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WHOIS Review Team  
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EMILY TAYLOR:

Good afternoon, ladies and gentlemen. Welcome to this session, which is the WHOIS review team's draft final report, discussion of. It's great to see you here. I think we'll be starting in a couple of minutes. So for those who have yet to take their seats, if you could please do so. We've got quite a bit of material to get through. And I'm hoping that we can have as interactive a time together as possible.

All right. I think we'll get started. Welcome to this session. And welcome to my colleagues from the WHOIS review team and to those of you who have joined us both from ICANN staff and from the ICANN community. We're in quite a big room. So do feel free, if you would like, to move further down to the front so that you can read the slides and be more interactive.

It's always a difficult balance at this stage to try to work out the best approach for these sessions, because we would like to hear from you. But we're also aware that, having published a draft report of over 100 pages plus annexes, that this might also be an opportunity to bring people up to speed on the highlights of our findings and introduce our recommendations.

So there will be a little bit of show and tell. But I'm hoping to get through that relatively briskly to leave as much time for discussion as possible.

Good. So the slide changer works. That's the first thing to get sorted.

We published our draft report last December. And there's been quite an extended period for the public comment which just takes into account the -- quite the large gap between the last ICANN meeting and this one. We wanted to leave the comment period open until the end of this meeting to give as much chance as possible for people to digest this report and also to have some dialogue and to start to, you know, to form ideas through this meeting as well.

And you can see on the slide how we've divided up the report into eight chapters. There are also some detailed appendices, including a full report of the consumer research, which I'll come back to later. Once

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we've heard from the community, we will then be working on delivering our final report, I hope, by the end of April.

Now, the mandate of this review team is set out in the Affirmation of Commitments, along with the mandates of the other studies and reviews, amongst which are the accountability and transparency review team and the ongoing security and stability review.

We began our work October 2010 and worked through until the end of November, beginning of December 2011.

I think it's important to note, particularly with a subject like WHOIS, where it really does truly involve many stakeholder interests that our team has that cross-community composition. We were very fortunate to have representatives from law enforcement, experts in privacy, and also stakeholders from right across the different ICANN constituencies -- registries, registrars, those enforcing trademark rights and private law rights as well as the non-commercial users as well.

So what we wanted to try and do was to reach consensus recommendations to help to unlock this issue, which seems to have become rather intractable within the ICANN environment over the last decade, and see what we could do to try to reach consensus where we could. And I'm pleased to report -- and it's thanks to my colleagues here on the review team -- that all of the recommendations that we'll be taking you to today have full consensus from the review team.

So what we're going to do is share our findings, which I hope will provide the context to understand the recommendations within.

Okay. We were -- our mandate set out in the Affirmation of Commitments was to review the extent to which ICANN's current WHOIS policy and its implementation are effective, meet the needs of law enforcement, and promote consumer trust.

So, when you're actually approaching that task, the first thing that we tried to do is to say, okay, well what is the policy?

And we were assured by many people that we spoke to that there was one. But we were unable to find it documented. It is, obviously, implemented in a number of places. There it is referred to in the registrar contracts, the registry contracts. There are various consensus policies that have been developed over a number of years with the

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GNSO. There is, of course, the background documents of the RFCs and the history of the DNS and of WHOIS debate within ICANN and beyond.

And, of course, the Affirmation of Commitments itself sets out quite boldly a statement of what that policy is. But we were unable to find it documented anywhere. That's the reason for our first recommendation. So I hope that context gives you the idea that what we're not asking for is a great big policy development process here. This is a documentation exercise. This is about the accessibility of the information to newcomers to this environment who might want to know what the WHOIS policy actually is.

We did a lot of work. Because our scope is looking not only at the policy but also its implementation. Of course, that took us to look very closely at the compliance effort by ICANN. And we were very fortunate to have a number of sessions with the compliance team in which they took us through their work in great detail. A number of our members actually went to visit the ICANN compliance team in their offices. And we've tried to set up as much dialogue as possible.

What became clear was that one of the flagship interventions, if you like, by the compliance team is the monitoring of the annual WHOIS data reminder policy, which is sent to each and every registrant of a domain name to remind them of their obligations to keep their data up to date and accurate.

