WHOIS Task Force teleconference
Monday, 18 December 2006
10:30 EDT 15:30 UTC

Note: The following is the output of transcribing from an audio recording of the Whois task force on 18 December 2006. 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://gnso-audio.icann.org/WHOIS-20061218-tf.mp3

http://gnso.icann.org/calendar/#dec

Attendees:

Jordyn Buchanan – Chair, Steve Metalitz (IPC) Tom Keller, (Registrar constituency) Marilyn Cade, David Fares (CBUC) Milton Mueller, Robin Gross (NCUC) David Maher (Registries C) Avri Doria (Nominating Committee appointee) Wendy Seltzer (ALAC)

Absent apologies: Ross Rader

ICANN Staff:

Maria Farrell - Policy Officer

Glen de Saint Géry - GNSO Secretariat

Preliminary Summary:

http://forum.icann.org/lists/gnso-dow123/msg01295.html

Jordyn Buchanan: Jordyn Buchanan

Glen Desaintgery: Jordyn.

Jordyn, could you press star-0 for the operator to tell her when to start recording, please?

Jordyn Buchanan: Yes, I'll do that.

Glen Desaintgery: Thank you very much.

(Marilyn) might be a little bit late.

Jordyn Buchanan: Okay.

Glen Desaintgery: Her excuses if she is.

(Milton Miller):   So, Avri, did your proposal that you did with (Wendy) as it came out of Sao Paolo, is that formally on the table here now or is it…?

Avri Doria: I don't know to what extent the proposals…

((Crosstalk))

Avri Doria: …are being accepted. But hopefully if new proposals are being accepted and I guess there's two of them in the line now, I hope it's formally on the table. I guess (it's one of the things) to find out about next week.

Coordinator: Excuse me, (it's the operator). Mr. (Steve Metalitz) now joins.

Excuse me, (Wendy Seltzer now joins.

Jordyn   Could I answer your question, (Milton)? Would you have a brief discussion of both of the new approvals on the agenda for today's call?

Coordinator: Tom Keller now joins.

Jordyn   We'll discuss how to treat them with that (thing).

Milton   Good. I'm sure you will skillfully handle it as you always do, Jordyn.

Jordyn Buchanan: See how many proposals we can cram into one report. I'm sure.

(Milton Miller):   How many proposals (can dance) on the head of the pin?

Jordyn Buchanan: Exactly.

(Milton Miller):   Although I'd be happy if all the other proposals were thrown out and Avri's was accepted.

Jordyn Buchanan: Sure. I'm sure many people would be happy if their particular proposal was the one that was chosen

(Milton Miller):   We're all looking for Christmas - a holiday gift, huh?

Jordyn: Yeah, that's right.

Coordinator: Excuse me, Robin Gross now joins.

Milton: Christmas tree, why don't we just pass them all?

Glen Desaintgery: Sorry. Who was that that joined us?

Coordinator: (Robin Gross) has joined.

Glen Desaintgery: Thank you,

Avri   Yeah. And (Milton) and I would - I like to make one correction (here). It's (Robin) and (Wendy) and my proposal. I just happen to be the one that tend to get it.

Jordyn   Good. See, the support is swelling. The…

Avri   I was just - all sorts of email.

Wendy   And I know. I too would be happy to see us selected as the unique proposals.

Jordyn   Well we're working towards a Christmas model of task force production here. And we think that everybody should be happy and everybody should get what they want.

(Maria):   Hi. It's (Maria), just joining.
Maria: …now joins.

Jordyn   Hello. Maria has just joined.

Jordyn Buchanan: Hi, (Maria).

              (Well), okay. I want to start to - actually can we - can I make sure we correctly got everyone on the call, Glen. Could you tell me who we've got right now?

Glen Desaintgery: Yes. Shall I tell them to start, Jordyn?

Jordyn Buchanan: Yeah. Well I - why don't you make sure that you - that we know who's on the call…

((Crosstalk))

Glen Desaintgery: Okay. Let me go through who's on the call.

Avri Doria from the Nominating Committee, (Milton Meuller) from the NCUC, Jordyn, you're the chair, (Steve Metalitz IPC, (WendySeltzer), ALAC (David Fares BC, (Robin Gross), IPC, who is a new member to the task force.

Robin Gross   Robin Gross with (NCUC).

Glen Desaintgery: Sorry, sorry, sorry, (unintelligible).

Woman: Thank you.

Glen Desaintgery: (Maria) and (Tom Keller).

Have I missed anyone?

David Maher: Yes, David Maher.

Glen Desaintgery: David Maher.

(Marilyn):   And, Glen, it's (Marilyn). I'm on, but I'll go back on mute.

Glen Desaintgery: Thank you, (Marilyn).

Anybody else?

Jordyn Buchanan: Okay great. And I will note that this call is now being recorded, so if you don't like that you should hang up.

Okay. (Maria) had previously sent out an agenda and I think that - and mostly going to speak with that, but I'll recap it (briefly) in case anyone didn't see it.

The agenda is first to talk about our remaining schedule and from now until we did our work which will (definitely) slated for - in February. Next topic would be to discuss and recap activities from San Paolo.

For those left who were here, we have any particularly (unintelligible) insights coming out of the meeting. Third to have a brief discussion of the two new proposals that we've sent the task force since our last call and for us to have a brief discussion of the deliverables and what we plan to how we plan our approach our remaining (work) items.

(Marilyn):   Jordyn, it's (Marilyn). I have a clarification question.

Jordyn Buchanan: Sure. Go ahead.

(Marilyn):   This is going to be very noisy, so I may need to wait until I get inside.

I posted something - I posted comments that I made and a proposal that I - you expect to put forward to the public comment period. But I guess really I was thinking that we would talk about input that we (see) within the scope of our terms of reference. So I don't want to use the

term proposal at this period in relation to the comments that I presented, although it may end up being a proposal.

Jordyn Buchanan: So well we can certainly - that's fine if you don't want to discuss it in that context. I think at the very least, (Milton) had raised the point earlier, (which was) what we're going to do with the new proposals that we received at this point including the one that Avri has emailed to the list, at least we met a discussion how we treat additional proposals going forward, it's probably…

((Crosstalk))

(Marilyn): Right, okay. If we're treating it that way, yes.

Jordyn Buchanan: Okay. Any other questions or comments about the agenda?

Okay. Let's start then. (Unless we can) - how quickly we can get through these items.

The first item on the agenda then is to discuss our timeline and schedule from this point out.

In San Paolo, we could discuss having - I think up to six more meetings including this one, the goal being to conclude our work by the - the goal being to conclude our work no later than February 12, that would give time for any prior report to be - final report to be concluded and to be transmitted to the council in time for them to consider at their next call on February 22.

Once again with the overall goal being that we had previously announced than the board had endorsed a general timeline of getting something actionable to the board in early 2007 so I think the only way that I - it's (conceivably) possible is to require some council action as well, which I can't obviously make happen. But I think I'd like to at least make sure that we're getting a report out in time that at least the board could give something in the earlier part of 2007.

