

Transcription ICANN Beijing Meeting
Thick Whois PDP Meeting
Sunday 7 April 2013 at 09:00 local time

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Man: Good morning everyone. If we can just get ready to start in just a minute or two.

I'm sorry we commenced late this morning. We obviously got access to the room a little bit later.

So welcome to anyone who's on the audio online. Morning's session is a report on the work going on with - starts with the thick who is PDP work.

We have Mikey O'Connor here to present to us. So I think if we could start the recording and get things going immediately.

Good we're good to go. Thank you. Welcome everyone to our Sunday working sessions. Let's kick off with Mikey first of all.

Mikey O'Connor: Hello everybody. My name's Mikey O'Connor and I'm the chair of the (unintelligible) PDP working group.

I see friends and familiar faces in the room. So if anybody - looks like we've got plenty of room at the table this morning so if any of the working group members want to join me at the microphones that would be great.

And I think that we can probably make up the time that we lost Jonathan because we're at pretty early stage. But I'll just walk you through this.

I think mostly what I want to do today is set the stage for the work that we're going to be doing. And to start with that I want to take a moment just to work through what we're about.

Because who is is a complex and charged topic as we all know. And this is a very narrow PDP to look at a very narrow slice of that topic.

And so what you see on the screen is the first of two pages which is basically straight out of our charter as a working group. And these words I think are really helpful to sort of narrow us in on what this is all about.

Most of the registries in the gTLDs are what we call SIC registries. And I think it's really important that we make clear what we're talking about as to the difference between those two things.

So as things sort of settle in - everybody's ready to go. Okay. So we, ICANN specified who is requirements through two agreements.

One is through the registry agreement and one so the RA and the other is the registrar accreditation agreement, the RAA. And over time there have been sort of two models under which the registries and registrars have fulfilled those who is obligation.

There's the thin model which is best characterized by the registry's dotcom, dotnet and dotjobs and then there's the FIC model which is essentially the

rest of the gTLDs. And before we get to the differences between those two let me just highlight that there are two kinds of data that live in Whois.

One kind of data is about the domain name. So where are its name servers, when was it established, when is it going to expire?

And the other kind of data has to do with the registrant and the various contacts, the personal data that's associated with a name. So there's sort of these two sorts of data.

And in the thin model the registry only collects the information associated with the domain name -- the creation date etcetera. And the registry then publishes that and along with that data publishes the name of the registrar which in turn has the information about the registrant and the contact data.

So there are these two kinds of data and they're in two different places. The domain related data is at the registry and the personal data is at the registrar.

Hang on a minute Wendy. Let me just - this is a very short pitch and then, you know.

Wendy Seltzer: Can we - I'm sorry to interrupt. I just wonder whether there's anybody who doesn't know this background already.

Mikey O'Connor: Well that's a good question. Is there anybody in the room who doesn't understand the difference between thick and thin?

Who knows? Maybe we should let people raise their hands on that. That's a good point.

Not too many hands went up. Okay I'll move it along.

So let me push through in the thick model basically all of that data resides at the registry and part of the data at the registrar and is collected. All of the data is collected by the registrar.

All right. So onto the topics that this working group is addressing.

This came out of - the impetus for this PDP came out of IRTPC and - no. Came out of IRTPB and the thought there was that it would be - there are a lot of reasons why it would be helpful to have all of the registries working under the thick model.

And this list that you see in front of you is sort of the list of things that we're looking at with regard to that. And it - this is a very narrow and operational PDP.

It's not addressing a lot of the Whois topics that are more controversial, although we've got some controversial ones in here and this is our list. I think I'll sort of run through the rest of, you know, there's not much left in this presentation and so I'll just finish this off and then we can have a chat.

So we started in November. We've got sub teams working on some of that topic list.

We decided that it would be useful to have a panel of experts who were either involved in some of the earlier transitions from thin to thick like the one for dotinfo for example. We've gone out to the various SOs and ACs and asked for input and that is back and we've consolidated that into a working document.

And we're now in the middle of working our way through that list of topics. I don't think we're going to quite make Durbin although we will probably have a pretty good handle on where we're at by Durbin.

We should be able to give you a much more substantive report as to the content of where we're headed. Although I don't think our initial report is quite going to make Durbin because that one's a bit closer than the amount of time we had between the last two meetings.

So anyway - there's a slide that's out of sequence. And since I did this deck that's all my fault.

So I'm going to skip that. You know, I think we're kidding when we say that we're going to have an initial report for public comment by Durbin.

I think we're a little out of whack on that right? No, we're shooting for Durbin on the initial report?

I'm looking at Marika who's back - she's hitting me over the head with a stick saying come on, Mikey we can do this. So maybe we'll have an initial report by Durbin, okay.

Never mind. So that's sort of the news of the day on thick Whois. We are running a little bit earlier than I was planning so we've got 10 minutes to talk and then we'll be on schedule for John.

Any questions, thoughts? Jeffrey?

Jeff Neuman: So just out of curiosity why do you think it's a stretch to get an initial report by Durbin?