So what we wanted to know, here we have a policy whose stated objective is to, I hope -- we would hope -- we would think, support accurate data, improve the quality of data within the register. Because, ideally, a successful policy intervention in our minds would be one where you could say, well, this is our intervention and this has been our results. And, indeed, ICANN follows very precisely the number of registrars who comply with their obligation to send out these notices. And I'm pleased to report the number who sent out the notices is very extremely high. So there's a very high compliance with this policy. But, actually, when you look at what the policy is about, which is that communication with registrants, convincing them of the need to update and keep up to date accurate data, you would hope to also know what has been the results -- in other words, what changes have been made to data as a result of these notices and what are the metrics for success, what are our targets, and so on? In brief -- I can talk about this for a long time -- there aren't any. Nobody knows what happens to the data after those notices are sent out.

And so there is an awful lot of time and effort expended throughout the community both from the compliance team and the registrars in actually doing this. And we hear anecdotally that there are many complaints from registrants who don't know what the notices are about, fed up of getting an individual notice for every one of their domain names. And yet there's no follow-up. And that's an obvious gap.

So our second recommendation is to close that gap, to try to find out what happens as a result of this flagship policy intervention. And, if the -- if we are unable to measure the effect of that intervention over time, then perhaps we should review whether this is actually doing what it should be doing and make appropriate changes.

The third finding -- and perhaps this ought to be our first -- reflects a number of themes that came through, not just from the compliance team themselves, but also from various sections of the community, which was that -- if I can summarize, people were more or less content or could live with the contractual provisions as they then were. And we may yet have strengthened provisions with regard to WHOIS in the registrar accreditation agreement. But we're saying -- even the most critical people were saying, actually, when you look at the contract, it should work. You should be able to rely on accurate data. But there was a sense that nobody is doing anything. That was a quotation from the inputs that we received. The tools are there, but nothing's happening. There was a sense, not just from within ICANN but from the community, that the compliance team is hopelessly underresourced. Dire. This is dire. And, when we look at what's coming and the expansion of the domain name system that is coming, this is an emergency. The ICANN staff ought to be fully resourced. Obviously, you can throw people at a problem. But what are they going to do? Do they have adequate tools? Do they have a strategic approach to use? Any resources will be limited, and any problem -- the problem is unlimited and will suck in whatever resources you can throw at it.

So how on earth can we empower this team to take a proactive role and ensure within this hugely distributed database an environment where many actors share responsibility for all the things that should be going right? How do we encourage and foster a culture of compliance? And our view was that the board should ensure that a senior executive is responsible for overseeing the WHOIS, as a whole, and compliance, in particular.

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And that is the reason for our third recommendation.

I think it's a truism to say that, particularly in any environment such as this, a not-for-profit organization which is fairly insular in nature, there can always be a better job of outreach. And one of the aspects of the study that was most interesting and novel, really, was that we undertook some research across 10 different countries on consumers. Their knowledge of WHOIS, their ability to find those -- they were given a task of being shown a Web site and asked to find who is responsible for that Web site. And part of our appendices include a brief video of some of the attempts that the consumers made to find that information. And they were proved extremely resourceful in that search. However, what they did not do was look up a WHOIS record. And, when they were actually introduced to the concept of a WHOIS record and asked to perform a WHOIS search, they were either unable to complete it in the main or unable to interpret the results.

So there's a problem. We might decide, as a community, this isn't a consumer tool at all. It's, actually, a specialist expert tool for law enforcement and for the industry looking after trademark rights. That is a rational conclusion.

But, if you do think that it might be important -- and, bearing in mind, that our task was looking at what promotes consumer trust -- we can say the baseline position at the moment -- and this is what we're laying down for future WHOIS review teams as well. The baseline at the moment is pretty much consumers haven't heard of WHOIS.

That's a generalization. You'll be able to see the specifics in the report.

And so the -- there needs to be some outreach. But also to bring people in to the tent who are not currently within the ICANN community. And, in particular, law enforcement and the data protection commissioners.

So that is the state of the nation, as we saw it, in terms of outreach and public awareness and also input into the policy process. And that is the reason why we are recommending cross-community outreach and extending that outreach beyond the bounds of our ICANN community.

Okay. The next few slides take you through our findings on data accuracy. Accuracy is much-discussed. And it means different things to different people. So there is, of course, the possibility and the goal of

having 100% accuracy in WHOIS data throughout all of those records and maintaining that forever and ever.

However, in our outreach -- and we were very fortunate to have the Serious Organized Crime Agency's representative, Sharon Lemon, on our team and also within the ICANN community on the IPC and so on. Actually, we found people had quite a pragmatic view on this. And, if they could find any way to contact the registrant at all, they were not delighted, but they could live with it. That took us back to the only study that exists that we could find on data accuracy within the ICANN environment, which is dated 2009-2010 and measures the state of play now three years ago. And that found that a significant number of WHOIS records in a statistically significant sample had data that was so bad that it was impossible to contact the registrant through any means, whether by post, by phone, by fax, or by e-mail.

