published.

Because they, for example, that discusses issues like (unintelligible) of consistency as well as some - it raises some interesting questions on privacy

regarding transfer of Whois data of across legal jurisdictions. So would it be prudent to add that to the charter?

Chris Dillon: Amr, this is Chris speaking. Thank you very much for that. As Rudy is typing in the Chat window that's a very good point. There do seem to be some past working groups and there's also a working group that they're just about to set up which unfortunately I don't have the title for that. But that's just about to happen.

And so there is - so it's really worth mentioning those relevant working groups, yes, that would be a good improvement.

And this is Chris continuing to speak. The - Julie is actually typing in the Chat window now another sentence about other relevant PDPs concerning IDNs and Whois. Yes, especially Whois I think. Thank you very much, Julie, for that.

And, Amr, is there another question you'd like to make?

Amr Elsadr: Sorry about that.

Chris Dillon: No problem.

Amr Elsadr: I just put my hand down.

Chris Dillon: Okay Chris speaking. I think we probably just need to make a bit of a collection of relevant PDPs really. But, yes, that sounds to be a substantial improvement for the next draft. Just watching what's going on in the Chat. Some typing going on there.

Julie is typing in the Chat window that we could just leave it open. My instinct, to be honest, is to be - is to be more proactive than that. I think we probably

should list a few of them because, you know, with ICANN there are so many things happening it is very easy to miss something important.

And I think for that reason I would actually tend to mention them specifically. I'd rather we do that than miss something. It's a bit - I realize that may sound a bit tedious but I think that's probably work that's worth doing.

Now, Rudy, would you like to say something at this point?

Rudy Vansnick: Yes, thank you, Chris. Rudy speaking. I fully agree with you that we need to list at least the most important ones as we know that many discussions are going around especially in the context of the privacy. The whole discussion taken (unintelligible).

I think we need to reflect into the final work and the final report what has been discussed and agreed on in other PDP working groups that are touching upon the contact information and especially when it's related to IDNs.

So I propose that - and I put it on my to do list that I would go through the last two years activities and check which PDP or which working group is important for our working group work and list them and bring them eventually into the next version of the charter.

Chris Dillon: Okay. This is Chris speaking. That all sounds very, very useful so perhaps if all of us could (unintelligible) and Julie is actually writing that she'll pull these from the wiki as a start. You know, it may well be that a lot, you know, it's already done but it would just be good to have it in the one place. Okay that sounds like another substantial improvement then.

All right so I'd just like to ask whether there are any other questions about the present draft, any more improvements? And...

Rudy Vansnick: Rudy speaking.

Chris Dillon: ...Amr, would you like to speak?

Amr Elsadr: I can go after Rudy. It's okay.

Chris Dillon: Okay, Rudy then please.

Rudy Vansnick: No problem. Rudy here. I was just going to ask Amr and Vinay to eventually bring their opinions at this point to see if we are going in a good direction. By silence is not always the best way to agree.

Amr Elsadr: Okay, shall I go?

Chris Dillon: Thank you very much.

Amr Elsadr: I have a question on the two bullets - the three bullets at the beginning of the draft regarding the background and what's required based on what was identified by the IRD working group.

The second bullet, "Who should decide who should bear the burden translating contact information?" My question is could someone please clarify to me the wisdom in putting this as who should decide who should bear the burden as opposed to the working group just deciding itself who should bear the burden? I'm relatively new to this and I'm sure there must be a reason why this is the way it is. But I'd appreciate it if someone could just clarify that. Thanks.

Chris Dillon: Thank you for that, Amr. I actually don't know the answer to that. I wonder if Julie perhaps may know why that is phrased like that?

Julie Hedlund: Yes, this is Julie. Thank you for your question, Amr. It has to do with the fact that - well first that it is a burden and it could be a burden that has to be, you

know, undertaken, say, by a registrar or a registry. And there may then be contractual obligations that could result.

So, for example, there might be a couple of possibilities. If the working group says we think that registrars should be able to decide whether or not they will bear the burden and do it voluntarily.

Or the working group could say we think that ICANN should decide who will bear the burden and then make that contractual. So - and that's just two alternatives; there may be others. You know, or the working group could decide, well, we think registrants should do this.

