PDPFeb-06 Task Force Teleconference
TRANSCRIPTION
January 16 , 2007, 14:00 EDT, 18:00 UTC, 20;00 CET

Note: The following is the output of transcribing from an audio recording of the PDPFeb06 task force call on16 January 2007. 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/PDPFeb06-20070116.mp3
http://gnso.icann.org/calendar/#jan

Attendance:

Attendees:

> Avri Doria - Nominating Committee – acting chair,
>
> Ken Stubbs - Registry C
>
> Cary Karp - Registry C
>
> Marilyn Cade – CBUC
>
> Alistair Dixon – CBUC
>
> Jeff Eckhaus – Registrar c.

ICANN Staff:

> Denise Michel – Vice President Policy Development
>
> Liz Williams - Senior Policy Counselor
>
> Glen de Saint Gery – GNSO Secretariat

Avri Doria: Okay, thank you.

He was in the repertoire group, but I don't know if NCUC actually ever - if he and NCUC ever put him on the taskforce as a regular participating member. I don't know if Glen knows.

Glen de Saint Géry: (Unintelligible) Avri. I am not sure that they put him on as a participating member. He was handy in the repertoire group as far as I know.

Avri Doria: Okay. So I started the recording. Can I ask for a roll call please?

Glen de Saint Géry: I'll do the roll call for you.

Marilyn Cade?

Avri Doria: I understand she's having problems with the phone and may be in and out.

Glen de Saint Géry: Okay.

Alistair Dixon?

Alistair Dixon: Yes?

Glen de Saint Géry: Jeff Eckhaus?

Jeff Eckhaus: I am here.

Glen de Saint Géry: Ken Stubbs?

Ken Stubbs: I'm here.

Glen de Saint Géry: Cary Karp?

Cary Karp: Here.

Glen de Saint Géry: And Avri Doria?

Avri Doria: I'm here.

Glen de Saint Géry: And Denise Michel?

Denise Michel: I'm here.

Glen de Saint Géry: Thanks. And…

((Crosstalk))

Avri Doria: I'm sorry.

Glen de Saint Géry: Anybody else that I've missed?

Avri Doria: So, we're still at the point of having only three of the constituencies present plus a NomCom and still not having Liz.

((Crosstalk))

Glen de Saint Géry: Okay.

Man: Is there a quorum, Avri or the…

((Crosstalk))

Avri Doria: I'm not - I don't think we're voting on anything so I don't know that it is - I don't - I actually have to check on what a quorum means for a taskforce. I doubt that we have the vote for a quorum.

Man: Right.

Glen de Saint Géry: If there is a defiance motion, and I'd have to check. I don't remember offhand.

Man: I think you're doing the right thing, Avri, because frankly when you have three constituencies with no participation, it makes it very difficult to move too far without arguing. It's not as inclusive as it should be.

                Glen, I would suggest that maybe somebody encourage the non-commercial to at least let Danny sit in and help and monitor because he seems to have more availability than some of the other people. He's a pretty good contributor. I think he did a commendable job in the repertoire group. I think (John) would probably agree.

Avri Doria: Yeah. No, we should definitely.

                So, what I'd still like to do is go through the agenda, in so far as we can, get things started.

                And first of all, did anybody have any changes in their interest statement that were relevant to the taskforce, needed to ask? No one? Okay.

Then, let me go through the agenda quickly and see if we need to change it all. I basically had - I divided it into two items, one which was sort of the review status and ongoing schedule, so I wanted to go through the meeting schedule for the next month. And one was document readiness.

Now, we can't go through the document readiness without Liz, but I can - I do want to go through the schedule as it currently stands because we do have to discuss one change to it. And I think that any change that we recommended in this meeting, being that we're so few, we should work out what we think it should be but then we should - we work it out on the list to make sure that we have enough buy-in on it to make things work.

So we have - the current schedule does not include the interim meeting, which is now planned for, I guess, the 21st, 22nd, 23rd. I'm missing the dates and I don't know which of the two is first.

Coordinator: Excuse me, Liz Williams joined.

Avri Doria: Hi Liz. Good, you're here.

Glen de Saint Géry: Avri, the dates of 22 to 25 will do it.

Avri Doria: So anyhow, let me go back to reviewing this agenda. I made a mistake and jumped into it.

The first part of the agenda had testing our schedule for the next month, our meeting schedule and a discussion of document readiness.

The second item was to start working on the open item which is (come over SN5). And basically, there were sort of some general ideas there of how to

start approaching the discussions and if we have enough people online and enough time, perhaps even get into some of the subsequent discussions.

As a two-part agenda, is that okay with people? Does that make sense as a way to proceed?

Okay. If there are no changes to it, then going back to the first part, which was the review of status and ongoing schedule, one of the things was the meeting schedule for the next month. And as I started to say, the interim meeting is now going to be 22nd and 23rd.

So Glen that means we're scheduled first out of the dates?

Glen de Saint Géry: The idea was to perhaps talk to the PDP '06.

Avri Doria: Okay.

Glen de Saint Géry: And then…

Avri Doria: And then go to the '05. I guess that was there.

So that meeting is scheduled for 22nd and 23rd of February and that doesn't quite mesh with the schedule we've got now.

So we have a schedule that now has us having this meeting on the 16th, another meeting next week on the 23rd; then, at that point, we have listed 8th of February, the release of the draft taskforce report to the taskforce; following was the 15th with our conference calls to confirm the taskforce report for distribution to council.

Now, at the moment, we've got a two-day meeting scheduled for afterwards, after that date. One of two things actually is a possibility: either we're finished on the schedule that we've got, the 15th, and therefore, the question we got why are we having this two-day meeting; or, what I think is the more probable, given especially the attendance at this meeting, is that we won't be finished by the 15th, that we will need the two days face-to-face discussion and that we will do the releasing of the report at that two-day meeting.

Liz Williams: Avri, just a point of clarification: it would be one day for the PDPs of '06 here?

Avri Doria: Is it one day?

Liz Williams: And the remainder of the time will be new TLDs? That's my understanding of it.

Avri Doria: I thought it was two and two.

Liz Williams: No, I didn't think so. But everyone else might have a different idea.

Avri Doria: Denise, you've been part of - I thought we had been planning the - but really it ends up to one and a half and one and a half because the last half there people usually - I just thought it was a two and two. But if we don't need to, then yes, the three and one makes sense. If we do need it, then I'm not sure where we decided on one and three.

Marilyn Cade: Can I just tell you that I've been off the call, Avri, and I just dialed back in. My apologies.

Avri Doria: Okay, thank you. Yeah. Now, when we did the roll call, I had heard from the operator that you were in and out. Thanks for letting me know you're back.

At the moment, we're trying to get the schedule clarified.

Marilyn Cade: And you were talking about the agreement on when we're going to meet and how long?

Avri Doria: Uh-huh. Yes. Basically, there seems to be a difference of recollection on my part and on Liz' part. I thought we were having a two-day face-to-face on this one and two days on '05. Liz remembers it as one and three.

Marilyn Cade: I'll comment on my notes, which are always needed to refresh my recollection. I noted that it would be at least that we would do two days although we might be - I have a question mark about whether we might be leaving a little bit early on Sunday.

But my recollection is that we were trying to have two days. If that ends, you know, if the - I think it comes down to if we need that time, we ought to plan accordingly. But my notes indicate two days and two days with a question mark of whether we might leave early.

Avri Doria: Yeah. Okay, thanks. So your recollection is similar to mine.

Marilyn Cade: Okay. And I would just refresh that by saying there's been (occasional) discussions about whether it was feasible to do '06 first. And at the time, we were talking about a different week and it wasn't possible to do '06 first because you and I were both elsewhere. But I think the date has been changed now.

Avri Doria: Right. And what's the date change? I think it is currently being planned with '06 first.

So I guess what we need to figure out is how many days do we need and then we can go back to correcting the one versus two.

Woman: Can I just verify that, Avri, because you and Glen would be closer to the question of whether we were switching the dates. But I guess that wasn't clear to me that we were switching - sorry, not switching the dates but switching the order. Has that been decided?

Avri Doria: I believe so.

Glen, can you confirm or Denise or Liz or whoever…

((Crosstalk))

Avri Doria: Is the authority on what comes first?

Glen de Saint Géry: I've heard from Bruce that he would like to switch the order and start with the PDP '06.