So to that end, we would have a call today and then we would resume having calls on the 15 of January and up - including up to a weekly schedule starting at that point. So that would allow for calls on the 15, 22, and 29 of January as well as the 5th and 12th of February. And any work that we want to do, we would have to conduct between now and the 12 of February.

So that's what we discussed in San Paolo. If there's any further discussion on this, I'd be glad to entertain it now or otherwise, we can just make a note that that's what our plan and timeline is.

((Crosstalk))

(Marilyn):   Jordyn, it's (Marilyn) for a question of clarification again.

Jordyn Buchanan: Yeah.

(Marilyn):   Then in our timeline, are we assuming that all consultations related to the GAC would be done at the council level?

Jordyn Buchanan: Well I guess to the extent it appeared seemingly unlikely that we would see the GAC principals) by the time our work was - by the time

we got that to the board to update, I would assume that that would have to be the case.

(Steve): Jordyn, this is (Steve). I have two more questions.

Jordyn Buchanan: Yeah, go ahead.

((Crosstalk))

(Steve): One, just to note that January 15 is a federal holiday in United States.

Woman: What holiday?

Jordyn Buchanan: That is a good point.

(Steve): Martin Luther King Day.

((Crosstalk))

(Steve): And second, looking at the timetable (Maria) sent around, the public comment deadline is January 15 and the constituency statements are due on that date. And then the next date is January 19, staff prepares final task report - task force report incorporating public comments. And then January 22, task force considers final task force report.

So, I guess I'm trying to understand what is expected to happen between the 15th and the 19th. I don't - I assume there won't be time for the staff to do anything more than cut and paste the constituency statements into the report and put some link in the report to the public

comments. Is that the expectation or is it going to be something more done beyond that?

Jordyn Buchanan: You know, my expectation is exactly that there will be - the staff will incorporate the additional sort of factual record that has developed during the public comment period and the constituency statement period.

Jordyn Buchanan: And that those will be incorporated for a - so that we'll have another draft of the report that we'll include that.

I think that sort of timeline reflects the timeline that's in the (PDP) which, you know, calls for - actually didn't call for us to do anything with the report after the public comment period concludes. But I guess my intent is that…

(Steve): Well I don't think that's right. I think it actually calls for us to consider the public comments and make any changes in the report better necessitated by the public comment.

Jordyn Buchanan: Yes. I actually - I mean, we can talk about this offline. I don't think that's correct. But in any case, we seemly ignore that particular strangeness in the PDP in the past. And I think it's - to the extent that it's true, I don't think it's very valuable to get public comment and then not to do anything with them.

So the intent is that we will have the opportunity for the staff to incorporate that in as opposed to - the public comment and the constituency statement. And that we'll also have some further opportunity to incorporate proposals or consider, you know, how we - if

we can get something that might reflect the closure of the consensus view or modify the proposals to reflect some of the public comments that have been received.

Do that answer your question?

(Steve): Well - but - so, you're agreeing with as to what the staff would do and then the task force would then consider over the next few weeks whether to make any changes in the report. Is that…

Jordyn Buchanan: Yeah, that's correct. So I would imagine that there would be some further evolution in the final report…

(Steve): Uh-huh.

Jordyn Buchanan: …between what the staff prepares on the 19th…

((Crosstalk))

Jordyn Buchanan: …and their final publication.

(Steve): Thanks.

Jordyn Buchanan: Any other questions or comments?

So actually given that there is a conflict with this - let me ask, how many people - is the holiday on the 15th likely to affect their being on the call.

Man: It actually increases my ability. It means there's no classes, you know, at schools. So, it doesn't affect…

Woman: Yeah. It won't affect me (unintelligible).

(Maria):   It would probably affect me. It's (Marilyn).

Man: It will affect (David), too.

(Robin):   It won't affect me. This is (Robin).

Jordyn Buchanan: (So let me ask), would people rather have that call on the 8th rather than the 15th, so either way we're not going to have access to the public comment (unintelligible) by that time.

Man: What would we do if we met on the 8th then?

Jordyn Buchanan: So we'll talk about our deliverables later on. But there's a couple of items, I think, that we have build some more work to do that aren't dependent on the public comment.

                   For example, you know, talking further about to access the data topic as well as some of the other - proposals we put together instead of best metrics. And we can talk about - later in this call, (unintelligible) have an agenda item to talk about what our remaining sort of work items look like. But I would imagine there's a few of those that can be (successful) without having a public comment.

Woman: Are you proposing to have two calls in one week, Jordyn?

Jordyn Buchanan: No. So I'm proposing to move the…

((Crosstalk))

Jordyn Buchanan: …to the 15 to the 8.

Marilyn: I see. Okay thanks.

Jordyn: Fifteenth to the 8th.

                  So are you saying we wouldn't have any public comments on the 15th?

Jordyn Buchanan: Well, so in the 15th, we - the public comment period will still be
                  open at the time of our call, so we won't be at the end of the public
                  comment (period).

                  So I'm saying in either case, we wouldn't feel that with full
                  consideration of the public comment and the staff obviously wouldn't
                  have time to prepare the public comment.

Marilyn: Jordyn, just - unfortunately, I have to drop off. I'm assuming we're not
                  just seeing a re-pasting of the comments that there would - staff will
                  need time to do an analysis of the comments even though there is a
                  deadline. So because we certainly can all read what's pasted there,
                  but - so on the 8th, we'd be able to take into account from our own
                  reading what's imposed to.

Jordyn Buchanan: Right. So what I'm proposing is that on either the 8th or the 15th,
                  yes, we're free to do that ourselves. But I would actually propose that

we put together (unintelligible) agenda. It doesn't have anything to do with the public comments.

And that on the subsequent calls starting on the 22 that we would start to talk about the input that we receive from (public) process

Milton: Then we're not going to discuss the public comments, then the 8th would be not much different from this (unintelligible) as far as I'm concerned?

Jordyn Buchanan: Right. So I guess, I'm asking if it's more convenient for - if it would help people participate on the 8th.

(Steve): I would prefer that. This is (Steve).

(Marilyn): I prefer the 8th. This is (Marilyn).

Jordyn Buchanan: Okay. So why don't we do that then? So let's change the schedule slightly. So we'll have calls on the 8th and then the 22nd. And as needed, we'll likely also have calls on the 29th and the 5th and the 12th of February.

And the incentive on the 12th of February, we'll have a final task force vote and we'll publish the final report or transmit it to the council.

Okay. So that will be our schedule now until the task force concludes its work hopefully.

I'm going to move on to the **second item in the agenda, which is a review and recap of the San Paolo activities.** So there were two - I guess that we had a brief sort of casual meeting with the

(GNSO) council and there we discuss scheduling to a certain extent. And there wasn't really any substantive discussion of ideas and that was intentional given that we didn't have - not everyone from the task force was able to attend and we had a limited amount of time.

There were two other events that perhaps that we're probably more (sub) - (you know), one is we had a rather lengthy public forum session, where we have the opportunity to discuss both of the proposals, get some feedback from the public. And there was also a brief discussion of the staff proposed procedure implementing the task force was a devious policy on resolving conflicts with national laws.

I think that people can probably read for themselves and comment to this staff that they have particular input on that. But in the public forum, I think there were a few ideas that struck me and other people can comment if they had - if they noticed the other things as well.

