

## **WHOIS Working Group Teleconference**

**25 April 2007**

**12:00 UTC**

**Note:** The following is the output of transcribing from an audio recording of WHOIS Working Group teleconference on 25 April 2007. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors.

The transcription has not been corrected for language accuracy, nor for correctness of spelling, etc. and in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. This decision was made in the interest of efficiency. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio recording is available at:

Please find the MP3 recording of the WHOIS teleconference on page:

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

<http://gnso-audio.icann.org/whois-wg-20070425.mp3>

### **Participants on the WHOIS call**

Philip Sheppard-CBUC - Chair elected at the meeting

Palmer Hamilton - CBUC

Susan Kawaguchi - CBUC

Steve Del Bianco -CBUC

David Fares - CBUC vote 1

Steve Metalitz - IPC - vote 1

Kristina Rosette IPC

Ute Decker -IPC

Paul Stahura - Registrar

John Nevett - Registrar vote 1

Margie Milam - Registrar

Thomas Keller - Registrar

David Maher - Registry c - vote 1

Dan Krimm - NCUC

Robin Gross - NCUC - vote 1

Mawaki Chango - NCUC

Milton Mueller -NCUC

Avri Doria - Nominating Committee appointee to GNSO Council - vote

Jon Bing - Nominating Committee appointee to GNSO Council - vice chair -  
vote

Susane Sene - GAC Liaison to GNSO Council

**Observers:**

Yaovi Athoun - observer

Melissa Rotunno -observer

Kari Moeller - observer

Hope Mehlman - observer

Marklus Heyeder - observer

Patrick Cain - observer

Lynn Goodendorf - observer

Lane Mortensen - observer

Richard Padilla - observer

Doug Isenberg - observer

Martin Boyle - observer

Darlene Thompson - observer

Neil Schwartzman - observer

Carole Bird - observer

Wendy Seltzer - observer

Christopher Gibson - observer

Adam Scoville - observer

Michael Warnecke - observer

Robert Flaim -Observer

Amadeo Abril - observer

Rudy Vansenick - observer

Amadeu Abril - observer

Wout DeNatris - observer

**ICANN Staff**

Denise Michell - Vice President Policy

Maria Farrell - GNSO Policy Officer

Patrick Jones - Registry Liaison Manager

Glen De Saint Gery - GNSO Secretariat

Coordinator: (Hope Mehlman) now joins the call.

Philip Sheppard: Hello (Hope), everybody welcome. Philip Sheppard here, interim Chair speaking.

(Hope Mehlman) Good morning, or afternoon, I'm not sure where you are. So...

Philip Sheppard: It's afternoon, where I am.

(Hope Millman): Oh, okay. That's what I thought when I heard your accent. So...

(Marcus Strider): Hello.

Philip Sheppard: Yes, sorry who's that?

(Marcus Strider): I'm (Marcus Strider).

Philip Sheppard: Hello (Marcus). It's Philip Sheppard interim Chair here. You're very welcome.

(Marcus Strider): Excellent. How are you?

Philip Sheppard: And you're from the...

Coordinator: Excuse me, this is the operator. Mr. (Paul Mohammad) now joins.

Philip Sheppard: Thank you. And you're from – (Marcus), you're from Federal Trade Commission, is that right?

(Marcus Strider): Yeah, I'm with Federal Trade Commission.

Philip Sheppard: And the International Consumers Protection Society, is that concerned with online food or data privacy or both?

(Marcus Strider): We do all consumer protection work as (FTC) does. We do the international angle on all of our consumer protection work including enforcing privacy license.

Philip Sheppard: Good to know, thanks. And (Paul Mohammad) was it joining from the BC?

(Paul Mohammad): Yes.

Philip Sheppard: (Paul) you're very welcome. It's Philip Sheppard here, interim Chair.

((Crosstalk))

Philip Sheppard: We just spoke to them, could they repeat that? There was some noise on the line.

((Crosstalk))

(Pat Cane): I think he tried to say (Pat Cane) joined the call.

Philip Sheppard: Oh, okay. Okay (Pat), that was you speaking?

(Pat Cane): Yeah. That was me. I have a second occupation now.

(Carrie Muller): And I don't know if I actually introduced myself after the operator did. This is (Carrie Muller) with Turner broadcasting here in Atlanta Georgia in the US.

Philip Sheppard: Okay, you're very welcome.

(Carrie Muller): Thank you.

Lynn Goodendorf: Hello this is Lynn Goodendorf from InterContinental Hotels Group based in Atlanta.

Philip Sheppard: Hello Lynn, you're very welcome indeed.

Lynn Goodendorf: Thank you.

(Lane Martinson): Hi, this is (Lane Martinson) with (Wickle) Bank in California.

(Richard Padello): Hi, this is (Richard Padello) from the University of the (unintelligible)

Philip Sheppard: Hello (Lane), hello (Richard).

(Doug Eisenberg): This is (Doug Eisenberg) from Atlanta.

Philip Sheppard: Hello (Doug), you're very welcome.

(Patrick Jones): Hi, this is (Patrick Jones), in Mariner, (Unintelligible).