Avri Doria: And I think I've heard that from at least one other person who's on the '05 and not the '06.

Glen de Saint Géry: Yes.

Avri Doria: And I haven't heard from anyone on the '06 that doing it first was problematic. So…

Ken Stubbs: Avri, it's Ken Stubbs. It's my understanding that we were starting with '06 first because we have members in our constituency at least who are on the '05 taskforce but not on the '06, and they actually have planned travel schedules on the basis that the first two days were in fact '06-oriented.

Avri Doria: Yeah. Okay, good. And that's another confirmation on the two and two. Thank you.

Denise Michel: That was my understanding too. This is Denise. I think it's something that should - can be clarified.

Avri Doria: Okay, great.

Marilyn Cade: So I guess, Avri, I would, you know, given the amount of work that needs to be done on '05 and on other issues that are going to be going on there on IDN, I guess I'm of the view that we do need two days and we'll probably, you know, particularly maybe we ought to look and see what time we could start. But I think we ought to try to book the two days and try to make - and to actually work with.

Avri Doria: Yes.

Marilyn Cade: I will just say that I believe that there may be - that there will be implications for input on the reserved name work that may need to be - feed into not just the PDP '05 but this taskforce as well, and so some time on the agenda should be reserved to look at the interim report from the working group on reserved name.

Avri Doria: Right. But we should wait on doing the agenda for those two days until we…

Marilyn Cade: Right.

Avri Doria: …a little closer.

                   So - okay, going on the assumption that we are meeting the 22nd and 23rd,
                   22nd and 23rd face-to-face, and at that point we need to - that would be when
                   we actually confirm the taskforce report for distribution council.

                   Now, how do we - and we have a meeting today, we have one the 23rd, and
                   then we theoretically didn't have any meetings until the 15th.

                   Now, I know I personally can't do the following week, though I could do 6th
                   of February if we need another meeting in there and I can't do the week after
                   that. So we could, at least from my schedule, fit in one more meeting but of
                   course I don't know how that matches with other people's schedules.

Liz Williams: Avri, just a point of clarification there: If the assumption is that we have a
                   substantive document to work on for the 22nd and 23rd, then it would be
                   sensible to complete as much of the work as possible on this call and on the
                   23rd, and then I will need some writing time to make sure that I've got
                   everything put together.

Avri Doria: I think that for sure we have accepted the document because at the moment we
                   have the whole document except for five.

Liz Williams: Yeah, that's right.

Avri Doria: Essentially complete and we will have to spend some time essentially walking
                   through that to do the final confirmation of the taskforce. And I believe that
                   one day, and of course, I said we shouldn't talk about the agenda, but I think a

substantive - substantial amount of time will be dedicated to that final looking at it.

But yes, of course, I want to have '05 as complete as possible so that it's really only edits required and not substantive writing.

Marilyn Cade: Avri, it's Marilyn, I have another question though. I think, if I might, I've seen a posting from Glen proposing a very aggressive working schedule for the IDN working group on, I believe, Tuesday. Is that right, Glen?

Glen de Saint Géry: That's right, Marilyn, yes.

Marilyn Cade: And I'm not able to look at a calendar, but by preference, you know, I think we have to - there will be some overlap at least for staff and for the secretary. Are we thinking, and I can't look either, is the 6th of February also a Tuesday?

Avri Doria: Same day as today. So yeah, I guess that's a Tuesday.

Marilyn Cade: I do think we ought to reserve the 6th of February or a date that week for a working session with the idea that if you get all the work done, perhaps it gets cancelled, but I think we should try to avoid overlapping with the IDN working group if that's possible.

Avri Doria: Right. Okay. So I'll be taking your suggestion with the 6th of February or some other day that we could shift.

Marilyn Cade: Right.

Man: Avri?

Avri Doria: Yes?

Man: Yeah, hold on for a second.

                 I'm not necessarily concerned, but I just want to surface something. We've
                 got staff here and I know Denise is on the call as well. To some extent, I think
                 it's important for us to work back from what our expectations are from Lisbon
                 because I do not want to get into a situation, for instance, if the expectations
                 are very high to essentially complete the work on the '05 in Lisbon and we
                 find out that we don't have enough time budgeted in Los Angeles.

                 So I think it's extremely important for us to ensure that we have a schedule
                 that allows for meeting the expectations for the Lisbon because all of this, in
                 essence, we're working our way down the road towards Lisbon.

                 I know we have timetables all the way through here, but I hope you
                 understand what my concerns are.

Avri Doria: Uh-huh. Yeah. And that's one of the things that I want to check once we've
                 gotten this part through the February 23 is if we confirm the report for
                 distribution to council on the 23rd, can we still meet the council signoff for
                 the final task report in Lisbon. And that's a question to Liz and Denise
                 essentially.

                 Now, we talked about going out for another - I'm thinking, one second. We
                 talked about going - putting it out for further comment period, so I don't know
                 that this comment period needs to be approved by the council before it goes. I
                 think we can just send it out for a comment period without the council having
                 to formally say so.

Marilyn Cade: Is it - Avri, let me just - I think we need to look at the procedures and that's where I'm assuming the staff probably has the…

Avri Doria: Right.

Marilyn Cade: Yeah.

Avri Doria: Okay. But you're still looking at the schedule. For example, we have had a bit in here for 22nd February asking the GNSO council meeting to consider the draft task report before sending that out for public comment. And I didn't know if that step was a mandated step. I didn't think it was.

Marilyn Cade: No, it's not. It's not. I'm not sure. I mean I see it there, I didn't know what it was about. Is it a feasibility testing or what is it?

Avri Doria: And so, obviously, at this point that no longer works anyway.

Marilyn Cade: Yes.

Avri Doria: Because we won't have finished it by the 22nd.

Marilyn Cade: Right. Can I just ask why, you know, did we - was this supposed to be maybe just a status report?

Avri Doria: Well, there's a status report at every meeting, so no. I believe that Liz - and Liz is pleased to add this point, I believe that Liz had meant for it to be something more formal, but I don't think that it's needed, and if so, we could still go out on the 25th for the public comment period.

Marilyn Cade: Assuming - your assumption is we would conclude the work for public…

Avri Doria: Right.

Marilyn Cade: By the 22nd. Right.

Avri Doria: Or February 23 that we will conclude that in the face-to-face.

Marilyn Cade: And then, the staff would finalize this and post it for public comments when?

Avri Doria: Twenty-fifth, I assume, thereafter as possible and then that closes…

Marilyn Cade: And we need to simply…

Avri Doria: So March or thereabout.

Marilyn Cade: And how many days do we need for public comment?

Woman: Twenty one.

Marilyn Cade: We need 21 days for public comment. We will be needing - somebody else is looking at the calendar.

Avri Doria: Right, yeah.

                  Now, we've already done our formal requirement of the 21-day public comment period, correct? This is an additional public comment period.

Marilyn Cade: I'm not sure that's right since we're completing one of the elements of task - of the terms of reference.

Liz Williams: We need to have the whole report, so it has to be done on the whole report,
                 which is why I suggested the date of the 25th for the public comment period
                 so that when I produce the final report, it included public comments and that
                 would be - that's feasible for prior to their resubmitting.

Avri Doria: Right. So we should be still aiming for that and just remove the 22nd February
                 council meeting to consider the draft task report.

Marilyn Cade: So, are we making a decision then even though we have a - and we need to
                 talk about this on the council call on Thursday. We have a draft statement of
                 work for a working group that suggests that there needs to be an examination
                 of the treatment of reserved names in both '05 and '06. We're making a
                 decision that that would, in relation to '06, not be included in the draft
                 taskforce report for public comment.

Avri Doria: I'm not sure I understood what you just said. In fact, I'm sure I didn't quite
                 understand what you just said.

Marilyn Cade: My question was at the last council meeting, Bruce asked to have statements
                 of work done for reserved names and for a launch reserved process that could
                 be called sunrise or something else.

Avri Doria: Yeah.

Marilyn Cade: I don't want to debate about its name because it was too - but the statement of
                 - the draft statement of work that the council is going to look at Thursday's
                 call suggests that there may be implications for the treatment of reserved
                 names for both '05 and '06, that we're assuming that actually if there are
                 implications for reserved names for existing contracts, that would not be taken

up as - under these terms of reference but the council would have to decide how it would be taken up. Is that…

Avri Doria: That seems reasonable since it's not covered under the content of our…

Liz Williams: That's exactly right. And we can't - it doesn't make sense to be adding new elements to the set of terms of reference when we're - almost completed the work, taskforce report.