But one question that was asked was I think with regard to the OPOCproposal whether there were some set of criteria or limitations on who could be in (OPAC). And I think that that's not currently incorporated into the proposal, but that certainly something that might be an interesting concept for the staff to discuss (unintelligible) at least the comments are - I think which was one of the (DC) reps to the council.

If I'm not mistaken, where they might resolve some of the concerns with the OPOCproposal, if there were some criteria or limitations on who the OPOCwas or could be.

And another proposal, another point was made, I guess Bruce Tonkin came to the mike and made a proposal similar to the one that I had made previously, which was sort of a tiered access model where it was fairly easy to get access to a full set of data just by contract and then having a further complete opt out (mode) for those special circumstances, essentially trying to combine some of the elements of the OPOCand the special circumstances on the proposal.

Those were the two sort of comments that struck me or - either (Maria) or anyone else from the task force that was there, are there other comments that we received in the public comment period that anyone would like to call our attention to?

(Maria): Jordyn, there was - yeah, sorry. I just (send) - around a quick summary of some of the extra comments to the list to pick (Bruce's) proposal. And also we had some - we had a couple of questions on something that's out of scope, which was from Steve Delbianco Netchoice coalition, member of the BC. He wondered particularly about enforcement of policies and that's out of scope of the task force. But it was just something else that came up.

Jim Reid) of Telnic talked about if there was a tiered access model that it would have and he thought to be compliant with - and model contract closes for data protection transfers outside of the EU are the Safe Harbor.

And I think with just one - other one - oh yeah, there was - Bob Hutchinson from Dynamic Ventures who wanted - who is to be connected to information for shutting down Web sites that were problematic. Those are - and basically the rest of the discussion was with (unintelligible) argumentation, you know, in favor or against the various proposals.

Marilyn: I'm sorry. Would you - (Maria), I'll go back and look at the captioning.

                 I just suggested - that wasn't I remembered he said, but I'll go back
                 and look. You said he suggested information connecting who is to
                 closing Web sites that are problematic. Did he say what problematic
                 meant?

(Maria):   No, he didn't, but he brought it up in the context of an experience he
                 had with Web site that was doing phishing. And so he said he wanted
                 – WHOIS connected (to proper legal authorities) for shutting down a
                 Web site such as that.

Jordyn: So I think I remember his point being essentially like - so I see here's
                 the various contact information that doesn't, you know, if there are
                 some terrible attack going on that doesn't actually help me, you know,
                 get to the right people to turn off the attack. Particularly it doesn't tell
                 me which law enforcement agency might be responsible for
                 investigating.

Milton: You know, this is - I want to thank whoever prepared that summary of
                 the report or the conversation of the public forum. It was very useful
                 and very comprehensive so that somebody like me who was not in
                 Brazil got a very good sense of what was going on there. I have to say,
                 I'm concerned about your proposal and Bruce Tonkin - it seems to me
                 that what's happening here is we came up through a very long and
                 arduous process with a definition of the purpose of WHOIS.

                 And that basically so much has happened since then has completely
                 disregarded that statement of purpose. And so that the people who are

insisting that they want to have a different purpose or WHOIS, namely
to facilitate private law enforcement by intellectual property interest are
basically by (stealth) abandoning that purpose that we voted on and
approved and insisting that how we reformed WHOIS the structured in
various ways that are designed to fulfill different purposes from the
ones we agreed on.

So what's up with that, Jordyn?

Jordyn Buchanan: So I'm going to try to avoid getting in the(weeds of the conversation
with the merit of the proposals at this point, just to make I want to make
sure that we are getting through our agenda. But, you know, I've…

((Crosstalk))

Man: …it's really more of a process point. I mean, did the vote that we have
on purpose - was that completely meaningless? Have we abandoned
it? Did we have a vote to abandon it, or does it in some way structure
what we're doing there or what proposals are in order and what are out
of order?

Jordyn Buchanan: So I think (it should still) certainly inform our (unintelligible). And I
think to the extent that people think that various proposals are not
consistent with the purpose of WHOIS you know, been asked to work
under that should certainly form their propensity to work them or not.

(Marilyn):   Jordyn, it's (Marilyn).

But I might call everyone's attention to the council's resolution as well.
And Maria may want to repost that to the task force. Because I believe

the council resolution suggested that the task force should be informed by - and that it would be the council that would come back, and we can set it whether any changes would need to be made in the purpose of definition.

Jordyn Buchanan: Yeah. So this - we're getting far afield of where I actually want to start the discussion to be today, so…

((Crosstalk))

Milton: Hello, let me - tell me where you want it to be.

Jordyn Buchanan: So I want it to be on recapping the discussion right now. I want it to be recapping the discussion and activities to the San Paolo.

Milton: Okay. So as I understand it, the big thing as far as you're concerned was that there's the - these ideas about tiered access that are floating around, now I guess I want to know, is that in scope for this - I mean can we finish the OPOC business and then talk about tiered access, (you know), as a separate…

Jordyn Buchanan: (So) I think to the extent - well we'll talk about…

((Crosstalk))

Jordyn Buchanan: …proposals in just a minute and how we're going to treat them.

((Crosstalk))

Avri Doria: Jordyn, can I add something?

Jordyn Buchanan: Yeah, sure, one second. My general thought is that in last proposal asking a substantially closer to some sort of consensus within the task force that they're unlikely to feature prominently in our ongoing discussion.

But - yeah, go ahead. Is that Avri?

Avri Doria: Yeah. I just wanted to add that in the context of recapping the discussion as (Maria) said, what she posted was the new comment what (Milton) has actually been bringing up even though he wasn't there is some of the points that those of us who were there actually did get up and say at the microphone, it's just that - as Maria said, she was just presenting the new stuff and not all the things we said in terms of, you know, support of the various proposals. But what (Milton) said did fit into the general (Rubik) recap of the discussion.

Jordyn Buchanan: Fair enough. I just don't want to get into a…

Avri Doria: Yeah. No, I understand.

((Crosstalk))

Jordyn Buchanan: …discussion about the merits of the council proposal and what they've decided.

Okay. And any other questions or comments about the discussion at the public forums? And I do agree with (Milton) that it's very helpful to have the staff. I guess that was you, (Maria) to prepare us a resume

Woman: Thank you.

Woman: Yeah.

Jordyn Buchanan: Okay. So I'm going to - we're going to move on to recapping the discussion with the (GAC). I was not there for the discussion with the (GAC). So can someone volunteer to perhaps recap that conversation for those of us that weren't there? I don't think it - was that conversation transcribed anywhere or is that where we force to go based on individual notes that we're taken?

Maria: Yeah, notes.

Jordyn Buchanan: Yeah. So does anyone want to volunteer to maybe try to give the task force members that weren't there a sense of that conversation?

(Maria):   Jordyn, it's (Maria). I'm sorry, I'm just trying to dig up some of the notes on - I took on it. If - I'll just be sec.

Jordyn Buchanan: Sure.

(Steve):   This is (Steve).

                I was present for the conversation. It wasn't a very long conversation because most of the time with the GAC was spend on the gTLD issue.