And there's no contractual obligation there of course. And, you know, and so we think that, you know, ICANN should say okay registrants, it's up to you to do this, you know, or registrants themselves could decide to do it.

So it - I think it has to do with, you know, whether or not this is something that, you know, we think ICANN should do, should the Board make the decision? Should people be able to voluntarily make the decision to take on this burden? That is my understanding of why it's worded this way.

Chris Dillon: Thank you very much, Julie. This is Chris speaking.

Amr Elsadr: Sorry, this is Amr.

Chris Dillon: Oh yes, Amr, by all means.

Amr Elsadr: Yeah, yeah, I'm sorry but I'm - I do not believe that Julie has really answered my question. I understand what the different alternatives might be on who might bear the burden of the translation and/or transliteration. But my question is why do we need this working group to decide who will decide on making that decision as opposed to having this actual working group deciding

whether it's going to be the registrar that bears the burden optionally or not, whether it's ICANN that will decide.

My question is really why are we asking this working group to decide on who decides rather than just having the working group decide itself? Does that make any sense?

Chris Dillon: Thank you. Yes, yes it does make sense. I mean, I'm guessing - this is Chris speaking - I'm guessing that it's like that because the working group actually doesn't have - it's unlikely that the working group would have the relevant power to do that.

And there's actually what - you know, what it can do is look at an organizational diagram or, you know, just look at how it works or current practice and then based on that say, you know, this is the recommendation that we want to make.

And, you know, certainly I am thinking about the rules of engagement in Section 4 here that, you know, it's conceivable that it may not be possible to get full consensus. And I'm guessing it's that sort of thing.

Rudy, would you like to say something about that?

Rudy Vansnick: Yes. Thank you, Chris. Rudy speaking. I think that the problem that is on the table is due to the fact that there was no final consensus on the final approach of the problem and that this working group will have the task to really figure out what is acceptable and what is not acceptable by means of legal restrictions.

Just to take a sample, if the registrar takes the decision to translate the contact information and puts in wrong data and from a legal point of view, and especially (unintelligible), could be - could attack at that point the registrar first of all because the registrar has been hiding the information by doing a

translation that probably in that case was not correct. If I make myself understandable.

It's - I think that we need to - that the working group has to clarify up to what extent the decision of who is going to do the translation is limited by the legal restrictions. And then I think that's one of the biggest discussions that the working group will have.

Who has the authorization to translate contact data into a language that put (unintelligible) in completely different direction. The sample has been given on the mail, the translation into Mohammed, for instance, can be written in many samples. And that would, indeed, not help if the Whois information is expressing a name that (unintelligible) exist.

Chris Dillon: Thank you, Rudy. That is a very good point. And I think it's really making clear the link between, you know, deciding who has responsibility for, you know, mistakes in translations and transliterations because whoever, you know, whoever has the responsibility, you know, there are obvious legal connections so, yes, that's very well put, I would say. Thank you.

Just - this is Chris speaking. I'm just reading various comments in the Chat room now. And people are just saying yes, you know, it is very likely that there are legal considerations depending on who would carry the responsibility.

And, you know, I would also say here it's not just legal considerations on who ends up with the responsibility. But I think precedent, so what is happening now, is probably quite important because if the working group were to make decisions, which were radically different from the status quo then, you know, that, you know, that could be quite interesting from a legal point of view.

And just looking at the Chat room. This is Chris speaking. Rudy is, you know, is saying that, you know, that that means that the registrant doing the translation, so in other words, I think that's Model 5, may become attractive.

Rudy Vansnick: Rudy speaking.

Chris Dillon: Fire away.

((Crosstalk))

Rudy Vansnick: Yeah, I think that, well, if we - the final solution would be that the registrant has to do translation. The question is has the (unintelligible) the ability to translate in another language. And that could put some weight also on the registrant.

And it would really put the registrant in a situation where the registrant would be the only (reachable) in case of legal implications. And I don't know if that is something we are looking for. The registrant can be a private person that has no understanding of another language (unintelligible) the native language of that person.