Avri Doria: I mean unless at the council level there was a decision, and I don't know how this is even possible, a decision to amend terms of reference. But at this point, I would think that no, you know? I mean we could pay attention to work as it's going by, but we certainly can't add the work ourselves.

Does anyone else think that that's - any other view on that?

Man: Avri, I think if you're talking about modifying the terms of reference, I think if you're even considering that so much contact, yeah, ICANN council because frankly, I don't know whether you could do that at this point in time without going through an additional process.

Avri Doria: Yeah.

Man: So, at least it's - I'm just putting it on the table as a concern.

Avri Doria: Yeah - no. Certainly, I'm not considering it. I was basically just thinking that it's certainly not something that we can do. Who can do it is beyond me at the moment.

Woman: It's council, but I think it makes sense, Avri, to the notes, the work plan as assuming that if there is any work related to a different time track, the council would need to determine how that would be done.

Liz Williams   Avri, Liz here, just a quick point of clarification, I'm sorry. When I came in I didn't hear the roll call and I just wondered who else is on the call. I've already heard Ken and Marilyn and you speaking and just wondered who else was there.

Avri Doria: Okay.

Glen de Saint Géry: Shall I tell you, Liz?

Liz Williams: Yeah. Would you mind, Glen? I'm sorry.

Glen de Saint Géry: We've got Marilyn, Alistair from the business constituency. We've got Jeff Eckhaus from the registrar with Ken Stubbs and Cary Karp. We have Avri. And there were apologies from Ute, Kristina Rossette, Jeff Neuman, and (Philip) said he couldn't be on the call.

Avri Doria: So basically, Liz, we have three out of the 16 constituents.

Liz Williams: Yeah. Okay, got it.

Avri Doria: And what we're basically doing is trying to do what we can to get things moving. But obviously anything we do needs to be further vetted on the taskforce list.

Liz Williams: Yeah. So…

Avri Doria: But I certainly want to get us as close as possible to doing stuff.

Liz Williams: Great. Thanks.

Avri Doria: Okay.

Liz Williams: Just to - sorry to have interrupted that. Thank you. Thank you, Glen.

                Is the general agreement that the schedule that's posted there, which I've put together at the Sao Paolo meeting, is what everyone wants to do?

Avri Doria: Okay. Well, that's what we were basically talking about, the amendment of that schedule.

Man: Yeah.

Avri Doria: Because, I mean, so there's two pieces of amendment that have been talked about so far. One is the addition of another taskforce working call on the 6th or some other day that week.

                Actually there were three amendments.

                Two is on the 15th, there's a call but it's not to confirm the taskforce report the 5th of February. It's a working call. There's - and probably that's one where we set the agenda for the two-day.

                There's a face-to-face 22nd and 23rd. One thing, the 8th of February release draft taskforce report to the taskforce all except for 4 and 5 and 12 and 5 as far it's gotten remains unchanged.

Then there was the 15th, which is a call but it becomes a working call. Then there's the face-to-face 22nd and 23rd.

Man: Yeah.

Avri Doria: Then there's the cancellation of the council meeting to consider the draft task report, unless we want them to consider all the 2005. But I don't think that's needed formally. But we can certainly do a hefty, you know, status report and discussion.

And then there's the 25th post the taskforce report and the schedule continues as written.

Woman: Yeah.

Avri Doria: And I think that's where we're at the moment.

Does anyone have a view on that as stated?

As I said, obviously we have to repost it on the list to make sure that, you know, we still are the ones buying into it and especially with the extra meeting.

Marilyn Cade: Avri, it's Marilyn. I'm not sure the 25th is now a realistic date given that we're meeting the 22nd to the 23rd and the 24th and the 25th, aren't we meeting on - some of us are meeting on '05, as well as Liz would be involved in '05 on those dates.

Liz Williams: Yeah. I suggest that we shift that 25 February date to the week after.

Avri Doria: And can we still make the 27th March council call?

((Crosstalk))

Avri Doria: A council…

((Crosstalk))

Marilyn Cade: Wednesday.

Woman: Yeah.

Marilyn Cade: Yeah. So can somebody back up - we need seven days - so it needs to be posted 21 days for comment. And then…

Avri Doria: And then we set notification, right?

Marilyn Cade: Uh-huh. And summary of the comments and then posting to the taskforce…

Avri Doria: This is 21 business days or 21 days?

Marilyn Cade: Twenty one days.

Avri Doria: Twenty one days. So that means it has to be posted to the council by the 20th of March. So 21 days on that would be the 28th of February, correct?

Woman: Yeah.

Woman: Uh-huh.

Marilyn Cade: Yeah.

Avri Doria: Or maybe the 27th, depending on how you count the day as counting.

Liz Williams: Yeah, remembering that there's traveling days in there. I mean I'll be coming back.

((Crosstalk))

Avri Doria: Now, my assumption for things to work, I am assuming that going into the 22nd of February meeting, first of all, the rest of the report is essentially done and just needs to be walked through. So hopefully, there's only edits.

                  I'm hoping on the two or five side we manage to discuss enough of it so that all that's left is perhaps, you know, substantial discussions on some pending issues but that that's still mostly a brief edit and not a major relay at that point assuming Liz has had time to take what we've done on January 16 -- not that we're going to get much done today -- January 23, February 6, and February 15.

                  And so that in that time between conversations and email lists, we've essentially finished we just have some items that we need to get face-to-face and discuss to close them up.

                  So I don't know, Liz…

Liz Williams: Avri, that…

((Crosstalk))

Avri Doria: We don't know about how much more.

Liz Williams: Yeah, that works from my side. I mean I think that I don't want to see anymore conference calls after the 15th of February to allow me time to complete the writing. So IDN and completing the substantive work on the drafting - on inputs for the drafting by the 15th of February and then giving me time to put the final report together.

That's a reasonable period of time, remembering that I only do work with (Dan). And I spoke to (Dan) earlier this evening about this as well. So that should be okay.

Avri Doria: Okay. So we're changing that date to the 28th.

Liz Williams: Yeah.

Avri Doria: And basically assuming that the 22nd is the day - kind of like we had, you know, previously when we went through all the other terms of reference and argued nuances and points and, you know, that the general point - getting the points of view on them.

So, does that seem okay to people? And we'll discuss it tomorrow on the list.

Woman: Yeah, it does. But I just want to flag one thing. The 27th of March is the actual council meeting which means that if we meet - this doesn't need to change anything. But if we need, as we usually do for a weekend working session, to prepare for a public forum, et cetera, we would have - the final draft report would be out there and if we add this to the public forum, that still doesn't change any of these dates, I don't believe.

Liz Williams: No.

Avri Doria: Okay.

Woman: Okay.

Avri Doria: Okay. So, any more comments on the schedule? And I did want to check on the document part of the schedule, just to confirm when we have deliveries of documents.

                  Liz, were you - was that you was going to say something?

Liz Williams: Yeah, I'm fine with that, Avri. I mean 15th of February to close of the discussion on these conference calls and then that gives me enough time to put all the final pieces together. That's fine. As it stands, it's fine.

Avri Doria: Okay. So in that schedule we basically - I guess we have two document delivery times. One, we've got 8 February which is the taskforce with the exception, I mean, the report with the exception of five. And I don't know, you may already have some '05 but certainly not the complete file.

Liz Williams: Avri, don't you think that on the 16th and 23rd we'll get all the work done for 2005?

Avri Doria: On the 16th and when?

Liz Williams: Twenty three and one more conference call in the middle there. To my mind that would finish 2005 and you would have a lot done.

Avri Doria: We might. And that's why I'm saying on the 8th the taskforce report, the minimum that needs to be completed is everything except 5.

Liz Williams: Yeah, five. That's correct.

Avri Doria: Depending on how far we got on five. Let say, we're mostly complete on the 6th but not quite so five wouldn't be necessarily complete in that.

Liz Williams: Yeah.

Avri Doria: Right. And then there would be another update before the face-to-face meeting with any of the…

Liz Williams: Yeah.