Woman:: Okay thanks.

Coordinator: (Darlene Thompson) joins.

(Nelson Blue): This is (Nelson Blue) from the Ice Kingdom.

Coordinator: (Harold Jones) now joins the call.

Philip Sheppard: Okay, you're very welcome. Philip Sheppard.

((Crosstalk))

Philip Sheppard: Lynn, tell me, what's InterContinental Hotel's interest in whois. Is that just name protection or something broader?

Coordinator: (Artie Marilyn) joins.

Lynn Goodendorf: Yes, we're having a lot of difficulties protecting our brand names from..

((Crosstalk))

Philip Sheppard: Okay operator, we've got some crackling on the line, if you could isolate and stop them.

Coordinator: Yes, just one moment sir.

Philip Sheppard: Sorry then carry on.

Lynn Goodendorf: Yes we're having difficulty...

Coordinator: Excuse me (Michael Vornachey) just joins the call.

Women: (Unintelligible) now joins.

(David Maher): (David Maher) joining.

Philip Sheppard: Hey (David).

(Sam Kelly): (Sam Kelly) just joined.

((Crosstalk))

(Chris Gibson): (Chris Gibson) joining.

(Adam Scoville): (Adam Scoville) joining.

(Nolbert): (Nolbert) joining.

Coordinator: Excuse me this is (Suzanne Sene) now joins the call.

Woman: (Unintelligible) now joins.

Man: Oh great worked up?

Woman: Okay.

Woman: Yeah.

Man: Thanks.

(Amadeus): Hi (Amadeu) joining.

Philip Sheppard: Hello there (Amadeu). You're very welcome.

(Kristina): Hello Philip, it's (Kristina).

Philip Sheppard: Hello (Kristina). We'll be making the start in a couple of minutes. We'll just allow people to join.

Woman: (DavidFares).

Philip Sheppard: Was I experiencing delays ago. Please don't hold.

((Crosstalk))

Woman: No it's been long queues with the operator.

Philip Sheppard: Okay.

Man: Yes.



Philip Sheppard: I guess, we're a big group. So that's probably causing them some stress. But we may be able to - perhaps Glen if you could talk after this call and explain this is going to be a common pattern for this calls. And see if there's anything that can be done about that.

(Denise Michel): Excuse me Ms. Operator, (Ms. Denise Michel) now joins.

Philip Sheppard: Thank you very much. Well, operator we're going to start the recording of the call now. I'd like as people join the call from now on – this is due – allow them to join silently to avoid interruption. And we'll be – if you could start the recording now please.

Coordinator: Okay the recording has begun and people be entered silently. Thank you very much.

Philip Sheppard: Thank you very much. So welcome everybody. I think most of you've already seen the agenda that I circulated. Today's call is the first call of our group. And it's going to be noticeably short just to set up our work plan. And do some of the basic administration we need to do for this call.

I'm going to give a short report on the pre-work by myself as Interim Chairman. We'll then discuss briefly the basis of voting in the group. We'll then have a formal vote for the chair of the group. And then the chair will talk about the work plan going forward, followed by any other business.

So let me start on item one. Report on pre-work by Interim Chairman - myself. As most of you will know, I was asked by the Council to take on the work of Interim Chairman to set up the group and get things going.

Council's given us just 120 days to try to produce some sort of outcome which is an interesting time schedule if any of you are aware of the history of the issue dealt with under whois. I think essentially though, it is probably achievable.

I mean, the basis to my thinking is that if we have no outcome, we have some previous status quo, which means the status quo with – many will consider to be inadequate privacy protection on the status quo, and one we consider to be an adequate ability to prevent bad faith usage online.

We have a rather large group, and besides Council members and members of constituencies, this is a working group and therefore is deliberately open to all who are interested in participating in order that we can benefit from that expertise.

I have meant that we are a group currently of 60 plus and expanding. That – you know, that naturally produces certain challenges in terms of the manageability of these calls.

And I think that will mean just perhaps, more discussion will have to be on mailing lists in terms of some things in order to let everybody to participate. And we will need to focus very carefully on the way that we handle participation, actually during a call.

By reason of fault also, in terms of trying to breakdown the work that has been set out in the charter is that the charter quite neatly divides the work into three sections.

And initially, my thoughts would be that three sub-groups working for a relatively short period of time on your options that fulfill the history requirements will be the best way to go.

And the idea there is that they work only on certain options that do not tackle the more up to challenging idea of evaluation options. That will be then done by the main group who will see what these options are.

Just - I will stop there in terms of the preliminary remarks made by the Interim Chair. And go on to the first formal part of this call which is the voting for chair.

As you may have seen in the chart already, the members of the group are the only ones with votes. And basically that is a vote for our constituency. Together also with voting by the nominating committee and members of the Council.

We have asked each constituency to appoint one person as their vote holder, possible alternative in their absence and failing that, we will take the chair or the constituency on line who's the vote holder. Or failing that, Council member, alphabetically, failing that, member of the constituency perhaps elect them by surnames.

But I think, looking at the participation list, so far in this call, probably I can get four vote holders for most constituencies. We'll go through this by name.