We viewed these as the priority. This is the low hanging fruit. And I believe that was a phrase mentioned in the last session as well that ought to be addressed as a priority. And, actually, because it is so hopelessly inaccurate in many cases, that ought to be the most tractable to some sort of intervention. And, therefore, we have set deliberately stretched targets in our draft recommendations to be fulfilled within brief time. Over a two-year period, we'd like to see a serious dent in these -- in these unreachable. And this should be accompanied with appropriate reporting and also annual status reports.

Because what we're thinking, really, is how to set up the next WHOIS review team for the best possible success. They should have the metrics and the studies that we did not have. They should have a documented policy, so they don't spend three months looking for one. They should have a general state of how this problem is moving, whether it's going in the right direction or whether it's going in the opposite direction. And that also, you know, we talked about the fact -- sorry, I talked. You will get a chance to talk as soon as possible. I talked about the fact that this is a distributed database. There are many actors who have responsibility for different bits of it. And, one of the things that we felt would really improve matters is to ensure that there is a clear, unambiguous, and enforceable chain of responsibility right through from the registry to the registrar to the registrant and any intermediary that you might find on the way. Because it's too easy at the moment for individual actors, be they industry or registrants or whatever, to just simply shrug their shoulders and say there's nothing

they can do about it. And, individually, they might be correct. But, collectively, that can't be right, can it? Because then nobody is responsible and nothing is happening.

So that is the reason why we believe that a clear and unambiguous chain of responsibility is the way to go.

Communication, communication, communication. We think that there is actually a very good description at the moment of registrant rights and responsibilities and that that should be -- that could form the basis of a good outreach program so that registrants understand and internalize the need for accurate data.

So, the next issue -- if you're thinking in high-level terms about WHOIS, you're thinking, really, in terms of accuracy and availability. Accuracy means different things to different people. Availability -- when you look at the wording of the Affirmation of Commitments, the assumption in that wording is that all WHOIS data should be all available all the time to everybody on the planet.

In fact, in reality, there has grown up a whole industry which enables registrants who don't want that data to be fully available all the time. Those would be either proxies, who actually step into the shoes of the registrants and assume, thereby, all the rights and responsibilities of the domain name registration or, alternatively -- and I think probably more rarely -- a privacy service where you would have the full -- the name of the registrant. But you would have somebody else's address there. And those are either done, obviously, informally, which would be very hard to spot -- and I think we can all probably in this room think of names of very large proxy and privacy providers.

Now, one of the areas where I guess we differed from the bold statement in the Affirmation of Commitments is that, as a review team, we accepted that there is a legitimate need both for individuals, organizations, and companies to hide that data. And one can think of numerous reasons, both for individual privacy concerns, but also for upcoming mergers, trade secrets, new products, however, you want to slant it -- this is a legitimate need. This isn't something that's wrong. It is serving a need. However, the corollary of that is that people who need that data quickly also need to know how to access it and need to trust that there will be a reasonable process that's predictable in order to get the data. Because, of course, if you need the data very quickly,



going through a sort of lengthy process where you may or may not get any data returned to you, is not ideal.

We found that the responsiveness of privacy and proxy providers varied from real gold standard, fantastic and very positive comments from the users of those, from law enforcement and trademark protection, to those who just never responded at all.

And, therefore, the next slide steps you through. And you can read them. We took privacy and proxy separately. But I think many of the current -- many of the themes are common. That there should be a legitimate balance between the stakeholders here. There is, obviously, a legitimate need for people to hide the data. But there is also a legitimate need in certain circumstances for people to access that data.

And so there needs to be some work done within the community. There could be better information on the face of the WHOIS record about whether this is a private registration or not. But I think the clincher in all of these words is standardize, relay, and reveal processes and time frame so there is a predictable environment for people to take part it.

So you can see all of the detail of those in the handouts that are available to you. But, again, another link in the chain, if you like, is that we felt that, at the moment, ICANN's toolkit of what it can do to people, if they don't comply, is rather limited. It's the sort of -- you know, death sentence or nothing. When the only tool in your toolkit is deaccreditation, there is a natural reserve in going there. That's the kind of real last chance option.