Avri Doria: Some of our '05 stuff. What would be a good date for that one? Since we have a talk on 6 Feb and at the moment we have one planned for 15 Feb, we should - I mean…

Liz Williams: I think that I'll come back to you on that just depending on how we progress through 16 and 23 because I think that the 2005 stuff can be done substantively by email as well.

Avri Doria: Okay.

Liz Williams: Yeah.

Avri Doria: Okay.

Liz Williams: If you don't mind, just leave that in the balance until we just…

((Crosstalk))

Avri Doria: But we do have the majority on the 8 February.

Liz Williams: Yeah, exactly.

((Crosstalk))

Liz Williams: That's fine.

Avri Doria: Okay.

Liz Williams: Yeah. Okay.

Avri Doria: So anything else on the first sort of logistical part which was review of status and ongoing schedule? No.

Then let's try to move towards starting to work on the open item. And as I say, I know we can only get so far with only half of the constituency. So there has been a decision that on 5A and 5B that further taskforce work was required.

Now, one of things that Marilyn pointed out in a note that I admitted to include in the preparation for the meeting is of course the repertoire group that basically made that suggestion did do an amount of work on this issue. So that needs to be folded into the discussion.

Now, one of the things that we need to figure out is okay, what's our method of working on this so that we do complete this in the next couple of meetings? How do we go about?

Jeff sort of sent in - so we've got basically a couple of things on the table at the moment. We've got the repertoire group's work. We've got the material, the expert material that was included in the previous draft of the report.

(John) did, you know - Jeff sent out an email basically outlining once that a position's on it - and more - and what I took out of that was certainly more a discussion of how one perhaps can categorize some of this and start approaching it. Marilyn commented on that. Really good to start seeing some discussion on the list because I think a lot of it can be substantively discussed in email.

So how do people want to approach it? Maybe I should take a list of who wants to speak on this.

Anyone want to speak on this?

Alistair Dixon: Avri, it's Alistair. It seems to me - I mean, I've seen Jeff's comments and I think they are useful. But I think it would be useful to just - to get a reminder from Marilyn.

We, as a repertoire group, got to on this issue. I think that we could be…

Avri Doria: Okay.

((Crosstalk))

Avri Doria: Anyone else have a comment?

I think asking Marilyn to do it is good if Marilyn is willing and her phone line is intact.

Anyone else have any comment before asking her to do that?

Marilyn, are you able to?

Marilyn Cade: Sure, let me give it a try.

The genesis to the council of including this element in the terms of reference were references on comments related to traffic data that had been previously posted. And the term - when the draft of the terms of reference got - the term got transliterated, that may be the wrong phrase, but it got converted into registry data.

One of the things that the repertoire group agreed was needed was a definition of what all is incorporated and the broad term of registry data which (unintelligible) sort of limited traffic data.

So you'll see them - and there was a (unintelligible) that we asked to have transmitted to the registry constituency chair to ask for what the registries, as the constituency, use as a definition of registry data and traffic that exists. That hasn't been concluded and I don't think that one could say it was a written formal request. But that was one of the discussions.

In policy recommendation, this really should be - and I think this has been - we agreed at the face-to-face meeting in San Paulo that we are going to number these according to our numbering. So this would be a policy

recommendation 5.1 and the agreement was this could be a policy regarding the registry date side appraising it.

There should be a policy because use of registry data, which includes traffic data for purposes other than that for which it was collected. That phrase says there should be a policy that does not say it should be a prohibited policy or a permissive policy. It says there should be a policy.

And that is what we voted on the at the repertoire level. And then also voted on, in our face-to-face taskforce meeting, and I use the term "voted" here since we're being recorded to note that this taking a sense of whether you agree or disagree because of the way we use voting from - voting on taskforces.

So the second…

Avri Doria: Yeah. It was more - if I can step in. It was more of - we've been calling it like a straw ballot or…

Marilyn Cade: Thank you.

Avri Doria: Not a formal vote of anything.

Marilyn Cade: Right, right.

And then the comments are that the recommendation of the repertoire group, and that was supported by the members of the repertoire group. And the taskforce was - the development of any policy element should be discussed at the core process level.

The second question in the terms of reference was determine whether any policy is necessary to ensure non-discriminatory access to registry data that is made available to third parties. And the recommendation 5.2 there was that there should be a policy to ensure non-discriminatory access to registry data that is made available to third parties and that there should be safeguards on protection against misuse of the data. And again, the agreement was that further work was needed at the taskforce level.

I just want to reiterate that it's important to, first of all, distinguish what the categories of registry data are. I don't agree with Jeff that it's about personal data versus non-personal data. I think actually categories are things like traffic data or data that which is used for the - to support the operational functioning of the registry.

Then in those different categories of data, there may be data that has personally identifiable information or only has statistical information. So I think, you know, and in registry data, it is possible and the taskforce - the repertoire group has supported this that registry data could be, for instance, it could include the definition of Whois data but no one thought that this group should be addressing the treatment of Whois data. Whois data would need to be addressed by - as appropriate by the Whois taskforce.

Avri Doria: One question: the other category that you have of the non-personal data, if I understand, a lot of those categories couldn't indeed be subcategories of non-personal data and then you actually have basically a differentiation between that data scope and that data or not whereas the personal data include things like the Whois data and the credit card information and, you know, the billing info and such and that we were basically - I was seeing that that division of personal and non-personal and your definition that there's more things in non-

personal, you know, that there's subcategories to that as opposed to - I don't know. I'm wondering does that work with what…

Marilyn Cade: Yeah. Avri, let me ask a question, you see I think the 5.0 (unintelligible) down the right-hand side, I will be putting traffic data, operational data, and maybe something else and I would want to turn to the registry constituency and the operations staff and ask them. And then, across the top I might put "Does it include personal identifying data?"

                  But I have a question that I'm not aware, and registry can answer this. Why are registries, who do not register domain names directly, why do they have credit card data on - in the…

Avri Doria: I mean I just…

Marilyn Cade: Right. I'm not aware they do but they could…

Avri Doria: I just threw that in as an example.

Marilyn Cade: Okay. But I don't think they do. And since the prohibited has been acting as a registrar…

Avri Doria: Absolutely, correct. Yeah.

Marilyn Cade: Yeah. I think in credit card data even in a thick Whois is actually data that is held at the registrar level. But Jeff's on the phone and he can help us here. It's held at the registrar level. I'm not sure why registrars would transfer credit card data to a registry.

Jeff Neuman: No. We never - we don't transfer that data to registry.

Avri Doria: Right. That was my mistake.

Marilyn Cade: Okay. So if you just - so what I was assuming, Avri, is down the left hand side of the Excel spreadsheet, I assume traffic data, operational data. I'm trying to, you know, I could really benefit from the experts like Cary and Ken to comment on the kinds of data that they think might be included in registry data because I think the trend is very, very broad. And one thing we ought to do is try to be sure we aren't - because the (tour) group thought they were addressing all forms of registry data, but in fact has no impact on any other party. That is purely limited to the working role of operating the registry.

Traffic data, by the way, as I understand it, has brought in implications but we should, you know, that's one of the things we should try to clarify.

Avri Doria: Anyone want to comment at them?

Jeff Neuman: This is Jeff here from Registry. Just one of the things I wanted to say is that I want to make sure that there's - that when people say personal data that it's not only that we're saying not only the Whois data, but some of the traffic data can be, I guess you could say, whittled down to a personal level by the IP address by that person.

Woman: Uh-huh.

Jeff Neuman: So I just want to make - distinguish that personal data is not just Whois, or I know we had included this, but it could be, you know, the IP address of that person.

Marilyn Cade: Uh-huh, uh-huh. That's right, that's right. That's helpful. Right.

And so, traffic data could have personally identifiable characteristics in it if it is published or used. And data being gathered for purposes of - that I think is what we were thinking about when we suggested that that data should not be used for purposes other than for which it is collected.

So let me give an example. Registries do not sell domain names other than three registrars. So no return, which might be a form of traffic data, I'm not sure that that data should, you know, I think there's a question of should that data be gathered, what's the purpose for which it is being gathered, who should have access to it, if anyone, who would be discarded. It could have personally identifiable information, I assume, associated with it and someone is - and it is a form of traffic data.

Man: Can I just make a comment because we've gone to the categorization of data as personal or not but don't we need to identify, you know, basically the two categories of data that seem to be relevant to this particular task is data that is collected for a particular purpose and data that is collected for a purpose other than that for which it was collected. So we need to identify what (unintelligible) each of those two categories.