                But as, you know, the GAC didn't reach an agreement on its statement of WHOIS principals in Sao Paulo, and there was some discussion from the French delegate to the GAC about his approach to this

question, which I will hesitate to summarize because it was pretty complex.

And I don't think there was any, you know, real presentation of different positions per se in the discussion.

Avri Doria: Can I add something?

Jprdyn: Yeah, go ahead, Avri.

Avri Doria: Yeah. I think - I mean, I tend to agree with what (Steve) said here, is that one of the things that was most characteristic, I think, about the discussion when we did start dipping into the little things like distinguishing between individuals and commercials or whatever, it's how incredibly complex the discussion that they think the GAC is and how, you know, I mean, I'll be really interested to see at what level they can come to agreement upon this because the discussion once you get into the various national laws and what's permitted and what's not permitted and who's commercial and who's not commercial is incredibly complicated.

And that was one thing that I think I picked up from that is that the complexity is actually overwhelming in terms of national law when you start looking at it.

Jordyn: Thanks, Avri.

Maria :   Okay I found my notes. I can give just a very short prescie of the parts
              if you think that's helpful.

(Maria):   Suzanne Sene started with the - she get some background basically
              said that working (intercessionally) is helpful, but it's not - there's no
              substitute for it - physical meetings - that there's no subject substitute
              for physical meetings and that there are many different legal
              perspectives to be reconciled.

              And then the French delegate talked about the two perspectives on
              WHOIS, one saying that the various broad uses of it are illegal and
              that there are discrepancies between the legislation.

              And concerns about misuses of data. And then he said the second line
              of thought was that access to data is not a good thing and there need
              to be some restrictions. His take on it was that the technical modality
              for access changed the issue. And so he seemed to be talking about
              the amount of data that's actually available for access and is quite
              important. He drew a distinction between say (both) access to the
              WHOIS versus information that's publicly available in a filing cabinet.

              And so he said that what he described as shaded access through
              technical access is a way forward. So I think he seemed to be talking
              about (tiered access) of some kind there.

              And there is a Brazilian speaker, and they pointed out that when they
              are talking about restriction of data that their constitution provides for
              freedom of expression but not anonymity. So from a constitutional

point of view for them, they have to have access to data about WHOIS providing information on the services on the Internet.

And they also said that international legislation like the European Convention, Europe convention should be taken into advantage or into view.

And then just wrapping up really, this Suzanne Sene again and she set towards the end that it would be useful to have information about how many domain names are used privately and are used commercially in different countries because it's easier than to say, which lawperson is covered by and - but she did that that it was hard to extrapolate that to the gTLD level.

And she also said - the absence of data is a challenge, so I think she meant inaccurate and absent data. And - but that a broader understanding with the characteristics of domain name registrants in the broader gTLD market place would be very helpful.

And then I think finally there were some discussion about possible joint work at the (Lisbon) meeting on the Saturday and Sunday before the ICANN meeting kicks off, that was a more practical point towards the end.

Jordyn: Great. Thanks, (Maria).

               Okay, any questions or comments about the GAC discussion?

(Marilyn):   I'll just - it's (Marilyn). I'll just make a comment about the French delegates comment.

Maria, I did speak to him about what he meant later and that whether elaborate and useful analogy about data that is in filing cabinets, but it's difficult to mine it.

I think he was - I'm not sure he was talking about (tiered) access as much as talking about safeguards to prevent data mining. But you might email him and ask him.

Maria: Sure, absolutely.

(Milton): This is (Milton).

Jordyn: Yeah, go ahead, (Milton).

(Milton): I just like to say that it did not surprise me one bit to learn that the - GAC could not agree on the - all the (safe) principles for the WHOIS and I think that's not necessarily a bad thing, it's simply - if the GAC is unable to give consistent advise and of course, it is just an advisory body that we simply go ahead and do our work and the Board has to deal with the conflicting signals when it makes a decision.

I think there's a tendency to think of - kind of inevitable tendency to think of this task force is really being the one-stop shop where all the work gets done, but in fact all we're doing is passing a report up to the Council, which in then vote and has something that it passes on to the Board, which has a history of not exactly taking our work as the bible.

So, I think we needn't be deterred by the GAC and ability to come to an agreement. This is why ICANN was created in the first place was

that the territorial jurisdictions conflict. So I think that pretty much settle that, I don't think we should bend our schedules or go out of our way to be held up by the fact that the GAC can not agree.

Jordyn Buchanan: Yeah. So it's into agree that we, you know, we're - we've –got to stick with our schedule regardless of whether or not the GAC has the ability to put together some sort of communications to us. I think individual governments are obviously welcome to comment and provide input to the process from the public comment perspective or, you know, other ways of contacting various task force members and so on.

And there are the additional layers of consideration beyond the task force report, which are actually probably from a formal perspective of the bylaws - where the bylaws would probably imagine that communication would technically take place, although we're obviously welcome any input the GAC made or government members might give the task force to help frame our work.

Any other questions or comments about the meaning of the GAC in Sao Paulo?

Okay. We're going to move right along then.

And finally, any other questions or comments about anything else that happened in Sao Paulo other than the meetings that we've discussed previously? I hope there weren't other WHOIS related things

(Steve):   Jordyn, this is (Steve).

Jordyn Buchanan: Yeah, go ahead.

(Steve):   I just thought it was - it's worth mentioning that in the public forum, in the presentation regarding (OPOC), there was some discussion about the - I guess it's one of our unfinished business items about access to the data that is not made public.

And I thought it was interesting that Ross in his presentation said that until that issue of how people would - as he put it, the right access for the right people is a very important question. And he said, certainly the position of my constituency unless that question could be substantively answered, it's very difficult for us to support any of these proposals.

I think that discussion did shed some light on the need to address that issue really regardless of which - even if you assumed that one or the other proposals is ultimately adopted that that issue of access to data, the right access for the right people, as (Ross) put it, is a very important question.

So I just wanted to underscore that…

((Crosstalk))

(Steve):   …because I think that it come out in the discussion at the public forum.

Jordyn Buchanan: Yeah, I think that's right. We're actually - under our terms of reference, we're obligated to answer that question. It is an important question to address before submitting our final report.

Milton Meuller: But I don't necessarily agree that there's any need for us to do anything about that before we pass the OPOC proposal.

For example, there are all kinds of procedures going on now by which law enforcement agencies request information from registrars as (Ross) himself has made a point of stating that they are constantly are in cooperation with law enforcement.

And most governments have established procedures for requesting information from ISP's. So, I don't see why we couldn't go ahead with the OPOC proposal without changing anything. We certainly want to address that issue. But the idea that we have to come up with some massive, new bureaucracy to decide who in Turkey is a local or international law enforcement already strikes me is opening up a past for another two or three years of work, which of course is probably what some people want but not me.

Jordyn: So I think you're correct, (Milton), that a conceivable answer to the question is, you know, how do people could access data that is not published is that they feel they can use the mechanism to have available for them, the data get - the other data (and so).