And so we felt -- and I don't think this is a particularly controversial finding. It was something that we heard from the community -- that there should be some sort of graduated and enforceable penalties and requirements. And I should say we're talking about penalties. But we're also, in our reports, talking about incentivizing good behavior, not just bashing up bad behavior. Because, obviously, in an environment like this where you have the luxury of having the industry players in the room with you, they know what is feasible. They know what is not feasible. And the people who are coming here in good faith to make the process better will be the very people who can help to devise the solutions and, I hope, appropriate incentives as well.

So on proxy services, I think that the clincher -- the one I'd just like to take you to in a little detail is that we feel that, given the proxy and privacy services are currently out with the entire policy environment, that there needs to be some small steps here. And, first of all, we should know the landscape. We should encourage those within that industry to develop voluntary best practice guidelines. I think it's fair to say that, within the review team, there was a fair deal of skepticism about whether that would actually come to pass. But, luckily, there will be another review in a few years' time. And, if this whole idea of voluntary good practices within the proxy environment has actually come to nothing, then there will be another opportunity to look at it.

Okay. The proxy. The proxy thing there is very much a mirror image of the privacy thing. And, there again, we're talking about talking about incentives for registrars.

The other aspect of WHOIS data is something I sort of described a little bit earlier, was that WHOIS data is actually very difficult to find. We -- we found that there are a lot of expert users from law enforcement and those doing brand protection who are just doing WHOIS lookups all the time and are very good at it and know how to hop around in this registry, dot com, dot next and look at the registry and look it up, go to the proxy and get the details back, if you find them.

But, if you put yourself in the shoes of some consumer -- because we weren't asking -- we were asked to consider consumer trust, this is quite an ordeal.

And, when people are asked to find who is behind a Web site -- and we all appreciate that WHOIS data is not just about Web sites. It's about domain names -- they found it very hard. And that's, obviously, a gap.

We found -- we felt that it might be useful for ICANN itself to provide a kind of one-stop shop where you could run through all of those things. Now, if I can just -- this caused some breathing difficulties in various parts of the community. We're not talking about ownership of the data here. We're not talking about moving databases into different jurisdictions. We're not talking about anything radical. We're talking about a lookup. But just something that's quite user friendly and, hopefully, multilingual and orientated towards those who are not steeped in the industry and would just like to look up a domain name.

And we've got two alternatives there. The minimum would be going for dot com and dot net, which are the most difficult for the uninitiated to find. If you're going there, there's a possibility of extending it beyond that.

The final three recommendations concern internationalized domain names, those domain names which are in non-ASCII characters and which have been available now for more than a decade on the market.

Unfortunately, as in many cases with this fast-moving world, the policy has not kept pace with real life. And this is very obvious in the way that the registration data is displayed with non-ASCII domain names. So it would stand to reason, I think, we all think, that, if you've registered a domain name, say, in Arab script or in Cyrillic, that, for the most accurate data, it would be inputted in your native script and in your native language. However, the tools do not yet exist to transliterate those in a consistent way. And, as a result, there have been various ad hoc measures and arbitrary mappings, which give rise to a significant data set of these very inaccurate data. The NORC study says that one of the major reasons for inaccuracy in data is poor mapping of IDNs. And, of course, this is part of taking IDNs seriously is to make sure that the WHOIS is adequately supporting it and that it's predictable. And there you have three recommendations which take you through how to finalize the encoding of the data model through to getting it inserted into the common tract and also having requirements for registration data accuracy and in local languages finalized.

So you will be relieved to hear -- and I certainly am -- that that takes us through a whistle stop tour of our findings and recommendations. As well as hearing from you on what we are recommending at this stage, we would also very much like to hear from you about what would be appropriate time frames for these to be completed in as well as, obviously, what you think of what we're saying.

But who should be tasked with this? I think we found in some of our early outreach within the community that there's been a bit of panic that we might be trying to task the board with things that properly lie in a different part of the community. If I could just calm everyone down on that. We're addressing the board with our recommendations because it is the board who has instructed us to do this. And, therefore, they should be tasked with ensuring that things should be done. However, we completely accept that there are appropriate processes

that exist within the ICANN community to involve others in policy development, if that is required, and elsewhere.

Also, how do we monitor progress. I think this is also a wider question for the board as they think about the Affirmation of Commitments in a timeline rather than as just one of bursts.

This is going to continue for as long as the Affirmation of Commitments is in place. So how do you get some continuity between one review and the next? How do you monitor progress? I mean, we will evaporate when we publish our final report, to people's relief, I'm sure. But who is going to be there to make sure that, if the recommendations are accepted, that they are implemented and that the implement is satisfactory?