Avri Doria: So that might be…

((Crosstalk))

Avri Doria: Yeah.

Man: And then we need - then data that is collected that is other than that for which it was collected, we do need to identify whether there's data in that that causes the policy concern. And, you know, it is personal or, you know, of such of a

concern like that. And I don't really think we've actually done that first task here from what lies here so far.

Avri Doria: Uh-huh.

Woman: Can I ask a clarification on that which is, is that in the nature of the data or the nature of the use? I mean all data or you're saying that there's data that just happened to be there and had no purpose and is just collected, or because - or is it data that was collected for a purpose but is being used for some other purpose. But most data is collected for some purpose or other.

Man: Well, I mean, I guess I'm just looking at it.

                The task, you know, the requirement of this particular terms of reference, so we're talking about data that is collected and used for a purpose other than that for which it was collected. So we need to identify is their data that is, I mean, it does seem to me it comes down to how it's used and whether it was used, you know, how that data is used.

Avri Doria: But that's actually in the nature of all data and all data can be used for purposes other than for which it was collected. And I'm sure that there are uses that we can't think of today and a policy would have to determine not so much on what those uses are, but perhaps because I don't know that we can lift all the possible uses that one could put data that has, you know…

Man: Right. Yeah, I know. I see what you're saying.

Avri Doria: I'm fumbling over my tongue.

Man: Yeah.

Avri Doria: But in terms of creating a policy, we, you know, we basically have the
                purposeful use and then there's new purpose use and we can't identify all the
                possible uses.

Woman: Avri, let me try this, could we think about maybe the idea, just to go back to
                some of the discussion in the repertoire group: What is the definition of
                registry data as it exists today in contract?

                And that I think is something that the staff can contribute to, maybe (Dan)
                could contribute to. What is the definition of registry data as it appears in the
                contract, wherever it appears in the contract?

Liz Williams: Just a point of clarification there. That piece of work was already done when
                Danny Younger was just part of the repertoire group and (Dan) was on those
                calls as well. So we just need to go back and review the work that they've
                already done.

                And Danny in his comprehensive statements from the NCUC actually handled
                this matter in quite some detail I think. And he was on that repertoire group
                call for that particular piece of work and he had pointed the group to the
                definition of registry data that is already existing in the contract. So I can go
                back and send that around to everyone again tomorrow morning.

Avri Doria: Yeah, please, please. Yeah. That would be helpful.

Liz Williams: Okay. I'll go in the morning then.

Marilyn Cade: So wherever the concept appears in the existing legal agreement, then the
                taskforce needs to look at those definitions. And then, I think we need to ask

what is the data used for that is what is the registry function that the data is supporting, and that's where I think we need to turn to the registry constituency and ask them to respond to that question because there's some out-of-operational responsibility in running a registry and much of the data that they are - the registry data is we related to the work that they do and they are best suited, I think, to provide those examples of how registry data is used.

Avri Doria: Any other comments on this?

Jeff Eckhaus: Yeah. It's Jeff here. Eckhaus.

The question I had is I'm still going back to are we supposed - the issue what are the specific uses of that data that we're concerned with? I thought it was more along the lines that should there be a policy regarding the use of that data, you know, for other than it was collected.

I know, as somebody said, we can't future cast what we're going to say what's all the data going to be in the future. I thought the idea here is that 5.0 was whether or not there should be a policy. And then I think that's more the idea than picking out the different kinds of uses at this point and saying policy on this or not.

Man: Sure.

Avri Doria: I think he's got a draft. I mean we sort of got a preliminary review that yes, there should be a policy and that we're really talking about what are the elements of such a policy and what should be contained in it, but…

Marilyn Cade: Right. Yeah. And Jeff that's why I was suggesting, you know, we need to inform the whole taskforce about in order to do that next step because the straw poll supported yes, there should be a policy.

Jeff Eckhaus: Yeah, I see that. Yeah. No, I agree.

                  So then, I think that if we're going to make any headway that if we want to go on that piece then we would need to have that full list of the data. I guess that has…

((Crosstalk))

Marilyn Cade: Right.

Jeff Eckhaus: …anyone over right in front of us so we could go off those one-by-one.

Marilyn Cade: Yeah. That's a good thing to put at the top of our agenda for the next meeting.

Liz Williams: In that case, I'll just take that as an action item and send that again around to everyone's (unintelligible).

                  Just a point of clarification though…

Marilyn Cade: In the middle of something, could you actually extract that piece of it if it's not, you know, if isn't in the midst of other stuff.

Avri Doria: Yeah, sure.

Woman: Okay, thanks.

Avri Doria: Yes.

Marilyn Cade: Can I just ask you to refresh my memory: Danny pointed us to where the phrases appear in the agreement, but do we have examples of what - of how registry data is used in Danny's document.

Liz Williams: I don't have it open in my computer at the moment, so I can't tell you off the top of my head.

                  Just a point of clarification though, Avri, with this particular term of reference, I want to go back to just expand a bit on what Jeff's question was which was about determining whether there should be a policy about the use of registry data full stop. And then, the purpose of that policy would be to guide, direct, constrain, retain, force, escrow, whatever. The purpose of the policy, I think, needs to be further explained as well.

Marilyn Cade: So Liz, can I ask a question? So the - so because we did this as a decision tree in the repertoire group, should there be a policy, yes or no? If yes, what should the elements be?

                  You're suggesting that the next part of the decision tree is should the policy be restrictive or permissive that it should - you were using the word constrain, is that what you were suggesting?

Liz Williams: Yeah. I just think that we need some more clarity around the purpose of a policy on registry data because we have to be very, very clear that it's actually possible to do something about it.

                  The applicability of the policy is actually an important question to ask. And, but that should become (unintelligible) when I will distribute to the group the

places in each of the registry group leads to registry where reference is made to the use of registry data.

Marilyn Cade: Okay. Liz, I'm just going to ask, you know, I think we need to look at this. I don't recall that the agreement explained the uses of the data. I think they make reference to data. But why don't we wait until we see the document again.

Liz Williams: Yeah, exactly.

I'm also wondering whether we can get something -- it doesn't need to be formal -- from, you know, the members of the taskforce who are in the registry constituency to give us something describing the current users of the registry data. That's something that's possible.

Marilyn Cade: If I just look at Jeff Neuman's document, you know, for instance, he made reference to - under four in his comment that - wait a minute, maybe it's under five. Yeah, it's under five.

Registries often use registry data for security purposes, security for its own TLD and security for the Internet as a whole. Certainly, registries are responsible for the security of their own string that they manage under agreement with ICANN. They're not responsible for the security of the Internet. They play a vital role in it. But they certainly, you know, I don't think anybody would suggest that they are responsible for either the security of the DNS or the Internet as a whole by themselves.

So, you know, one of the things that would be helpful and, you know, maybe we can turn to some technical expertise if needed, one of the things that would be helpful would be to understand the parts of the registry data that are not the

illustration of what the data itself is, but the parts of the data which are fundamentally required for the registry in order to fulfill its obligation to ensure the security of the string it manages.

Avri Doria: Any comment?

Man: Can I ask a question?

Because I guess - the point I was trying to make earlier was not to just sort of be exhaustive about all possible uses of registry data but to try and identify is there in the agreement an identification for the purpose for which data is collected because basically it seems to me when you look at the terms of reference, we're looking at situations where data is collected for a purpose, you know, outside that for which it was collected, and we need to identify, you know, for what purpose the data is collected.

And presumably, the providers of, you know, the users are actually aware that data is collected for that purpose. And I guess the question (unintelligible) on my mind is how are users aware of that.

Marilyn Cade: The user - (unintelligible) you just clarify.

Man: Sorry, I'm…

Marilyn Cade: No, no, I think I understood everything you said.

So you're saying, for instance, if a registry is collecting data that includes registrars, I'm trying to think about whether it's registrant or user, but let's say it's…

Man: Registrant information.

Marilyn Cade: Yes.

Man: And the registrant is, you know, it is represented to the registrant that the registry is collecting that data for a particular purpose.

My reading of these terms of reference is that we are talking about use of registrant data that is outside that purpose. So we need to, I think to me, identify what data is collected, you know, in relation to registrant that they are aware of because what we're talking about is data that are not…

((Crosstalk))

Man: Or am I burrowing down a rabbit hole?