Chris Dillon: Okay. Thank you for that, Rudy. This is Chris speaking. You know, I think we have to be a little bit careful because we're starting to answer questions about who carries responsibility and we're sort of presuming that it's translation anyway and it may be partly translation or partly transliteration. There are really several possibilities.

And I just feel we're starting - starting to go into the area of what the working group should be doing. So, I mean, don't get me wrong, I think it's really, really interesting. And by thinking about these things you sort of - it also helps us draft the charter because, you know, if we can imagine what they may be doing at the next stage that may mean we can draft a better charter so I'm very sympathetic.

Okay. And I'm just waiting for a moment because I can see both Rudy and Vinay are typing things. We have the task list for the next few days, we certainly do. Yeah, that's great. We can certainly kick these things around on the mailing list again. That sounds like a really good thing to do.

Again I'm just waiting - this is Chris speaking - I'm just waiting for, you know, various comments in the Chat room. And Vinay is saying that he's a law student. Yes, we all end up studying the law or doing that to the greater or lesser extent. Yes, thank you.

Okay. There's a little bit of typing going on so I'll wait for that. And okay and Rudy is just volunteering to encourage Edmon and Ching to get involved with the mailing list and the drafting group.

Rudy Vansnick: Rudy speaking. Yeah, Edmon was a very good friend when I was active in the At Large Advisory Committee, in ALAC. And I can certainly convince him to bring out of his experience that he has had in the past month with the IDNs. Because I think that when we discuss about the problem of translation and transliteration it will essentially touch upon the IDNs in the initial case.

Chris Dillon: Thank you, Rudy. I have spent a lot of time talking with Edmon about IDN stuff over the years as well, yeah. I know what you mean.

Okay now are there any other questions about the draft? Any more improvements or thoughts? If not I shall ask whether there's any other business. Okay well that sounds as if we are probably nearing the end of the meeting.

The date of the next meeting is the same time next Thursday. And, you know, obviously various people have promised things so, you know, if Julie would be kind enough to do a third draft and Rudy would, you know, just send those emails encouraging participation. Those are the main actions.

And, Rudy, you have your hand up; would you like to add something? Yeah.

Rudy Vansnick: Yes, thank you, Chris. Rudy speaking. Well maybe we have to ask the other members of the drafting team if another time slot and another date would maybe be more helpful to get them in our calls.

Chris Dillon: Yeah.

Rudy Vansnick: In order to avoid that we have to go through mailing lists.

Chris Dillon: Yes. That may just be worth doing. So I'm very happy to send an email out to the list and just say is there - Julie is just putting her hand up.

Julie Hedlund: One - this is Julie Hedlund. One possibility would be that when I send out the meeting notice the notes from today's meeting, I can ask people to RSVP specifically, you know, say by Monday to indicate that they can attend, you know, or not.

And if we don't get enough RSVPs then perhaps what we'll have to do is do another Doodle to find an alternate time. That's a little difficult because of course based on the Doodle this was the time that worked best for people. And so we may very well end up with the same time and it just may be that people have had conflicts. But I will ask people to RSVP.

And I think it will be also extremely helpful that, as Rudy has suggested, to reach out to Edmon and Ching. And, you know, perhaps by engaging them ahead of the meeting, you know, we can find out if they can attend the meeting or, you know, if we have to go back to the drawing board and come up with another time.

Chris Dillon: Okay, this is Chris speaking. Thank you very much for that, Julie. I think we probably need to run this process. My own feeling is that what we're actually

suffering from is just everybody's on holiday in August. But we - I think we do have to be absolutely sure that there isn't a better time so let us proceed like that.

Okay well in that case I'm intending to - oh, sorry, Julie, have you still something you'd like to say?

Julie Hedlund: Sorry, no. Forgot to put my hand down.

Chris Dillon: No that's all right, no problem. In that case, you know, I'll just end the meeting slightly early and say that we'll probably be here at the same time next week. But if the result of - if there does end up being another Doodle poll it's conceivable we will be meeting at some other time. But unless that happens we'll see you again next week. So thank you very much for a very good discussion.

Julie Hedlund: Thank you, everyone. This was extremely helpful. Have a great...

END