But I think you're also right that we do need to at least address the issue and make it clear what we believe the answer could be

Jordyn: But it doesn't necessarily imply the creation of unique policy to address that

Although, I do agree with (Steve). It is a point that arouse the potentially level of conversation, so it is important that we consider whether there are policy approaches that would allow us to (address) to - I don't want to either be dismissive of your approach of saying that there's a lot of tools already available. I also don't want to be dismissive of the idea that we might find some reasonable approach in the access question that I think we're on the better place.

Okay. So I'm going to move on to our **third agenda item for today, which is a brief discussion of new proposals to the task force and we will actually start with a meta item, which is how we're going to treat the idea of new proposals to the task force.**

Here's what I have in mind and we're certainly welcoming your further input, but my general idea is that if there are additional proposals including the one that Avri submitted and I guess (Marilyn) indicates she had something that might one day turn into a proposal. But it's just some ideas right now as part of the public comment process.

In any case - and any further proposals, I think to the extent that people make proposals that are useful in allowing the task force to get closer to consensus or allow us to actually get a position that would be a clear task force set of policy recommendations, I think that it would be a (mistake) not to strongly consider any such proposal and try to actually make it work.

So having said that, I think in most cases I think that we'll get a lot of ideas, and I think that to the large extend people have pretty strong

opinions about the different approaches that we've already seen in the OPOC proposal and the special circumstance proposal so, if some can't do better than one of those two proposals in terms of attracting a strong sort of consensus-based support, and I don't want to spend a whole lot of precious remaining time in conversation about them.

I'm glad to add them to the report. And I'm glad to allow sort of a very brief amount of discussion to make sure we understand the proposals, and see if they do help us to get closer to consensus-based position. But I don't think that it's - I think that it's very unlikely we'll succeed and consider our work with each new proposal with that as the potential additional new set of consensus proposal

So in general each would be allowed a brief introduction to have equally brief discussion of whether or not the proposal or something like it will help us get to a consensus position and if not, then I would propose that we add their proposal to the report and simply note this existence then - and move on with our discussions of, as (Milton) put earlier, trying to nail down the OPOC proposal that we're already doing.

Any questions or comments to that approach?

(Steve):   Jordyn, this is (Steve).

I mean, it strikes me that we, you know, we've put forward two possible proposals and (of course) in the public comment period, I'm sure we're going to hear a lot of other proposals.

Some, you know, well formulated and well thought out and some of them perhaps not but, I'm sure we'll get a lot of other proposals and I guess that was kind of my original question about what we're going to do with what comes in the public comment period, we're sort of directed to that.

It strikes me that, for example, the proposal from Avri and (Wendy) and (Robin) is certainly something that could be raised in the public comment period and that we ought to take a look at that point. I'm just not sure what - when you say we'll incorporate it in the report, does that mean that we kind of privilege the later proposals that come in from other task force members as more worthy than later proposals that might come in from members of the public or that we might not incorporate in our report?

((Crosstalk))

(Steve):   I'm not sure what the distinction is.

Jordyn: Yeah. So - well, so clearly any proposal that's made as part of the public comment period will become part of the report and the…

(Steve):   Uh-huh.

Jordyn: …the public comment period is all included in the report or the public comments will all be included in the report.

As for whether we'd sort of "privilege report" made by task - and proposals made by task members more than those made by random

members of the public, I think, I am inclined to do so just in that - that inherently what we we've been doing all along.

We didn't consider, you know, we consider this within the context of our discussions, we generally been considering proposals made by task force members somewhat more earnestly than we have…

Avri Doria: Hello, this is Avri. Can I comment?

Jprdyn: Yeah, go ahead, Avri.

Avri Doria: Okay good. I've been trying before but I was muted.

One, I pretty much agreed with your take on how one should approach it, although I think it's also part of not only bringing consensus but understanding where the consensus point lies.

And I think that that's been one of the problems that we've had is that we had a middle consensus point, but because there wasn't proposal showing the full range of use, that middle consensus point was looking like an edge position.

So I think if it's in there as understanding what the consensus point is, you know, I think it's I also - I'm very appreciative of being able to talk through the new proposals to include them in the report, and I believe that even in proposals that are seemed as edge proposals at the moment, there maybe points that amplify and help flesh out the consensus proposals.

For example, I mean just on talking about the whole issue of access to, you know, unpublished data.

Jordyn: Yeah. So I think, I mean I certainly think you're right that we may get with them from unexpected places including proposals that we might not otherwise seriously consider as a whole or proposals or comments from the public that, you know, might initially seem strange. We might eventually find that there's a nugget we've seen.

I think that - now, just to try to answer (Steve's) initial question, so my point is still I think that we would probably take somewhat more notice of proposals made by task force members as opposed to the public comments, but I think we should consider all of them with the intent of trying to find if there are policy positions there that would be helpful in - or helping us get closer to consensus.

So we will take a look at all the proposals with that in mind and if there are proposals that are made in the public comment period that seemed particularly noteworthy and may make sense to incorporate those in some special way as well.

Another questions or comments about this?

Okay, so that - it sounds like I don't - I'm not hearing any objection to the general approach, which is that has been the minimal amount of time with new proposals to understand what they are in the where they help us get to the point of consensus.

We certainly - we'll do that to take that same exercise for - that are made as part of public comment period, and we'll note the existence of

these various other proposals that are made that unless they help advance us closer to consensus, we'll probably won't spend a significant - in the task force.

So with that in mind though, I do want to spend a brief amount time on this call discussing Avri's proposal just so we can understand the answer to the questions I've raised: A, what it is and, B, whether it helps us to get closer to consensus.

So I might ask that we spend about maybe have Avri introduced it for a few minutes and then have a few minutes of discussion afterwards whether or not it does help us get closer to consensus.

(Marilyn):   And, Jordyn, when would you be planning on doing that for the other proposals?

Jordyn Buchanan: (Well right), so I actually don't know how you want to treat that, Marilyn, we could do it today or we could if you think that you're thing is not yet a proposal, you would like to keep that conversation until later on we could do that as well.

(Marilyn):   Okay.

Jordyn Buchanan: That's entirely up to you

(Marilyn):   Yeah. I think for ease of the task force, I can do the part that I turn into a proposal fairly, equally. It will only be three main points with other things kind of being improvement, so why don't you see if that works out today, if not all - I'll reorganize it.

Jordyn Buchanan: Okay. I think we should have time today unless the discussion of Avri's proposal end up being potentially longer than I'm expecting.

But Avri could you maybe start us off with just…

((Crosstalk))

Jordyn Buchanan: …overview for a couple of minutes just…?

((Crosstalk))

Avri Doria: Certainly. And as I wanted to reiterate while I'm taking the lead on talking, it's really Robin, Wendy and my proposal.

So anyhow it stems from, first of all, recognizing the purpose of who is as was stated, which was the technical and operational purpose of being able to reach someone who can do something authoritative about the entry.

And basically, when you come down to it, that information, that authoritative information is a person who is responsible for the DNS entry. So none of the information that's currently contained in there gives that in fact by and large if you want that authoritative information, you use a tool like (Dig) or whoever to find out where the authoritative entry for the DNS for the name is.