Marilyn Cade: Well, I just don't think it's limited to registrants. Registries could collect data that is about users who are also - and that's where I think we need to determine to do registries and the experts and ask them do they collect data about registrants or users. And, or if the data they collect - if the traffic data they collect, does it include data about registrants or users because users are not necessarily registrants of a domain name.

Man: Yeah. No, I wasn't meaning to limit it to just registrants.

Marilyn Cade: Okay, okay.

Man: I mean both, for both registrants and…

Marilyn Cade: Okay.

Man: Are we - keep a tally on the queue.

Avri Doria: Sure. Okay. Anyone else want to be in the queue before we go?

                  Okay. Please go ahead.

Cary Karp: I don't understand how registries could even know what they know about
                  users. How does the user present his or herself to a registry in a manner that
                  the registry says harvest any kind of data at all?

Avri Doria: Certainly, IP address as was mentioned before.

Cary Karp: How do the registries see those IP addresses? You see the IP address as
                  somebody who presents themselves to one of your own system. But somebody
                  who's using a name or domain at your operation is going to be noted by IP
                  address all over the Internet, but unless they send back specifically with the
                  system that you monitor, how could you possibly even know about them?
                  Again, much less harvest data, and assuming that you could know about them,
                  what dialogue might take place that would allow the harvest thing. That needs
                  to be an issue?

Avri Doria: Cary, that's very helpful. But I think that's the question we're trying to ask
                  you guys.

Cary Karp: Okay. Well, I'm asking that question with a must-decide council question
                  mark because I don't understand the mechanism that even makes this a topic
                  of discussion.

Avri Doria: So maybe the approach would be for the registry to provide information about the kind of registry data that they gather and to explain what it's used for and to note that. In fact, they're not collecting data that needs to fall into and to help explain why there doesn't need to be a policy. I think that would be very helpful.

                Let me ask an example question: Do the registries have the ability to gather null information about no resolution?

Cary Karp: I'm not quite sure I understand the question.

((Crosstalk))

Man: If I can jump in, I think the answer might be yes, just think of SiteFinder.

Avri Doria: Well, that's kind of what I was thinking about.

Man: Yeah, so the answer is yes on that.

Avri Doria: I mean I'd like somebody from the registries to confirm it, but I think that the answer is yes.

Man: Okay. We're still in a situation. If the registry provides a service very - whether it's an interaction with Internet users, very obviously, the users are known to that system and transactions can be logged, information can be extrapolated from that transaction logging.

                But just as a general principle, I mean, it's not the registry, it is a provider of some service that's used by service that you can play with your brother. Someone uses a service that's by a registry and a registry has therefore logged

that transaction. But what aspect of this specific to a registry is of concern right now. And what kinds of things would a registry know about the people that are visiting say a Web site that differ from what anybody else operating a Web site for any other purpose would know.

Marilyn Cade: Okay. I think that's the question we are asking the registries to answer - what kinds of things by nature of operating the registry. Because frankly, SiteFinder was not a service being operated by a registry and the data that was being gathered - and so, you know, if no registration information is gathered, what's the purpose of gathering it? Does it include identifiable information? Is it - and if it's being gathered because - and should information, if gathered, be made available in a non-proprietary - because it supports the development of new services that can be provided also at a register level should be aggregated scrubs information be made available in a non-discriminatory manner.

Cary Karp: Okay. Then if I understand correctly, the question is actually does a registry operator provide any service of where transaction logging might of interest in some third context. But that service is, I would suspect, by definition going to be something other than the basic of upfront a domain name back to re-notion of registry operation.

Woman: And Cary I don't - I think that's probably right but I think this is the dialogue that is - that the repertoire group had been trying to have and that the taskforce is trying to understand.

So a factual briefing of what are the, you know, what is registry data, how is it used, is there - are there forms of transactional logging that are not inherent to the basic operation of the registry function that may be ancillary to it. And in that case, should the transactional to be aggregated, transactional logging be made available, should there be safeguards against misuse use of any data et

cetera. I mean I think those are the kinds of questions that we were trying to understand.

Cary Karp: Okay. Because I've - just reacting on that level. Keep in mind that I'm a sponsor not a registry operator. So my (unintelligible) is maybe different still.

But what I would regard as registry data is the sort of things to which I regard all these questions irrelevant. The question is might be relevant if asked about other services that registry operators provide either to registrants as a part of that. But the registries don't interact with registrants, registrars do or some other registry service that's provided to the user community.

So I suppose we need to have some sort of an inventory of the kinds of things registries do other than just the simple maintenance of a list of names that are published in a its own file.

Marilyn Cade: Uh-huh, uh-huh. Right. And I think that's what we were looking - that's - I thought that's what we were asking for.

Cary Karp: Okay.

Avri Doria: Is that something that you can help contribute at the next meeting?

Cary Karp: Well, again, I don't operate the .museum registry. I direct a sponsoring organization that ensures that only holders of names that would appear on the registry are bona fide museum. But to the best of knowledge, the registry operator is collecting as little data as can possibly be collected with the Whois requirement. There are no services being offered beyond that of which I'm aware of, speaking for one single (draft) gTLD registry.

Avri Doria: Able to go in conversation basically to check specifically with that one and perhaps with some of the other registries that we could pull together.

Cary Karp: Well, I mean the question that can easily enough be put to the gTLD registry constituency. But I think a lot of the questions that Jeff has been asking are actually quite relevant to that.

                Why - to what use will the answer to that question be put and what exactly is it that we regard as relevant and why. And when we have - when we know that, then it's actually easier for registries to say yeah, we're doing that kind of thing and the extent of the data that we are harvesting. And of that the following is what we regard as proprietary and the other component is what we regard as reasonably shareable if there is some clearly justified reason for that sharing. What it is that we are asking of the registries, I'm not entirely sure is clearly enough to find.

Avri Doria: I think at this point we're trying to understand what data they harvest, you know, and it's impossible for us to know about all of the services where they might be harvesting it or what are all the possible venues in which they may be harvesting it are.

                So I think a general question is what sort of data is being harvested and then, as you say, we can then go more into the personal identifier question, the use for which it's put, et cetera. But at this point, it sounds to me like there's really a big question mark on we know there is data that is harvested, but we really don't have a good firm grip on what is being harvested.

Cary Karp: Yeah. The harvesting agent is the registrar and the aggregate data that a registrar gathers may or may not be passed on to the registry that - what would be the front end of the registry, the registrar's back end.

So from the name-holders' perspective, the amount of information that a name-holder has divulged in the context of acquiring a domain name is not necessarily known to the registry.

Woman: Cary, are you suggesting that the registries do not gather traffic data because I guess I'm confused by that given that there is a significant focus on traffic data in the agreement?

Cary Karp: The registry - are we talking about transaction in the registry, when information about a domain name changes state?

Woman: Uh-huh.

Cary Karp: Well, all of that stuff is going to be generated in the context of the maintenance of the actual registry. So yeah, sure, I mean how much - how often do registrants change information about their domain, how often do registrants acquire domain in a given TLD, in a given registry? Of course all that stuff is known.

But the only thing that's known about it is what's absolutely relevant to the transaction. And I think most of the stuff that's kept tabs on are the just the numbers of transactions.

What kinds of change of state can there be in a registry, and per unit time how many such changes have been made where it's just an absolute - it's sort got to be. But the only ones who can be responsible for a request for a change of state and information about their name is the name-holder. There's no personal stuff.

The domain holder identifies themselves at the point of registration. And from there on out everything that the registry sees attaches to the name not to the name-holder and all requests for change of state in the registry are made by the registrar. The registry doesn't do any of this stuff.

Woman: And so the big brouhaha that traffic data that develops in the (unintelligible) initially and then with the other registries asking to have the same language. How does that fit with the discussion we're having right now?

Cary Karp: I think because we need to discriminate between what is simply the transactions that attach to the maintenance of a reliable zone file and that the other kinds of things that registries and registrars and other participants in the industry can be doing and the data that is gathered during the course of that doing.

Woman: Uh-huh.

Cary Karp: So I suppose what I'm having a really rough time doing is reconciling the notion of registry data with broader things that a registry might also be doing. That the notion of innovative services certainly attaches to registry operation. And there's certainly potential for harvesting data during the course of that.