Mikey O'Connor: Well I was working off of a set of dates in my head that - and I think what I'm doing is I'm confusing IRTP dates and thick Whois dates and Marika is nodding. So one of these is harder to reach Durbin by.

It's early in the morning and I'm jet lagged and I have just reversed them in my head. So there's no hidden meaning there at all. Marika go ahead.

Marika Konings: This is Marika. I mean the timeline we've put together is pretty tight because as you've seen there are quite a number of topics the working group is expected to consider.

So for each of those we've created like sub teams. And that took a bit of time to actually kick that off.

But I think now we've on a pace where we've really tried to set a faster pace to really force the working group to focus on each of these issues for one meeting, then draft a draft chapter for that action. And then have the second meeting to basically sign off or make any changes that are necessary.

So we're trying to pick up the pace but really at the same time give due consideration to each of the issues, looking at the comments that were received, something we did for example is create a little Excel sheet where we tried to outline the positions on each of these issues. And it, you know, has become quite clear that on several of the topics there is what we can say consensus, strong support that there are no issues if thick Whois would be required.

But there are some concerns that we don't want to overlook either and, you know, give due consideration and address in the discussion. So that is taking some time.

But I think on the timeline we've set out and I think everyone's working really hard and trying to make those deadlines. And I'm hoping that we will at least get initial report knowing that of course there may be issues that need further considerations or issues that the group will put out for further input as part of the initial report as part of an initial report.

Mikey O'Connor: Wendy?

Wendy Seltzer: Thanks. Wendy Seltzer. I know the noncommercial have been concerned about the privacy and jurisdictional implications of moving from thin to thick Whois.

The changing and reducing the choice the registrants have. Can you tell us what the status of those conversations is?

Mikey O'Connor: Sure. Wendy's right. I think that probably one of the knottiest issues that we're working with is that one. There's a subgroup that's led by Don Blumenthal from Affiliates - I haven't seen Don yet, I'm not sure if he's here.

But I think he's here. And we're going to focus on that conversation actually in the face to face meeting.

So this might be a good time to plug - the face to face one is Wednesday right? Monday. Tomorrow at 7:30 in the morning, conveniently located early in the day for those of us who are jet lagged and already been up for four hours.

And what we're planning to do in that meeting is spend a little bit more time with the basics explaining the difference between thin and thick Whois. Hoping that we'll have some newcomers at the meeting -- although at that hour we may not.

And then spend a bit of time at that face to face meeting tomorrow to talk about that. The, you know, we're sort of juggling the developments in Europe and the conversations within ICANN, etcetera.

And the sense that I've got is that the conversation is very productive. We're hoping to find a way through that that will address the issues that have been raised.

But I can't - as the chair I can't predict the outcome of that quite yet. And I've got hands up all over the place.

I think I'll let Jeff go first and then Marika? And John. Okay. And John were you before Jeff? Okay.

John Berard: Not alphabetically.

Mikey O'Connor: Well, that - yeah last name. We're going with...

John Berard: John Berard with the BEC. We've had what, 10 years' experience now with thick Whois?

Mikey O'Connor: Yeah.

John Berard: So what's the experience been with regard to privacy in thick Whois?

Mikey O'Connor: I'm going to tiptoe around that issue until I've got the privacy sub team here. I'm not going to as chair at this point because I haven't been sitting in on those meetings.

So in terms of the content discussion I invite you all to join us at 7:30 tomorrow morning. I'm not going to wing this one.

John Berard: But there must be some - I mean there must be some raw material upon which the...

Jeff Neuman: John this is Jeff. I mean I think - and you guys can correct me if I'm wrong -- I don't think it's the thick Whois itself that's causing the privacy concerns.

It's actually the transition from the thin to thick and then the privacy implications of the transition right? That's what's being looked at?

Wendy Seltzer: That's the question at issue. Registrants who registered with ones that have expectations about where their data would be stored being transitioned without any choice in the matter.

As a separate question in other places we've - noncommercial has urged that thin Whois is a better regime for offering registrants that choice generally so that they're not constrained to storing their data where the registry is located but can choose a registrar in a jurisdiction with privacy friendly practices. But in this PDP in particular it's the transition question.

As Cynthia said this is looking at the use of thick Whois by all gTLD registries -- both existing and future. There is some space to consider the question of do we recommend thick everywhere?

And we would say we wouldn't.

Mikey O'Connor: So I've got Jonathan, Jeff but I'm going to always go to Marika first because...

Marika Konings: No just worth mentioning as well I mean that there's - a lot of attention is being given to these issues and the sub team on this has been meeting on a weekly basis. And they've been pretty - there's very positive discussions.

But again I think really trying to focus on what are the specific issues from the perspective of privacy and data protection for thick versus thin. As also some broader questions have been raised.

And it may also be worth pointing out that the working group did look at a - or they formed an ad hoc expert panel where they've looked at people that have been involved in the transition from thin to thick for dotorg to ask them about their experiences and any implications they may have seen from a privacy perspective to, you know, get some insight on that as well. So there are different avenues that the group is exploring and trying to give due consideration to all the issues that are being raised.