So recognizing that, recognizing also that the complexity of the overlaid purposes, purposes that are not part of the purpose of WHOIS but are the overlaid purposes are far too complex for WHOIS as a tool, and therefore need to be avoided recognizing that we cannot come up

with an operational enforcement plan for reliability. So even when you have information on WHOIS, it's really relatively useless because it is not reliable information, it's just the information happens to be there, the proposal basically comes in two points.

One is, that the requirements for WHOIS should actually be eliminated from the registrar registry's requirement because the tool no longer functions to fill the purpose. It is basically operationally broken. It's not technically broken, but it's operationally broken.

However, I'm not quite sure that that recommendation is within the purview of the WHOIS task force, and so there's a secondary that's basically (says) if removing WHOIS is not within our purview, is not one of the recommendations we can make, then we should at least restrict it to what is it's stated purpose, what is it's historical purpose, which is how can you get access to the DNS authority who can, in fact, bring down a Web site that is problematic.

Where can you go, and as it is one of the most important purposes, you know, overlaying purposes, I was hearing other than it's broken, it's causing problems with the stability and security of the Internet because it's putting out bad data.

One of the other overlaid is that we have a Web site that needs to come down because it's doing evil things for some definition of evil things. And the only way to do that is to have the authoritative DNS authority that the person or authority who's responsible for the DNS entry so that WHOIS data would be restricted to that authoritative information.

The same information you can get from (Dig) or the other tool but, you know, put in into WHOIS. So that's the basic proposal that WHOIS, if it is not removed as a required tool, which it should be because it no longer serves its purpose, should be confined to the DNS authority. I don't know if any of the other, you know, co-authors want to add anything to my quick overview.

Jordyn: Yes, (Robin) and (Wendy)? That is the - don't want to add anything to your overview.

Wendy: Sorry, I was muted but, you know, I think Avri gives that - an overview that get into - (well), we want to discuss such as those what we're - what we have now, the purpose that we've identified and let's not - let's eliminate all of that (crap) from the agreement and clean up what's (happening) or clean up what ICANN requires.

Avri: One other thing I wanted to add to the proposal does include is in response to the whole notion of how does law enforcement and others being accessed to you know, unpublished information.

Obviously, the registrars have all the information that law enforcement and other's need and the recommendation there is to basically publish a best practices of what is done today to basically give an effective access to that information to people.

And if, you know, as I said, if there are further requirements for that then, let's understand those requirements and figure out what the proper practices would be to satisfy those, but not overlay them on what's essentially an operationally broken tool.

(Robin):   Hi, this is (Robin). I just wanted to underscore the idea that proposal is
                 designed to build upon the work that the task force has already done
                 and particularly build upon the decision that the GNSO so made at the
                 Wellington meeting on the narrow technical purpose of WHOIS. So the
                 idea is to try to take some of the decisions that we've made and
                 actually put them in place in ICANN policies.

Jordyn Buchanan: Okay thanks.

                 So are there questions for this or questions for clarifications?

                 Okay I have a question. So, Avri, you're suggesting that you think - am
                 I correct in understanding that you think that even just your - the
                 second half of your proposal, which would do basically as I understand
                 it just includes some technical contact information for the DNS
                 administrator.

                 That seems consistent with the fairly narrow reading of the definition of
                 purpose. Is your - what is the - how do you reconcile the idea of having
                 know WHOIS at all and how does that reconcile with the definition of
                 the purpose that said that there should be some way to contact a, you
                 know, someone who is responsible for the DNS record?

Avri Doria: I mean, basically because the authoritative information of information
                 that registrars and registries need in order to deal with broken DNS is
                 not obtained, but through WHOIS is obtained through (Dig) basically
                 looking at authoritative record.

                 So if it is in our purview to sort of say, you know, the purpose of
                 WHOIS was given us as technical operational purpose.

A strict reading of that says that basically WHOIS does not provide that information and even in an (OPOC), doesn't give an authoritative information. And if the authoritative information is already held by the registrars and is obtained by other tools that the second half of it, it says, but if getting rid of WHOIS is too difficult a step because of its symbolic importance and the fact that it's a tool built into many users and other ways of thinking, then it should include that same authoritative information that one has the registrars would get using (Dig).

Jordyn Buchanan: So I actually don't understand what - so the purpose is to contact the person, how does (Dig) help you do that? (Dig) gives me a bunch of technical data about a (zone), but it doesn't tell me who or what person is responsible for it.

Avri Doria: I actually believe that that calling for the correct record and (Dig) does give you all the information that a registrar needs to address your problem and to find the authoritative person that can deal with the DNS record.

Jordyn Buchanan: So are we assuming that the - whoever is trying to resolve this problem have access to like (IP) Whois data because in and of itself like - I guess (Dig) if you get an email address of that record, but generally there's not a lot of first, you know, contact ability information in the (zone file).

Avri Doria: What you do get - you do get the information that is authoritatively available.

Avri: About the - authoritative available about the Web site or about the person, I didn't understand that.

Marilyn: About the Web site, about the name that's registered.

Avri: And those, I mean, Whois is not about Web site, it's about DNS entry.

Jordyn Buchanan: Right. So that's true and maybe we should take this offline, but I don't - I actually don't quite understand what contact information in fact you are using (Dig) or (Zone) data (information) - other than there's one email address you put it in…

Avri: Which is an authoritative email address?

Jordyn Buchanan: Maybe. It tends to be something like (host master at) domain name.

                 Okay, and other questions or clarification about this proposal?

(Marilyn):   Yeah, it's (Marilyn). I didn't - one thing, the proposal that was - that's distributed doesn't actually have the officer's names on it. Is it going - is that…

Avri Doria: Okay, yeah. Well I would send - I mean the authors name, you're right, it was probably an omission from the file itself. It was certainly in the email that accompanied it. It included my name, (Wendy's) name and (Robin's) name as the listed authors.

Marilyn: Okay. So the (first) - my question would be any of the three of you, that I wasn't quite clear, Avri, when you were saying look at the policy implications.

Is that - and there are some things - there are some assumptions and it - that I, I think maybe, I may have a different interpretation of what ICANN's responsibilities are.

But my question is really about the policy implications of which three choices, are these supposed to be related to each other or are they separable?

Avri: (I believe) they're related to each other.

Marilyn :   So it suggests that ICANN should waive the Whois publication requirements to the gTLD registries and registrars?

Avri: Yeah.

Marilyn: And if it cannot be waived then they should be limited to only publishing the contact information for the purpose or entity responsible for managing the authoritative DNS server. What would that - what - do you have a sense of what the details are that would be in that contact information?

Avri: Oh that could very well be, you know, more information than in email. It could be the name and, you know, other contact information. It could be similar information to what we're talking about in the (OPOC), but it's not some general (OPOC), which, you know, is - has yet to be defined although, you know, it's basically the contact information for the authority, the person…

Avri: …the person or entity, if it's a company that's doing it that can be held responsible for that DNS entry for removing it from the DNS if that's what needs to happen.

Robin: So I guess that could be a phone number or an email address or…

:   Or postal address yeah.

Avri: Yeah.