Wendy Seltzer: Excuse me.

Philip Sheppard: Yes.

Wendy Seltzer: Wendy Seltzer here. I've been assured that this committee was not going to be voting and that individual participants would have the same participation rights as everybody else.

Philip Sheppard: I don't know who gave you that assurance (Wendy).

Wendy Seltzer: Maria!

Philip Sheppard: But that is not correct, I'm afraid.

Wendy Seltzer: And I thought that was the statement of work in charter 6 says that everyone will – the work of the committee will be taken by consensus and not by voting.

Philip Sheppard: That will be in terms of the way that we try to do it by consensus in decision making. I'm af- saying we're necessarily be voting for that. But when we do come to a vote, that will be the basis of voting as I've described that. So with discussion with the Council Chair and staff on that. And that seems to be consistent with the way forward.

Wendy Seltzer: Well then, I'd really like to check that because I had gotten specific assurances from Maria that there would be no voting and in fact have gotten a rather nasty response to an email message, in which I had made the same assumption.

Philip Sheppard: Thank you. Well then, we'll have that off line, if there's must be some confusion there. Thank you Wendy for raising it.

Anyway, let's go on to the formal part of this call which is...

Avri Doria: It's just taking – this is Avri. Is just taking that off line – and I had understood too that the voting was broader than just Council consti – I don't know if I said this was Avri Doria – that's the Council constituencies and there's certainly others likes the advisory committee participants and such were members.

And if membership is divided sort of wider than just the constituency, and I think it's necessary to deal with that when our first vote in terms of the chair is about to come up.

Philip Sheppard: Oh, if I look at the participation and part 3 of the charter, membership of the working group extends to the following: nominating committee appointee, GNSO Councilors, GNSO Constituency members. In addition observers may openly join a working group on the following basis, observers not being entitled to vote.

The concern that we would have in doing anything except for having an even vote for a constituency basis would be obviously the ability for any one constituency to pack a particular call, if we're going to take it on the basis of participation on the call, which wouldn't be particularly helpful.

So we were relying on constituencies to that work offline and report to their voter going forward if and when we need to come to votes on anything in particular, following our recommendations.

Anything else seems to be open to gaming and would seem to be consistent also with the way that the Council has participated in and worked on previous groups.

Steve Metalitz: Scott, This is Steve Metalitz, could I get in the queue?

Philip Sheppard: Yes indeed, Steve. Anybody else wants to be in the queue on this topic.

Maria Farrell: Maria here.

Philip Sheppard: Maria is, anybody else?

Okay, Steve.

Steve Metalitz: Yes, thank you. My understanding, and of course I wasn't on the Council call, was close to (Wendy's) in the sense that my understanding was that the output of this committee would not be handled in a voting manner but rather in the manner whether there was a broad support, some support or independent views. I'm not using exactly the right label.

Philip Sheppard: No, alternative view is the phrasing, yes.

Steve Metalitz: Alternative view. But basically, the way I saw it at least in the IDN working group report, and I think in the – in other working group reports. And so to me that implied there wouldn't be voting formally on – there might be straw votes but there wouldn't be voting formally on the output.

My understanding is that this – the vote we're about to have for selecting the chair may be the only vote that this group takes. And that's kind of – and on that basis, although I'm a little puzzled by the allocation of votes that's been proposed, on that basis I'm not – object to it. But it is my understanding that probably this is the only vote we will take.

Philip Sheppard: So yes, Steve you're characterization is correct in terms of the decision making process. I was attempting to describe the basis for the voting were that to take chair in particular just to clarify that for you and forward.

So if that settles (Wendy's) concern as well, then indeed there was common understanding on that. And that's captured under part six of the charter of this group.

Maria.

Maria Farrell: Yes Philip. Thank you. I see – I think that has been sufficiently clarified. That was certainly what I wanted to get online and say that obviously that the group is operating using a rough consensus approach. The charter is very, very on that. And voting is not to be (unintelligible).

I anticipated to be one of the reason working methods of this group, (unintelligible) shouldn't expect that any emails discussing that should be characterized exactly that certainly is going to be the last (unintelligible) we expect to be (unintelligible).

Philip Sheppard: Okay. Thank you for that clarification. If everybody's happy with that, we'll proceed to voting for the chair for this group - the formal part of today's call.

Wendy Seltzer: May I respond quickly one. This is (Wendy) again.

Philip Sheppard: Yes. Please, everybody state their name before you say anything else. We have 60 people on the call.

Wendy Seltzer: Right.

Philip Sheppard: So that's necessary.

Wendy Seltzer: Yes. So (Wendy) again. So does that mean we will be doing this as well by consensus?

Philip Sheppard: No we'll be taking votes that I've described early on this on this – for the vote for the chair.

Wendy Seltzer: Well, then I would just put my objection on the record sir. This is part of the working process of the group. And if the entire – if the working process of the group is to be by consensus, it would seem fair to start out in a consensus manner.

Philip Sheppard: Okay (Wendy) your objection is noted. Thank you very much.

We'll then proceed with the vote for the chair. And I would like to open for nominations for that position.