At the moment, there isn't a mechanism for that to be achieved, and what we've seen with the ATRT or the alumni of the ATRT or its vestiges is that they have, as volunteers, kept up that role. But there is no authority, there is no formal role for that.

And so that's, I think, something for the ICANN community to grapple with as we move into -- as we start to become used to the new regime of the Affirmation of Commitment reviews.

I think that's probably quite enough from me. And this is some links that you can see, and you have got the closing date for public comments. But we're in that environment now, and we'd be very happy to hear from you.

Thank you.

[ Applause ]

EMILY TAYLOR: If you wouldn't mind introducing yourself for the scribes. Thank you.

MICHAEL PEDDEMORS: My name is Michael Peddemors. I am president and CEO of Linux Magic, and I'm a stakeholder in the conversations around WHOIS, so I really welcome the fact that you are intending to do a better reach-out to the stakeholders.



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Our team uses this technology on a regular basis, involving things like spam protection and security. So it's very important to me.

But I just want to preface this, you know, with a little bit of a conversation.

I had a disturbing comment a little earlier today from one of the members that was in one of the earlier panels, and he was discussing the fact that ICANN doesn't have any kind of a mandate about WHOIS data and how TLDs and others people should be operating. And I really think that these discussions, heading towards where we actually develop a mandate, because if ICANN doesn't have the mandate to say to registrars you have to publish WHOIS data, who is out there that can do that?

Just as an example, not to embarrass our gracious host here but I have been discussing with Nick P. for over a year and a half ago about why was the WHOIS not publicly available and queriable, and what the steps they were taking in process. But unfortunately, they had a really difficult process ahead of them, trying to decide for themselves what is the appropriate way to do WHOIS, what kind of data should be done.

And they really didn't have -- I mean, other than reaching out to other -- you know, I shouldn't speak for Nick, but other than just reach out and querying, well, what are other people in the ICANN community doing, there really weren't the standards.

And I think this is a very important thing, that the panel is here and taking some steps forward.

And you asked about a timeline. I think a timeline has to be, in some cases, really short. Other than the fact that you do have to involve stakeholders.

But right now, if you were querying the WHOIS databases, it is so embarrassing how many WHOIS servers are just simply not functioning out there. Registrants, you know, who haven't even bothered, and, really, until some drastic thing happens like they're -- you know, they have a whole bunch of, you know, domains being blacklisted or something like that, they take absolutely no steps for it.

So we really have to address this issue.

But on the other hand, we talk about making it more consumer friendly, and you were talking about the experts. But what we need is that simple WHOIS standard that we have out there right now just to work.

And I think that the most important thing is to mandate that every registrant -- I mean, fundamentally, when a person requests an IP address or a domain name, we are asking for a public resource. It's the very fundamental -- fundamental part of the Internet.

So when you ask for a public resource, you should be able to put a public name who is controlling that.

And I think that we're not asking for information about, you know, the guy's personal age, sex, and everything else. But I do think that the best thing that ICANN can do right now is simply create a mandate that it's a requirement that every registrant, every TLD has a simple, something that's highly scalable, like our current WHOIS server technology is. Just don't make it complicated with trying to put GUIs for consumers. Just make sure that it works, and that somebody's name is attached to -- somebody's public name is attached to a public domain name. That's all.

EMILY TAYLOR: Thank you.

BARRY SHEIN: Hi. I am Barry Shein. I am president of The World.

[ Laughter ]

BARRY SHEIN: And -- It's true. TheWorld.com.

I read the entire 92-page report the other day. I don't know why. It just drew me in. And what I kept wanting -- This is going to be a very noncontroversial comment. What kept trying to burst out of me as a recovered computer science academic, okay, was --

EMILY TAYLOR: Isn't that recovering?



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**BARRY SHEIN:** Recovering. You never quite recover because here I am about to make a comment.

But what kept bursting at me was they needed just one bit of vocabulary, which was to distinguish between accuracy and precision.

It's accurate that I am Barry Shein from North America. It is precise that I am Barry Shein at 700 Washington Street, Boston, Massachusetts, 02135-1537, United States of America. That's precise.

But you use the terms in an interchangeable way when you seem to be crying out to distinguish those two. Because you probably wouldn't be happy with me just saying I am Barry Shein, North America; right?

I am just saying. Some people wouldn't be happy with that as an answer, as a datum. That's all.