And if there was no notion of registry service, I'm not sure unless we're talking about in the first place. But there has to be some distinction between the potential elements of maintaining a zone file and, again, what the people who maintain the zone file can be doing otherwise with their time and the position that they have to be in.

Is Ken prepared to speak at all about this? And I feel really shaky because, again, my concern is the policy front end to a registry operation and I'm not

really sure how the back end service provider would respond to any of these questions.

Jeff Eckhaus: This is Jeff Eckhaus. I just wanted to make a distinction here. I don't really know if Ken - Ken, I don't know if I was cutting you off. You were about to respond there, so I'll let you talk since you were asked a direct question.

If not I just want to say that I think - I just want to make a distinction here between you were saying this whole discussion on registry data. The registrar data, there is no private secret data that we hold that we could use besides, as we've said before, it's an individual customer's unique information and most of that - and that's all published through the Whois besides, of course, the credit card information.

But this is - the registry data is something completely different and this is what's discussed. There's nothing in the registrar data that is up for discussion here. And all of it is passed along anyway to the registries when we add the user. When the user signs up for a domain name, all that information is passed along and that's all - and the registry is the one who holds on to all the zone file information not the registrar.

So I just want to make that distinction. There's nothing that we're holding on to or that any of our data is up for discussion here.

Marilyn Cade: Avri, it's Marilyn. I guess I'm going to suggest, as I did when I chaired the repertoire group that the registry constituency could provide a valuable service that they helped un-tack and demystify and perhaps also help to then by explaining and providing this elimination.

Perhaps any or much of the concern that existed on the part of the some other constituencies and members of the communities would be dissipated. And it would be easier for us to narrow the work under Term of Reference 5.

Avri Doria: I agree with that. It's just that do we have willingness from the registry constituency.

Marilyn Cade: Well, I'm going to suggest that we shouldn't put the registry constituency representatives on the taskforce on the hook for this, but we should send a written request to follow up on the informal request.

We should send a written request and invite the constituency to provide a - because I think it's fair to say that any - the constituency might wish to identify a couple of knowledgeable sources who are knowledgeable about the operational issues and ask them to put together a 30-minute - 20-minute briefing and take 15 minutes of clarifying questions. And that might be the simplest and most pragmatic approach, as well as leaving the constituents - putting the constituency easily in the position of drawing upon expertise that may be, you know, resident at other places within the other levels not just their elected representative.

Avri Doria: That's a good suggestion. What do other people think of doing it that way?

Cary Karp: I could certainly relay to the gTLD registry constituencies on discussion list anything that you would like to have called to their attention and we can take it from there.

Marilyn Cade: Cary, I'm kind of not satisfied with that in terms of the timeliness, although I really appreciate it. But I would urge the other folks who are on the taskforce call to think about even we have limited time, I think we should issue an

invitation to the constituency to provide an actual briefing rather than putting the burden on the taskforce members to write down in more detail specific questions.

Cary Karp: Well, how do intend to get that invitation to the attention of the registries other than by, for example, me relaying that communication to them. And you can't host up the - there is no public email address that can be used to address all the registries. They all have email addresses of their own.

((Crosstalk))

Cary Karp: So I would have thought that there'd be - the most expedient way to contact all the registries about this would be simply to tell me what it is that you want me to forward and I'll do it.

Marilyn Cade: Sorry, Cary. I'm very happy. I'm not suggesting that you shouldn't forward it. I'm suggesting that it needs to be an actual invitation not just to speak to the group.

Cary Karp: Okay, fine. I'm not offering to draft that communication. I'm simply offering to see to it that it, as rapidly as possible, is forwarded to everyone, to people who want to see it.

David Maher: This is David Maher. Can I get in the queue?

Avri Doria: Please.

                Anyone else want to be in the queue while we're taking a queue?

                Okay, David, please.

David Maher: Well, I apologize for - I joined this call very late and I only heard the last ten minutes or so.

I really don't have - as representative of the registry, I have to confess I don't understand the point of this. It seems to me that the other constituencies and the representatives and the taskforce could very easily look at the registry agreement, which now by and large follow a pattern as far as what information registries keep, what they must do with it, for example, zone file access agreements have to be offered, bulk access agreements have to be offered and so on.

I don't understand the question. I don't understand what's (modest). And I think Cary has gone out of his way to be helpful. But if there are some burning issues that this taskforce wants addressed, I think it's up to this taskforce to let the registry constituency know what it is they're looking for.

Avri Doria: Okay. I think one of the issues that I picked up on is in addition to what's mentioned in the contract, the contract-listed information, I think there's sort of a question mark and not understanding of what data the registries are actually collecting and maintaining and using and what uses it's being put to.

And so, I think that Marilyn's suggestion, if I understood it correctly, is to invite someone from the registry. My first option was we have registry representatives, you know, they could certainly help us. But I think her suggestion was that we go to the registry constituent and ask for someone to formally come, you know, and talk to us at the next phone call…

David Maher: Well…

Avri Doria: And spend some time sort of describing the data that is collected and the uses to which it is put.

David Maher: I really don't see how that would be helpful. If -- I mean "if" -- if you're asking, for example, me to do that, I would go through the posted publicly available registry agreement say, "Here's Section 3, read it. Here's Section 4, read it."

Avri Doria: Nobody collects anything that's not in the contract.

David Maher: I can't - I mean I'd like to have some private arrangement with the registrar, but I don't believe we do and I doubt that any other registry does.

(John):   Avri, this is (John). Could I get in the queue please?

Avri Doria: Please.

    Anyone else want to be in the queue?

Marilyn Cade: I do. It's Marilyn.

Avri Doria: Okay, (John) and Marilyn.

    Anyone else?

    Okay, (John).

(John):   Okay. I just want to echo what Jeff said. There seems to be a lot of confusion at least - and I apologize as well, David, I joined late as well; I had a conflict.

But for the last 20 or so minutes there seems to be a lot of confusion between the categories of data that are being collected.

Registrars obviously have data related to the registration of the domain name and that data is passed on to the registries. I don't believe that's the category of data that we're talking about here. I believe that if you look at the - and I'm just looking at the .com contract right now in Section 3.1F and I think that's the genesis of a lot of the discussions related to this issue. We're talking about traffic data.

Avri Doria: Right.

(John):   And it's not registration data which would be the types of data that you'll see in Whois, types of data you're talking about with bulk access and zone files.

We're talking about traffic data when it comes to, I think, the terms of reference of this taskforce. So just by reading the contract, it's hard to decipher what is meant by traffic data, what is included in that definition. And I think the help that we need from the registries is to just put a little more meat on the bones when you're talking about traffic data as described not so completely in the registry agreement.

David Maher: This is David. Again, that's - the traffic data provision, at least in the biz info and org agreement, was the subject of an amendment or a revision before the agreements were executed.

I can't - my recollection is that it's really now quite explicit. If you can't read the language, I mean you could ask John Jeffrey or one of his assistants to help explain it. But it's the plain language in the agreement, what more do you need?

Marilyn Cade: Avri, can I - I think I'm still in the queue.

Avri Doria: Yeah, you're still in the queue. I was letting David go because it was being addressed…

Marilyn Cade: Sure, sure.

Avri Doria: …and responding to it. But please, yes.

Marilyn Cade: Sure.

I think that - and I appreciate Cary, the people have joined the call and had not had a pause in which they could announce themselves. So maybe we could pause and make sure that we do know everybody who's on the call.

Avri Doria: Has anyone else joined who wasn't here at the beginning or who hasn't announced themselves?

Marilyn Cade: Then let me go ahead with my comment that I wanted to be sure that I offered people who joined late the courtesy of letting others know that they're on the call.

I think that I can certainly read Section 3.1.F. But I think what we had asked for is to have someone provide a mutual walk-through of what that means.

And it sounds to me like at least David is proposing that we go to the legal staff and ask that rather than going to the registrar - registry constituency and asking it. And since I made the recommendation that we ask the registry constituency of the courtesy to explain what that is.

I could certainly offer a friendly amendment to my proposal and suggest we write an invitation to the legal staff to explain in detail what is included in traffic data, not just read us 3.1.F because I think we could all read, but invite them to be on the call and explain what the elements of traffic data are.

And if that's a recommendation from the representatives of the registry constituency then, you know, I thought we were making progress by forwarding our request and inviting the constituency to provide someone to walk us through that and help clarify it. But, you know, it sounds like at least one representative of the constituency would refer it to the legal staff.