Before I do that, I'd also make this one observation. Though we have some early discussion and it was felt that also having a vice chair for this group would be potentially rather useful and in that regard, I'll make a nomination for vice chair in a moment.

But that (unintelligible) order first in term of nominations for the chair of this group.

(Kristina): Philip, this is (Kristina). I have a question please.

Philip Sheppard: Yup (Kristina).

(Kristina): Can nominations for chair and vice chair be made only by the person holding the vote for the constituency?

Philip Sheppard: No they can be made by anybody.

(Kristina): Okay.

Avri Doria: Phil, this is Avri can I ask a question?

Philip Sheppard: Yeah.

Avri Doria: One of the discussions topic which I believe was open for discussion in this group was the idea of, especially in a group of 60, of not just having one chair, but having co-chairs.

And I thought that there had been some continuing discussion on the idea of a co-chair, not just a chair and a vice chair.

Philip Sheppard: There has been no further discussion from Council. But that discussion can take place subsequently.

Avri Doria: Okay. I'd like to suggest that this – and I don't know whether this should be made a motion or not, but that we have not only chair, but we have a co-chair of this working group.

Philip Sheppard: Okay. Would anybody else would like to talk on that topic. I'll be reluctant to go down there as much further until there was clarity on council that we would not going to down that – particular route.

Thoughts here however were to have a vice-chair and potentially we'll have sub-groups to have sub-group chairs do the work. We're more concerned with producing some work in a short time frame, 120 days.

Avri Doria: As I understand it the council did not close that issue. It merely did not make a decision to do it.

Philip Sheppard: No. And Avri, I seem to recall you were the one who is putting it on council and (you go to board for) help.

Avri Doria: Yes.

If I have the support of no one else here, then I'll stop.

Philip Sheppard: Okay.

Milton Mueller: Well, I support that motion. I think I'm...

Mawaki Chango: It's Mawaki here. Can I say something?

Philip Sheppard: Yes Mawaki, I'll put you on the queue. We'll have note on the queue, I guess.

Mawaki Chango: Okay.

Milton Mueller: This is Milton. Am I...

Philip Sheppard: Milton. Yes, carry on.

Milton Mueller: I would just second to Avri's motion. I think, given the need for balance and the divisiveness of the issue that it'd be good to have co-chairs. That's all.

Philip Sheppard: Okay.

Milton Mueller: And then incidentally, I just also want to point out that there's still occasionally a feedback cracking on the line.

Philip Sheppard: Yes there is Milton. Thank you for pointing it out. Operator, could you perhaps try to isolate that cracking and unmute that line or ask the person concerned to dial back in.

Wendy Seltzer: I'm sorry, this is Wendy and I am the source of the crackling and I – the problem is that every time I mute, I lose my chance to speak because of the amount of time that the operators take in or that the system takes in putting me back in. So, I think it's hard for me to get back.

Avri Doria: One of the things – yeah – one of the things I – one of - this Avri. One of the things I would suggest for the chair is that when you ask if

anyone else has to speak give it a count of 20 that allows people to unmute.

Philip Sheppard: Okay. Thank you for that advice, Avri.

Wendy Seltzer: If I could join the queue at least. Wendy, I would also support the motion for co-chair.

Robin Gross: Hi. This is Robin, can I join the queue?

Philip Sheppard: Yes, Robin. You can join the queue.

Mawaki.

Mawaki Chango: Okay. As far I remember, actually my – I do remember I - as Avri about the issue of co-chair was not closed on the council, and now we just decided to have one interim chair. So at time we'll be electing a chair, we'll be re-opening the issue of co-chair.

Glen de Saint Gery: Okay. Right. Right, right, right.

Philip Sheppard: Okay. Wendy or Robin to speak.

Glen de Saint Gery: Toll free number?

Philip Sheppard: Robin, if you're not there, Wendy to speak.

Robin Gross: I'm sorry. I guess I'm here. Yeah. I wanted to also support the motion that we have co-chairs. I think, given the sensitivity of this issue and the amount of work that we have to do and the number of people that

we've got on this task force, and the need for making sure all views are heard adequately, I think it's very important that we have equal co-chairs.

And I'm – you know, this is the first time that this task force has met and so this is the first time that we really had an opportunity to have this discussion and we certainly did not foreclose this at council.

We simply said, you know, let's wait for the task force to get convened and the task force will make its own decision about who the chair will be or if there will be co-chairs.

Philip Sheppard: Okay. Thank you very much. And I heard from four members of one constituency and one nominating committee person on council. Does anybody else want to speak on this topic?

((Crosstalk))

Kristina Rosette: Philip, this is Kristina, can you put me on the queue?

Man: (Unintelligible).

Philip Sheppard: Please say your name again?

Kristina Rosette: Kristina.

Man: (Unintelligible).

Philip Sheppard: Kristina. Who else?

Kristina Rosette: Let (Tom) go first.

Man: (Unintelligible).

Philip Sheppard: (Michaela), who else?

Okay. Kristina, off you go.

Kristina Rosette: I just really have a point of clarification and what I'm not clear on. And it maybe that it's because it's never been done before – is how procedurally does the group move forward if for example we would have co-chairs and there was a disagreement between them as to how to move forward?