Jordyn: And so - and my - so some, Whois services I've seen before had this notion of what's called the zone administrate or the zone contact, and that would be the person responsible for that information in the zone file, is that essentially what you're saying…

Avri: Essentially yes.

Jordyn: …it would be, yeah.

Avri: Yeah. And I as say, I believe you can get that level on information through (Dig) also giving the right argument, but I'd have to prove that to you. But certainly the one A on the proposal is yes, you would list that in WHOIS.

Jordyn: So probably the roughly analogous to things that were more used to just something like a technical contact in the list.

Avri: Right, but a real technical contact.

Jordyn: Right. So…

Avri: Right, someone who can actually touch the DNS and, you know, the entry and if the problem is that it needs to be stopped because it's doing something problematic, it's the person that can do it.

Jordyn: So it's the person that's capable of resolving technical issues…

Avri: Right.

Wendy: Yeah, precisely, but the person who is capable of causing your name not to resolve or to resolve elsewhere…

Wendy: …to clear off any technical issues that the domain name might be causing.

Marilyn: And did you, when - Avri, when you say a real technical contact, so that this assume that the data would be - (that visits) would be accurate data and the person would actually, had been, you know, right now I can put any name in that section. Does this proposal assume that the contact details will be validated in some way so it's accurate?

Avri: They should theoretically be the same one you get from (Dig).

Wendy :   But the proposal doesn't address whether there should be extra validations of the contact of name servers anymore than there is now.

Avri: But as I say - I mean if the information is correct, it's the same information that you would get back from other (message).

Jordyn: So my - I think I'm (getting) from one - there's no silence on whether or not there should be additional…

Avri: Yeah, there's no enforcement.

             I mean ICANN is not, you know, it doesn't do enforcement.

             But as I say you can do a verification by simply checking the
             information in two different ways and that should resolve similarly.

Jordyn: And, (Marilyn), does that answer your question?

(Marilyn):   Parts of my questions.

             And two, the proposal is simultaneously - I'm just reading this, so
             ICANN should undertake to create a study of - does it state what its
             role is - were you thinking what it's role there, is that when you said a
             study of where it might best contribute?

Avri: Essentially - yes, there's a lot of requirements in the ether at the
             moment in terms of information that may or may not be needed, so
             yes, so what needs to be done, let's understand the full requirement of
             beyond the technical purposes what needs to be done.

Marilyn :   Well this says a study of where it might contribute to coordinate the
             network management activities of registration interest? Should I read
             that to mean registries and registrars or registrants? Or all three or only
             one?

Avri: At this point I would basically say in general all three.

Marilyn :   All three and then network operators and in network operators that
             would mean ISP's and connectivity providers?

Is that who we're going to be studying?

Avri: I mean basically we're going to be studying the requirements of all for the best practices and the information, yeah. I mean basically everybody is doing some part of it at the moment and everybody is sort of contributing to either the collection of information or the dissemination of information.

So, you know, it's - so ICANN has to figure out where it fits in doing any of this, if - I mean it fits somewhere but, you know, the goal is in the second paragraph the goal is how you deal with emergency response, how you deal with technical abuse prevention, how it's coordinated, you know, how the overall interest of everyone are appropriately protected.

And so at the moment as I say the 'mallage'of message and needs and requirements and complexity are not well understood and we're all coming in from various national perspectives, from various technical and operational perspectives with difference viewpoints.

So at this point - and we have different ideas about what ICANN is responsible for. And all of this is at the moment being in basically a disorganized state of understanding, and so that the recommendation is that ICANN should undertake a study of how it can coordinate all of these activities and all of these requirements.

Milton: Avri

Avri: Yeah.

Jordyn: (Milton, can I do a quick time check real quick

Milton: Yeah. Okay.

Jordyn: So, (Marilyn), I think actually probably not in order to give you
                adequate time to (play) in your proposal and have discussion around it,
                I'm going to suggest that we actually defer that conversation until our
                next call on the 8th. Is that all right with you?

Marilyn: That's fine. And I'll reorganize this so people can see what part of it
                would be a proposal more clearly.

Jordyn: Great.

                And I think we need at least about 10 minutes at the end of this call to
                discuss our remaining sort of work items, so I want to make sure that
                we - I'm going - we're going to have about a limit of 10 more minutes
                on this (opportunity), so …

Man: …go ahead, (Milton).

(Milton):   Okay. Just wanted to point out, Avri, that this proposal does not in any
                way prevent national government - as for example currently happens in
                Germany from requiring Web site owners to publish their contact
                information.

Avri Doria: No, not at all. I mean the whole point here is that those requirements
                vary country by country and perhaps even within a country region by

region and therefore no. I mean national law or regional law or local law is what it is, and the registrars within those countries, within those regions have to comply with that and if the law says you must publish like (Brazil) was indicating, you must publish the name of the owner of the sites then, you know, there's nothing ICANN has to say about that.

What ICANN - what it's saying is that ICANN shouldn't be the one trying to create the basic international law on the information that must be there, but that is something that, you know, I mean I - that's really a national interest that if - that requirement is one of those things that nations consider sovereign, and if the sovereign interest of the state are such that there is no anonymity while I may not like it that's the requirement of living and doing business in that country.

Marilyn :   You know, I guess I would

Jordyn: Yeah, go ahead.

Marilyn: Are 2 and 3 then related to each other that issue would need to do 2 before you do 3 or were you…

Avri: No.

Marilyn: …suggesting that those could be done in parallel.

Avri: I would suggest those can done in parallel, but basically registrars throughout the world are already, you know, this is something that (Ross) had spoken of often. They're already doing this and (Ross) had spoken of it.

They're already doing this. They're already dealing with specific national law, specific requirement. They've got best practices. And so basically let's start collecting those. Let's start understanding what's already done, what already works, what's already beyond the WHOIS tool in terms of doing all this.

In other words, you know, we've been focusing on WHOIS as the hammer for all, you know, jobs. It's the pool that does everything, whereas in reality there's an amazing amount of diversity in practices that registrars have with their local authorities and that those may actually do a better job of guiding what should be done with a new registrant in a new country or some other place then trying to force that it all into WHOIS, which is operationally and technically not a qualified tool.

Jordyn: Okay, any other questions for Avri.

You know last couple of minutes on this topic for the proposal, I want to solicit feedback as to are there things in this proposal that help us get closer to consensus. I want to see if this was only proposal for us before engaging in some further discussion on it.

Avri: Are you asking me or someone else?

Jordyn: I'm asking everyone.

Avri: Okay.

Milton: I would just say from my point of view a proposal like this makes me much more willing to get, you know, to take measures that would affect

the accuracy of information, that it's collected at the time of registration.

Jordyn: Right.

So actually accuracy of information as it's collected actually just like the (collection of) data is mostly out of scope of - because the terms of reference that we've been asked to look at is how we deal the sponsors to (complain about the) inaccurate data

Milton: Oh okay so we're not doing anything to increase the accuracy in this task force?

Marilyn: Jordyn, I…

Jordyn Buchanan: Well so if there's a complaint about accuracy, it's (well within scope) to figure out how to make sure that the information get - how that - make sure that process works well and that we end up with accurate (information)…

(Marilyn):   Jordyn, it's Marilyn.