But I think something that is - that they're still looking for is - and I saw that Don has actually circled it. I think a first draft of a chapter on that subject is a concrete data points and examples of, you know, where this has been an issue.

And I think that has been a bit of a challenge to find that apart from, you know, hypothetical scenarios. So that may be one of the points where people can provide input if they haven't.

Mikey O'Connor: I didn't mean to cause you to lose your place in the queue. So Jeff and then...

Jeff Neuman: So I guess my question is - this is Jeff Neuman. On the expert working group I'm assuming that -- and I don't know if anyone knows here -- but I would assume that this is an area that if they start talking about that they'll actually defer to the already ongoing PDP.

So this is not something that they're going to be discussing.

Marika Konings: This is an ad hoc expert group. It's not to be confused with the expert working group.

Jeff Neuman: Yeah I meant the new expert working group that was created by CEO to look at registry, data directory, services, whatever they're calling it now. I would assume that this is not a topic they're talking about because it's already the subject of a PDP.

Marika Konings: Right. I mean something that we have done as well is tried to outline like all the concerns that have been raised again in an Excel sheet outlining them. And trying as well for each of them to identify saying okay, if there's not within our (unintelligible) is it somewhere else being discussed?

And can we maybe direct some of the information that is being gathered or considered or has been brought forward just to that other group or initiative that's working on it. They need to be able to not say oh, we don't care about this.

We do know it's a concern. But it's just not part of this working group to address.

But there are others that may look at it. So I think they're looking for a mechanism to see if there is anything coming out of this discussion that is not within the remit of this working group but is being considered somewhere else, that there is a way to actually maybe send that information that way.

Or at least highlight that it was considered and discussed.

Mikey O'Connor: Thomas.

Thomas: Thank you Mikey. I have a question more for Wendy and Milton actually.

The data protection concerns that you have. Is that really something that is connected to thick versus thin?

I think the overarching issue is the - from a European perspective excessive requirement for ICANN for collection and disclosure of data in the first place.

Mikey O'Connor: Milt go ahead.

Milton Mueller: Not speaking for Wendy - she can add her own two cents to this. But it depends.

If in fact ICANN imposes stringent regulations on registrars as well as registries it'd force them to do things that we consider bad from a privacy

standpoint. And there wouldn't be much of a difference between thick versus thin.

In fact in some respects from a privacy protection standpoint having uniform regulations that you apply to a registry might be more accountable than otherwise. But the main difference is that if ICANN actually allows registrars to have varying policies with respect to how they handle customer data -- again consumers do have a choice.

And they can migrate on that basis. Whereas if you impose regulations at the registry level then consumers don't have a choice if they use that registry.

Now particularly if you have a system that imposes the uniform regulations on all gTLDs regardless of what they are.

Mikey O'Connor: Wendy did you want to add anything?

Wendy Seltzer: Yeah. So the - yes. There's a problem in both places would be my short answer. And I think giving - increasing the choice and diversity of choices gives more opportunities for registrars to apply the Whois conflicts with privacy law, procedures and assert those in defense of their registrants.

And gives more opportunity to protect privacy. Certainly I would prefer if ICANN adopted an overall policy of complying with the most stringent of privacy laws so that registrars and registries didn't have to challenge procedures or adopt unique procedures based on their national laws.

But rather that ICANN could enable all of its registrars and registries to compete on a level playing field and be privacy protective at the same time.

Mikey O'Connor: I'm conscious of the time and I saw that Patrick Falstrom just walked interest. So maybe Marika can have a word and then if anybody has any burning issues we'll take one more question.

But then this is by far the most interesting topic in this working group. And I encourage you all to come join us tomorrow morning at 7:30 where we're going to have a little bit more time and can spend some more - go a little bit deeper on this. Marika?

Marika Konings: Yeah this is in regards to following up on Thomas's question. And I think that's one of the questions that the sub team has been struggling with as well.

Because in the thick registry the only thing that the registry does is republished information that's already published by the registrar. So how, you know, I understand the broader concern of that information being public by the registrar already and I think it's a broader Whois privacy concern.

But I think where the sub team is struggling in how is that different, that information that is already publicly available at the registrar level is just being published as well at the registry level. That is the only difference that we're looking at.

And is already being done in many gTLD registries and the requirement for new gTLDs. So how, you know, to align that with the concerns expressed.

And I think that's where the crux of the questions or discussions currently are.

Mikey O'Connor: Thanks all. This is why I enjoy working groups so much, because these are really interesting, complicated questions. And we're deep into it as you've gotten a sample today.

Please join us tomorrow and back to you.

John Berard: Thank you very much Mikey. Thank you for your work, thank you for your presentation and thank you for highlighting that issue.

I'd encourage counselors who have a specific interest in it to either contribute tomorrow or via the working group. It could be very useful to not have the contributions solely take place here.

So if we could close off that session now and stop the recording there whilst we allow Patrick to set up for the next session and Judy.

END