Philip Sheppard: You end up with the two co-chairs, wrangling and wasting enormous amount of time which is why I was against the idea on council is my (unintelligible) on that. Then maybe I'll just have two different views but...

Avri Doria: Can't – Yeah. Avri please put – please put Avri in the queue again to respond to that.

Philip Sheppard: Yeah. I reckon we know the arguments, let's take (Tom) first.

(Tommy): I'm on. Am I on?

Philip Sheppard: (Tommy), you're on.

(Tommy): Oh, okay. Okay, well, I don't think why shouldn't we discuss having a co-chair? I don't – you know, I – there are certain people having strong

feelings about that, I don't believe there's an inefficient council we made.

Any decision on whether we should have co-chair or not be – actually be really left to the group and now the group here on the phone and we can discuss this then.

If someone is wanting to do that, you know, why not have a debate on that?

Man: Exactly.

Philip Sheppard: Are there other interventions on this topic?

Steve Metalitz: Philip, this is Steve Metalitz, could I get in...

Philip Sheppard: Steve. Yup.

Avri Doria: And – and this is Avri, I'd like to be in the queue again to respond to your clarification on how co-chairs would argue with each other in public.

Philip Sheppard: It was not a clarification, it was an opinion, Avri. But you can go on queue.

Avri Doria: Right. But as such you say that it's an opinion, I'm asking you to state a different one.

Philip Sheppard: I got it. Now stay in the queue.

Avri Doria: Thank you.

Philip Sheppard: You're in the queue Steve, you may go next.

Steve Metalitz: Yeah. I would just say I'd like to call the question on this. And I think it's a – it's not a very good sign that we've just had speakers talking about whether we should discuss this rather than stating their opinion and whether we should have co-chairs. I don't think it's very feasible to have co-chairs for the – and the reason that Kristina raised, but – and I'm prepared to vote on it. So I suggest that...

Man: Steve, you kind of fell out of the...

Philip Sheppard: Okay Steve, that was good. Steve was saying he should – that we should call the question and I would agree with him. We wasted half an hour in futile wrangling which is why I was hoping to avoid when I took this on as interim chair.

Avri, you've got 30 seconds to state your opinion as to the benefits of co-chairs.

Avri Doria: Okay. The benefits of co-chairs are: one, it allows, when one has an opinion for that person to recuse themselves and step back, and two, in my experience of co-chairs which is quite long, they tend to do their wrangling in private and come up with a considered opinion, and that's one of the strong advantages as opposed to having a single opinion to decide who gets 30 minutes to speak or 30 seconds to speak.

Philip Sheppard: Okay. Avri, thank you very much for being so concise as well.



So, let's – in the interest of transparency, I would like to say what the proposal has been thinking before going into this call, which was that as interim chair from council, I would have – I would accept a nomination for chair and I would also - has been suggesting a nomination for vice chairman, not a co-chairman of Mr. Jon Bing. And John is not on this call, but he's told us he would accept such a nomination. And that would be my proposal going forward for one possibility.

Do we actually have names for interested co-chairs for any alternative? Because we need nominations now.

Avri Doria: My suggestion would be to nominate Jon Bing as a co-chair.

Philip Sheppard: Who will be the other co-chair?

Avri Doria: Would be to nominate you and Jon Bing as the co-chairs.

Philip Sheppard: All right. Okay. I decline the nomination as a co-chair. To be clear, so we have Jon Bing as one nominated co-chair. Who'd we have as another one?

Robin Gross: I second the nomination for Jon Bing. This is Robin.

Philip Sheppard: Okay. Do we have a – we need a nomination for second co-chair there.

Steve Metalitz: Philip, this is Steve. Could I raise a point of order?

Philip Sheppard: Yes.

Steve Metalitz: You seem to be moving into a – an election of co-chairs when we haven't had a vote yet on whether we will have co-chairs or have one chair?

Philip Sheppard: Well, if we don't have a nomination then I was going to rule it out of order.

Steve Metalitz: Well, I guess I – okay, I guess I would suggest that we could first vote on whether to have co-chairs or co – have a chair or co-chairs and then have the requisite number of nominees depending on how the vote comes out.

Philip Sheppard: Yeah. It might actually – that maybe is Steve. I think I'll take your advice and follow that. So let's call for the question. And I'm going to go down the registered voters for this particular vote. So the question is: should this group proceed with co-chairs?

Jon Bing: Jon Bing joining.

John Nevitt: Philip, this is John Nevitt. Could I just ask you to give me a minute or two, I mean, I would like to poll the other registrars on the call. If they could just send me a quick IM or email and how they feel on this issue would help me place our vote as a constituency.

(Paul): John, I'm not on email. (Paul) (unintelligible), and I'm okay with co-chairs.

John Nevitt: Okay. It sounds like – and (Tom's) both in favor.

Philip Sheppard: Okay. My concern before we take a vote on this per group is that we haven't – I'm not aware and we've had discussions about 15 days trying to set this group up and make it functional. I'm not aware of nominations for co-chairs. I am...