I'm not sure I'm interpreting that element of the TOR exactly the way you are. You're suggesting that preventing inaccuracy. I mean what's the difference really between a phrase that says improving accuracy because preventing inaccuracy is a way to improve accuracy.

Jordyn Buchanan: So I actually don't - I'm going to pull up….

Jordyn Buchanan: I actually don't think that the terms of reference actually says that the goal of that item is to improve accuracy, to improve the process for responding to complaints about inaccurate …

Woman: But the task force could I think legitimately in its feedback say to the Council that one way to deal with this would be to limit the amount of inaccurate data.

Jordyn Buchanan: So I don't necessarily disagree that if we end up with sort of (edge) stuff relates strongly to one of our terms of reference items, but it may be sort of marginal or may even be clearly out of our scope that would help us get to the place we need to be and the stuff that is clearly within our scope.

Marilyn: Uh-huh.

Jordyn Buchanan: I certainly don't have a problem making a recommendation along those lines and then including a note basically saying so even though this wasn't exclusively within our scope, we thought it was helpful to, you know, conduct their work, yada yada yeah and if the Council wanted to pare back what we did to bring us back in scope, it'd certainly be welcome to do so.

But for the purpose of at least managing discussion, I think that I don't want to get - unless there's - once again it really helped us to get closer to consensus, I don't want to have any huge amount of discussion about some stuff that seems to be out of the scope for the terms of reference.

Avri: And if I can add where I think this helps on consensus, one of them is I think it - as I said earlier, it shows us the full range of possibilities and may help us better understand what the consensus point is within the task force.

And two I think that, you know, the study of what ICANN's role should be in all of this and the work to basically document the best practices are hopefully things that can, you know, be consensually - I mean can help us with understanding the consensus points.

Jordyn Buchanan: And so I think I should somewhat, Marilyn in her proposal had something I'm not sure is the same but a similar sort of notion of doing some - having some further study of topics that maybe an area where there - that some consensus could be found although obviously that would be as a follow-on activities the task force.

Any other thoughts about this? Milton suggested one way that might help us. Are there other thoughts about whether this proposal is - move us closer to consensus.

Wendy: But, you know, when they - I think I suggest that by setting sort of a minimal level of ICANN involvement, it helps us to either decide that we want ICANN to be more of a regulator or we want ICANN to be less of a regulator because that is how we uphold where ICANN could do very little.

And I think still be consistent with what Council has decided to determine the purpose of who it is so to spark discussion of if ICANN should do more than this, why should it do more, what are the

compelling reasons for making everyone who does business with ICANN have to comply with more onerous regulations.

Jordyn Buchanan: Okay. So I think what I'm hearing actually Wendy from both you and Avri is that you think this proposal is helpful primarily is helping to frame some of our other conversation and help us think about some of the concepts and our ongoing discussions. Is that…

Wendy: You know I think it's useful as a reference point - it's a reference point that I myself would adopt, but I think for those who wouldn't adopt this, I would very much like to hear in the discussion why they think something more than this is justified.

Jordyn Buchanan: Okay.

Okay. Well so with the time limit I've imposed, actually we're just about on time on this, and I think I'd welcome further thoughts or people will think there are ways that might help us to get closer to consensus, I just welcome them on the list or in further conversation.

But I do want to save our last ten minutes to talk briefly about **our last agenda item, which is to make sure that we understand the remaining work that we have ahead of us and the areas which we need and (which is basically) clearly identified some additional works that needs to be done.**

I think coming out of the conversation in Sao Paulo, we identified three areas.

One is the access to data topic, which we have done a couple of times today. I think I'm going to propose at a minimum that our next call have a substantial amount of time devoted to this along with Marilyn's proposal back, I think that's probably what I'll propose as the entire agenda for that call.

The second area was what to do - what happens when the OPOC is contacted. And I guess this might actually relate to the point that I raised from the public comment period which is, should there be any requirements or someone suggested to me in the hallway that maybe there's a notion of a accreditation process for OPOC or something.

Should there be requirements for OPOC's behavior when some sort of notice. And that obviously relates specifically to OPOC.

And then the last area that Ross had proposed at our last meeting and I think makes some sense, but we can probably handle fairly briefly is what should we define as success matrix so that once the policy is adopted, it can be evaluated periodically with staff, and perhaps do a report from time to time evaluating progress as a success metrics.

That I think actually will be a little bit hard to do, and so were somewhat closer to the final report. But I'm going to suggest we defer that last topic until relatively late the process.

But are there other - I'll ask if people comments on those specific areas or if there other areas that people think we need to do some additional work and that aren't included there because what I'm trying to do -

what we'll try to do is build a schedule of activities, schedule based around resolving each of those topics.

Okay, so based on the incredible silence, I'm assuming that people agreed that those are the right topics for us to spend the rest of our time on - along with obviously reacting to the public comments that to resolve those three issues as well as reaction to the public comment or essentially - and then also discussing Marilyn's proposal and anything else that makes them up, essentially what - that's going to be the definition of our - of the works that we're going to do

Okay, I guess I didn't need ten minutes for this

Okay. Well, we will - I'm going to assume that we are going to use those areas for the remainder of our topic and the remainder of our work.

So as I just indicated a minute ago our next call on January 8, I think, will devote primarily to the - access the data topic, that will be one of the critical topics that we haven't yet resolved.

We've got a few proposals. I'll resend them out to the list, the discussion that we had so far, and then we'll also discuss the first thing on the agenda will be Marilyn's proposal which I'm expecting that she's going to flesh out a little bit.

So - and then these other two topics, we'll schedule some time for a little bit later in the process. Although I would like to get the - what the OPOC says relatively early, so we may split the time between the public comments and that on the call on - yes, (20) - yeah, 20.

Okay. Last chance for any other comments or questions about remaining work items?

Wendy: I'll just give my advance apologies that I won't be able to make the bulk of remaining calls because my teaching schedule has shifted.

Jordyn Buchanan: We will take note of that and be disappointed not to have you on our call.

Any other last minute questions or comments about this, otherwise, I will wrap up the call. We'll resume on the 8th January with the agenda to discuss Marilyn's proposal as well to access the data.

Milton: Jordyn, are there going to be any specific proposals, documents sent to us about the access the data, the tiered access issue?

Jordyn Buchanan: Yes. So there already are - there's five, I think ideas, that have been - that are represented in the current preliminary report. I'll make sure they get resent to everyone, and if people - obviously if people have further ideas on the access the data topic, they're welcome to submit their ideas between now and then. But the five ideas that already exist, probably, are useful starting point for our conference

Milton: Okay. You might just bullet point them and send them out in the note…

Jordyn Buchanan: Yeah. I was trying to say that. I - we'll certainly do that before the call.

Milton: Okay. Thanks.

Jordyn Buchanan: Okay. I'm going to - we'll draw this call to a close, and we'll meet with you all again on 8th of January.

:   Thanks. Happy New Year to everybody.

Jordyn Buchanan: Very happy holiday season and New Year.

Wendy: Thank you. Happy holidays.

Milton: Bye-bye.

Avri: Yeah, happy holidays everyone.

END