Avri Doria: Any other comments on that, on the original proposal or the amended one? I mean I'm certainly willing to make a request if that's what the taskforce wants of either the registry (unintelligible) or of the staff. And of course, Denise and Liz can tell me whether it's a practical request at this point to ask someone to be here at the beginning of our meeting on the 23rd, which I've asked them when we would want someone here.

So anyone else want to comment?

Denise and Liz, is this is a reasonable request to try and get someone from -- I mean not reasonable, it's a reasonable request -- is it an acceptable request to ask that someone be here to talk to us about that at the beginning of our meeting on the 23rd?

Are you guys on mute?

Marilyn Cade: You know, Avri, I'm going to offer an amendment and then I'm going to have to drop off in a couple of minutes.

You know, the other thing to propose since there are registry liaison staff who have very - would be knowledgeable, perhaps the question could go to - from Denise to the registry liaison staff and ask them who the request could go to.

Avri Doria: Okay.

Can anyone respond from the staff?

Anyone from the staff other than Glen who's still on the call?

Glen de Saint Géry: I don't know. I'm on the call, Avri. And I can transmit the message tomorrow to Denise and Liz.

Avri Doria: Okay, thanks. I guess we've lost them.

Okay. So, okay, I'll follow up on this request with the staff, and we should talk about it more on the list. I don't know that we're going to get that much further with it now.

And I certainly accept Cary's offer to sort of carry forward any, you know, clear requests we can make to the constituency list or to the relevant people in the constituency. And maybe in the next day or two, we can tighten up what we're thinking of here.

(John): Avri, this is (John). I just circulated the traffic data provision from the .org registry agreement so everyone can have a chance to look at it and find it easily.

Avri Doria: Okay, thanks. So we should probably also excerpt the ones that David was talking about to compare them. I mean it certainly seems to me that if there's something in those that, you know, certainly a policy crafted around what has been in the contract so far seems a reasonable item of discussion for the taskforce, even if we say, gee, you know, they've got it right and that's the way it should be from now on or something else.

                 Are there any other issues that we should open up on this now? We've already been at this more than 90 minutes, and I know some people are starting to drift off.

((Crosstalk))

David Maher: This is David again.

Avri Doria: Uh-huh.

David Maher: Are we planning to discuss this taskforce issue in Los Angeles in…

Avri Doria: Yes, we have. We went through a revision of the schedule.

David Maher: I'm sorry, Avri.

Avri Doria: And we're definitely at the beginning of the meeting.

David Maher: Okay.

Avri Doria: And I'm going to send that schedule out to the list. I probably won't get to it until tomorrow morning.

David Maher: Okay. I'm sorry I didn't…

Avri Doria: No, that's okay. But yes, the 22nd and 23rd are dedicated to this.

David Maher: Okay, thank you.

Avri Doria: Okay. And we have several meetings before then, but that will all be in the message I send back, absolutely.

                 Before calling this, is there anything else that people want to add as a question or as content to this discussion at the moment, or have we pretty much probably gone as far as we can for today?

Woman: Avri, can I just ask you a scheduling question? Are you going to work with the staff, you and Glen on the issue of overlap at the IBM meeting and check those dates?

((Crosstalk))

Avri Doria: Right. Certainly for meeting on the 6th, we're going to do that. I guess we got to check on the meeting for the 23rd of Jan and the 15th. So hopefully, they manage to avoid us since we're already scheduled.

((Crosstalk))

Woman: But I don't know the answer to that.

Avri Doria: Yeah. And so, certainly we'll look at it.

The other thing, now that you've brought up schedule, is I was wondering what people thought of this time for the 23rd certainly in terms of time of day. I know that at least (John) has a problem with it by an hour that's on Tuesday and I'm wondering how the time is for other people.

((Crosstalk))

Avri Doria: I guess over here it's okay. But…

Woman: So East Coast time proposal being move it back by an hour, back to 3 pm East Coast time and that would make it 9 in Europe.

Avri Doria: Right. And I don't know how late in Australia.

Man: Sorry. I was - did you ask what time? What specific time please?

Avri Doria: Well, I'm bringing up the question. We may need to continue it on the list. Is this good?

    I know that for some people - it was okay for some people. It was an hour too early for some people. The day was back which I've - we're talking about days, but we're also trying to zero in on the time and whether we leave it at this time because it works best for the majority or whether we need to move it.

David Maher: This is David. I vote that it's an hour too early that I'd like to…

Avri Doria: Okay.

David Maher: Make it one hour later.

((Crosstalk))

Avri Doria: Do others believe that it's an hour…

David Maher: One vote.

Marilyn Cade: Avri, it's Marilyn. I'll be flexible. But it's going to come down to also how it overlaps with the QC meeting of the IDN.

Woman: Yes.

Man: I'm sorry. We're talking about the list of IDN workgroup meetings that's just been posted, right?

Avri Doria: Yeah.

Woman: Yeah.

Avri Doria: Which came as…

((Crosstalk))

Avri Doria: Schedule surprise.

Man: So those of us who were on the committee as well?

Avri Doria: Yes. Well, I think I'm one of the ones that's listed on it and I looked at it and went oh my God.

Man: Uh-huh, uh-huh.

Woman: (John), could you…

Woman: Yes?

Woman: Could I ask a question?

                So Avri, is it feasible to think about the question of - for this group, is it feasible to move the meeting to Wednesday, or is it feasible to move it to an hour…

David Maher: Come in, come in.

Woman: …later. Is that right, (David)?

David Maher: I'm sorry.

Avri Doria: Yeah. We basically have two questions. One is of the day and for the most part this day ended up good for most people but the hour was off by an hour for some.

Woman: Uh-huh.

Man: Can I just say that for me an hour later would be…

Avri Doria: Right. That was the assumption I was making that an hour later for you would be painful.

Man: No, it's not. It's actually - I mean I start at 8 am and…

Avri Doria: Okay, great. And we - okay, fantastic, that's good to know.

                   So does anyone object to moving it to an hour later next week?

Glen de Saint Géry: Avri?

Avri Doria: Yes?

Glen de Saint Géry: Sorry. This is Glen. If it is moved to an hour later next week, it will
                   conflict with the IDN group which starts at 22 hours in Europe.

Avri Doria: I see.

Glen de Saint Géry: Yeah.

Avri Doria: So they scheduled to start when we stop because we're at 20, correct, at the
                   moment in Europe?

Glen de Saint Géry: That's right, exactly is.

Avri Doria: Okay.

Woman: Glen, I'll just announce to everyone that I have posted privately to Glen and to
                   (Ron) and to Olof and asked them to carefully consider whether it needs just
                   to have weekly meetings the first week - sorry, separate meetings the first
                   week given that we were still kind of forming.

                   So maybe it sounds like next week is a problem to move it, time-wise. Is it a
                   problem to move it day-wise?

Avri Doria: This one or the IDN one?

Woman: Well just - I'm looking at weekly meetings for IDN and the schedule that
                   we're trying to accomplish for this group as well. I think it's challenging to
                   have them on the same day.

Glen de Saint Géry: Would Wednesday on the 24th of January work?

Avri Doria: We need to do this, I think, on the list.

Glen de Saint Géry: On the list.

Avri Doria: When we have more people since we only have half the people here.

Woman: Yeah.

Avri Doria: We could go through all the pain of figuring out that it was good for us and
                   then have it only work for the half of us that are here.

Woman: Right.

Avri Doria: And so, okay. I would then say that we should tentatively plan that we've got
                   it for the 23rd and so this could take us several days to work out. But unless
                   it's changed, we're meeting at the same time on the 23rd.

                   So unless there's a change that enough people agree to, we're at the same time
                   next time. And then, let's try and change it and let's try and work it, but let's
                   have a tentative schedule.

Woman: Okay. Thanks.

Avri Doria: Okay.

Is there anything else we want to cover today before we call it, as I say, I'm out the rest of the day so I won't get anything sent to the list today, but I will work on it tomorrow morning, my time, on basically working and getting sort of the updated schedule so that we know what our schedule is and then talking on this issue of who we're trying to invite for what.

Anything else?

In which case, to all of those of you who did join, thank you and talk to you next time. And Happy New Year to all.

Man: Thanks Avri, you too.

Avri Doria: Okay. Bye-bye.

                            END