John Nevitt: Well, Philip. This is John again. I agree with Steve that we should decide the position and then seek nominations, not the other way around. So if we decide as a group that we want co-chairs versus the chair and vice-chair, then we will ask for nominations and fill those positions.

Philip Sheppard: Your optimism is noted.

Then let's – I'm going to give you one minute constituencies to rapidly message and email each other, phone each other up or send carrier pigeons to decide upon your voting and I'll call the question and then as to whether or not there should be co-chairs on this group - co-chairs to be decided the moment we have the nominations and/or indications of interest in co-chair.

Darlene Thompson: Excuse me, this is Darlene Thompson. I'm just wondering where I might be able to access a list of those who are qualified to vote?

Philip Sheppard: For the question Darlene, the voting members are nominated by constituencies and at some point, I guess, we will probably publish this to the list. That hadn't been done yet as far as I'm aware because this is our first call.

Darlene Thompson: Okay.

(Lucchep Delahare): Hello. Hello.

Philip Sheppard: Hello.

(Lucchep Delahare): Hi this is (Lucchep Delahare), can I say something quickly?

Philip Sheppard: Yes indeed. If you want to get my attention, one other thing, hello callers, perhaps you could just state your name first, so we can address you. So please go ahead.

(Lucchep Delahare): (unintelligible)

I – yeah, I do apologize. I'm sort of fairly new to this. I just – in relation to the previous note, comment, I wanted to find out, since I'm new to all of these, I don't physically represent any sort of constituency or anything of the sort. But I wondered how I – do I actually affect any of the voting that can about to take place here today?

Philip Sheppard: No. if you're an observer on this group, then you have – you have no vote on the rules of the charter.

(Lucchep Delahare): All right. Okay. All right.

Phillip Sheppard: So, I'm going to move now to take a vote on whether or not this group should move forward with co-chairs and I will run down the list that I have (unintelligible) voters. In order to do so, starting with (Dave West) for the Business Constituency.

(Dave West): I oppose co-chairs and I know that the reason is a chair is supposed to be objective, so I don't really understand the point of needing co-chairs especially if we have a vice-chair.

Philip Sheppard: Thank you very much. Registrar constituency, David Maher.

David Maher: That is the Registry Constituency.

Philip Sheppard: I beg your pardon, Registry Constituency.

David Maher: Yes. And I will - I vote for the vice-chair as opposed to a co-chair.

Philip Sheppard: All right. So verging those co-chair, thank you. MCUC, Robin Gross, what's your nomination?

Robin Gross: Yes. We vote for co-chairs.

Philip Sheppard: You vote for co-chairs. Jon Bing is not on the call.

Woman: Yes, he is.

Man: Yes, he is.

Philip Sheppard: Oh he is, Jon. How do you vote.

Jon Bing: I pass.

Philip Sheppard: You're abstaining?

Jon Bing: Uh-huh.

Philip Sheppard: Okay. Avri Doria.

Avri Doria: I vote for.

Philip Sheppard: You vote yes. Registrars John Nevitt.

John Nevitt: Yes.

Philip Sheppard: Yes. IPC Steve Metalitz.

Steve Metalitz: No for co-chairs.

Philip Sheppard: No for co-chairs. ISP, nobody on the call, is that correct?

Woman: Yes, that's correct Philip.

Philip Sheppard: Okay. And that is all the voters I believe. And we have one, two, three no's and three yes' with an abstention, which is ready useful, chaps.

Jon Bing: Well, Philip, may I make a comment here?

Philip Sheppard: Yes.

Jon Bing: Or – and I may change my abstention to vice-chair.

Philip Sheppard: Jon, you changed your abstention to in favor (unintelligible).

Jon Bing: For vice-chair. Yes.

Philip Sheppard: That's a no. That's a no to – in which case the no's have it. We have four no's and three yes'.

Milton Mueller: Philip, I have a point of order. It's done.

Philip Sheppard: So that – the group has decided against co-chairs. If you have a problem with the vote we've just taken, I'd like to take that off line. But in the meantime, I'd like to continue with this call.

Milton Mueller: Philip, I have a point of order.

Philip Sheppard: What is your point of order?

Milton Mueller: My point of order is that the decision making is not by majority vote, it's very clearly spelled out in the working group charter.

Philip Sheppard: Okay. Point of order is noted. I'm overruling that for the moment. If you wish to take to council or elsewhere, you'll be happy to do so. I'm going to move on.

Milton Mueller: (unintelligible) to overrule it, you haven't been – it's very clearly stated in the charter. And frankly, Philip, this is why we're having this dispute about the chair versus co-chair.

I mean, if you're going to basically railroad your views through, it's not a very good sign and that's why you're getting the resistance. I think you would do better to try to handle this a little more in a consensus building manner.

Philip Sheppard: What I'm concerned with is making progress with this group. If the group is uninterested, then, my interest will also decline. It's quite straightforward Milton. But your point is noted.

I would now – I'd like to move for the votes for chair and vice-chair for this group, and call for nominations for chair.

Mawaki Chango: Philip, Mawaki here. Can I ask a question please?

Philip Sheppard: No. I'm calling a question for votes for chair. I'll take your question subsequently Mawaki, thank you.

The nominations for chair for this group, please.

Avri Doria: Okay. This is Avri Doria. I'd like to nominate Jon Bing for chair.

Philip Sheppard: Okay. Jon Bing.

David Maher: This is David Maher. I nominate Philip Sheppard for chair.

Philip Sheppard: ... for chair. And David, nomination myself. Are there other nominations for chair?

Robin Gross: This is Robin Gross, I'd like to second the - Avri's nomination of Jon Bing.

Philip Sheppard: Okay. (unintelligible). Robin seconding Jon.

Are there any nominations?



Kristina Rosette: Philip, this is Kristina. I'd like to second David's nomination of you.

Philip Sheppard: Thank you.

Kristina Rosette: Okay.

Philip Sheppard: Any other nominations?

And I will close nominations. First question, Jon Bing, do you accept your nomination as chair?

Jon Bing: I think I have to. Yes.

Philip Sheppard: Yes. Excellent news.

In that case, I shall withdraw my – how do we take a vote? Might as well take a vote. I'd be very happy actually with Jon as chair. I would like to be in the position of vice-chair, that is about to take place. But anyway, I'm happy with Jon.

Let us go ahead and take a vote for those two nominations that is Jon Bing and myself, Philip Sheppard. David Harris, what is your...

John Nevitt: Philip, again, could you give us a couple of minutes?

Philip Sheppard: John. Yeah, Okay. Why not.

John Nevitt: Thanks.

Perhaps, each of the nominated – and it is John Nevitt again. Perhaps each of the nominated individual could just...

Philip Sheppard: Excellent idea.

John Nevitt: ...state, you know, a philosophy or something for the - have a key to group.

Philip Sheppard: Have a certified – certify second hustings. Jon? Would you like to speak on that of – your interest in being chair of this group.

Jon Bing: Yup. My interest in being chair of this group is very little. I have little experience as you all know and I have also little insight in the subject matter apart from specialized elements.

I see that being part of the group, one should not shy away from a responsibility, but I'm sure that the group might find it guided by more experience and certainly, by – if I were chosen to chair this group, I would not - need to extremely much of (unintelligible) from everybody. I'm in – a lot of generosity in going to do all the beginner's mistake that I possibly could think of.

But said that, I'm not to shy and back from following a majority wish. But myself would like to indicate that it's – I would also be happy to serve as a vice-chair and that perhaps would be a more appropriate way for me to learning some ropes that I could hang on to or let go.

Philip Sheppard: Excellent Jon. Thank you very much for that.

My own interest in being chairman of this was following a request from Bruce Tonkin on – as council chairman to consider looking at this group. It's his – it was something that I took great (pools) about because of the time and commitment and the controversies that the whole issue has raised.

But I expect it to be interesting challenge and if we could pull out of the skeleton of the OPOC Proposal, which I personally quite liked, we could put some flesh on the burdens of that and actually turn it around to making a difference and therefore producing some positive output for privacy enhancement and for the ability to chase bad faith, it struck me as a worthwhile effort.

Glen de Saint Gery: Darlene Thompson now joins the call again. Thank you.

Philip Sheppard: Thank you very much for that. That ended my pitch and I will now move to the vote. So the choice is – voters between Jon Bing or Philip Sheppard as chairman of the group.

David Harris, what is your vote?

David Harris: BUC supports Philip Sheppard.

Philip Sheppard: Okay. And David Maher, what is your vote?

David Maher: I vote for Philip Sheppard.

Philip Sheppard: Thank you David. Robin Gross, what is your vote?

I'll come back. Avri Doria, what is your vote?

Avri Doria: Aye, Jon Bing.

Robin Gross: Sorry, my mute was on there. I...

Philip Sheppard: Thank you Robin, what is your vote?

Robin Gross: I was speaking into the muted microphone. NCUC votes for Jon Bing.

Philip Sheppard: Oki Dok. Jon, I have – you technically have a vote.

Jon Bing: But I haven't - technically I'll vote, then I'll vote for Philip Sheppard.

Phillip Sheppard: Okay. Thank you very much. And that leaves me with – one, two, three, four, five – what I'm missing?

John Nevitt: Registrar.

Philip Sheppard: The Registrar. I beg your pardon. Yes, Registrar, what is your vote John Nevitt?

John Nevitt: We'll vote for Philip Sheppard.

Maria Farrell: And Philip, the ITC.

Philip Sheppard: And the ITC. Yes?

Steve Metalitz: This is Steve. We'll vote for Philip Sheppard.

Philip Sheppard: Thank you very much everybody. That is - to my count, one, two three, four, five votes for Philip and two votes for Jon Bing which means, I am duly elected chair for (my sins), and I hope I will serve you well.

This call going to have to end rather shortly and because I have another time constraint and we had planned to be in 45 minutes, which is fairly sharp (unintelligible) for this call. But I would now like to make a short proposal, a nomination of Jon Bing as vice chairman of this group. Are there any nominations for vice chairman?

David Maher: I second that nomination. David.

Philip Sheppard: Thank you. Thank you David Maher, second your nomination. Any other nominations for vice chair?

No. Jon Bing, do you accept the nomination as vice chair?

Jon Bing: I do.

Philip Sheppard: Thank you very much. Can I have a vote by claim for that. All is in favor, who can vote, please say aye.

Man: Aye.

Man: Aye.

Woman: Aye.

Man: Aye.

Man: Aye.

Philip Sheppard: Anybody against, please say no.

Anybody abstaining, please say abstain.

Jon Bing: Jon Bing.

Philip Sheppard: Thank you very much Jon. Your abstention is noted. And your success as a vice chairman of the group is also secured. That concludes the formal part of this group, and let me just talk very briefly in the next two minutes or so about the work plan for the group.

I've been working with Maria Farrell on a background on note which is intended to help those who have not been in the previous Whois Group to catch up if you like with the status of work there and also to have in one simple place the relevant materials that will be useful for going forward with this.

And we're currently thinking of the next three weeks to be three sub-groups which will look at the three different work areas laid out in the work plan on the four, for A, B and C.

A, being about responsibilities of the contact point. B, basically being about tiered access, and C being about distinction between nature of the name holder (eye) between natural and legal persons or between commercial – non-commercial questions like that.

Jon Bing, our vice chairman has already agreed to be – to work as the sub-group chairman for that last group, that's on C. I would like to

suggest Steve Metalitz for sub-group A. Steve, are you happy to take on that work?

Steve Metalitz: Yes. I'm not sure happy, but I'm willing to do it.

Philip Sheppard: Thank you very much. And on access, despite some off line work, I have yet – had anybody foolish enough to move and say yes they would do that. So I would like to open the call now to see anybody if they would be happy to try to coordinate the work then.

I say, the idea is about three weeks if we can do it, just to put down options for how in this case, different types of third parties may access registration data. Evaluation of those options would then come in later work of the group.

Do we have anybody who would like to put their name forward for that?

Milton Mueller: Now hold on Philip. Can you repeat the three different groups and tell us where these came from?

Philip Sheppard: It's on the web plan. It's under four of the work plan, which I hope you'd all follow this call. And there are three specific tasks.

Milton Mueller: Okay.

Philip Sheppard: I know were doing is cutting those tasks per group for the first three weeks of the – our work. And 4B is determine how and which legitimate third parties may access registration data that is no longer available for unrestricted public query based access.

Do I have a volunteer to chair the work of sub-group on that which is just checking at options that may allow that to happen without evaluations of those options.

Milton Mueller: And does this involve teleconference? Is this simply email list exchanges?

Philip Sheppard: It would be up to you. I would – we have – what we've – we've scheduled time to – for one hour long maximum teleconferences also on Wednesdays, but otherwise, by email.

Man: Philip, are we able to run separate tables to determine the time for those teleconferences because...

Philip Sheppard: Subject to agreement from ICANN staff in terms of their overlaps in requirements, certainly yes. I'm also looking at the – and they will be also advised in terms of the best time options based on the profile of the group which being very large of course. It does tend span most time zones in the world meaning that sometimes it's obviously going to be better than others.

Man: Thank you.

Milton Mueller: Okay. So I'll volunteer to do B.

Philip Sheppard: To B. To B. To B, to B. Excellent Milton, thank you very much for that. Personally, I'm delighted to accept that. I think that's a very good mix of sub-group chairs.



I prepared a little work just to help kick that off and I will get that to sub-groups for their consideration which they can either use or throw straight in the bin.

This concludes the call for today. The next thing you will see is – participants in this group, should be the background document which Maria will have out, I guess in a couple of days. Maria?

Mawaki Chango: Philip, can I make an observation, please?

Philip Sheppard: Yes you can. In a second Mawaki. Just want to hear out from Maria first on timing.

Maria Farrell?

Maria Farrell: Hello Philip. Yes, I will be able to have that paper out within the next couple of days.

Philip Sheppard: Okay. Very good. Mawaki, very quickly, because I have to go. If I can hand over to Jon Bing if takes any longer. Carry on.

Mawaki Chango: Yes. I just wanted to note that you refused to take my question after the vote of the – for the co-chair or vice chair, because I didn't – I didn't understand the way you count – you counted the votes, so that's one thing.

And this contains with the meeting – the meeting minutes of our telephone, I wanted to actually to nominate Wendy for vice chair but I didn't have time to unmute my phone before you closed the votes.  
Thank you.

Philip Sheppard: Okay. I'm very sorry about that, but that the vote has now been taken and life goes on. But that – I did note it, if Wendy is keen to do things though, I'm sure, a job can be found for her for some of the work going forward. Other things are bound to come up.

So that concludes today's call. Thank you very much everybody for your participation. You will see in the next few days the information going out about the sub groups.

And then it will be up to yourselves to decide which of the sub groups join. And we hope that will be for the next three weeks, if there's a need to extend, that would be advised. And then the group as a whole, will meet in week four.

And the call is now closed. Thank you all very much for your participations today.

Man: Okay, bye.

Man: Thank you.

Woman: Thank you.

Woman: Thank you.

END