**EMILY TAYLOR:** Thank you very much.

**BARRY SHEIN:** Thank you.

**SABINE DOLDERER:** Hi, my name is Sabine Dolderer. I am the CEO of the dot DE registry for DENIC, and I want to share some of our experiences with WHOIS and the WHOIS policy there. Basically, I don't like the tag "WHOIS policy" at all and WHOIS accessibility because basically we are talking about WHOIS, from my perspective, in technical terms, is a protocol where a certain amount of certain time -- data is requested.

When we are talking about what is meant with WHOIS policy, it's meant that access to domain holder information, in one way or another. And what we see -- and WHOIS is dedicated to exactly one protocol specification from the IETF. And I think it's better and more accurate to talking about access to domain holder information, regardless for which protocol we are using.

And what we see with dot DE is that on the one hand side you say we should have more simpler and more easier access to data, on the one

hand side. On the other side, I go tell you most of the requests we get is -- first of all, the amount of requests we receive for that data, are they for legitimate interests, and are they for that interests, you are completely legitimate, saying for law enforcement agencies, for trademark holders wanting to check who has the domain, or are they only for people who want to sell some goods to the people having the domain, targeting them for giving them information for more goods and things like that.

So it's always a balance between legitimate interests, giving the data for legitimate interests, and giving away the data for whatever purposes at all because of people who are simply interested in the information about who owns a domain name. But why in the hell he should know that? That's one hand side.

The other hand side, what we are seeing is, and when we talk -- first step. Next step, IDNs. You say there is no possibility to support IDN via WHOIS. As long as we're talking about WHOIS as a protocol, that's definitely true, but there is a successor for WHOIS which is called IRIS which is perfectly capable to support IDN excess of domain holder information and was developed exactly that way from the IETF. The question is why it is not implemented more widely.

The next thing I want to talk about is what we see is a further -- more and more pressure from consumer protection agencies, not giving away WHOIS data as easy as you are requesting it.

So from our perspective, last week I received a call from somebody, from a consumer protection agency in Germany asking me why we have -- and we have already protected the data much more than the current WHOIS information. We protected it with CAPTCHA, wire web and things like that, and he suggested we should protect it even more for making it accessible, even lessees is I, as you requested it.

So those are the three points I want to share. And I think if we're talking about in U.S. policy we can't only look at the accuracy of the data and easy access, but we have to also look on the other side of the coin, which is there are legitimate interests, not to make it easy access. There are legitimate interests not to give it to everybody, and maybe we should see the other side of the coin, too.

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EMILY TAYLOR: Thank you very much, into Sabine.

BENEDICT ADDIS: Hi. I am Benedict Addis, I am from the Serious Organized Crime Agency in the U.K.

EMILY TAYLOR: Can you speak closer to the microphone.

BENEDICT ADDIS: I can hear myself. Again, Benedict Addis, Serious Organized Crime Agency in the U.K., and I sit on the law enforcement body looking at WHOIS validation, particularly.

So I am going to say three things. The first is to congratulate Emily and the whole of the team for this immensely well researched, clear and common sense review of the WHOIS. Common sense is a commodity not always to be found, so that's to be applauded.

The second thing is about privacy and proxy services. And I think that the feeling I'm getting from you guys and I think the feeling that we're getting from the GAC and from the law enforcement side is that we're going to grudgingly accept these services are going to be used. We can't put that particular genie back in the bottle.

So if we're going to accept these services, that leaves law enforcement the problem of traceability.

So my question is do you give the ability to reverse these services either in private, in confidence, or in public to the law enforcement agency whose jurisdiction that service is located in? Or do you build or attempt to build a list of trusted responders? And in which case, how does that work?

And the third and final point is to draw your attention to the Nominet model, which seemed to me to be quite sensible. The idea that if one is not trading on the Internet, one has the registration for personal use. One can be extra-actial (phonetic). I forget what the U.S. term is for that. Unlisted, I think.

So has any thought been given to that as a possible way to formalize this privacy proxy thing, which is, after all, as an engineer, what I would call a hack on the WHOIS because you are actually just substituting a

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name for another name. There is no formal concept of a privacy or proxy service.

Thank you.

EMILY TAYLOR:

Thank you very much. Does anyone want to take a swing at Benedict's question from the panel?

Peter Nettlefold from the GAC and then Kathy Kleiman.

PETER NETTLEFOLD:

We had a lot of discussion about this in the review team, unsurprisingly, about how much detail to go into. We're very aware that this review team isn't the correct mechanism within the ICANN model to be making policy or negotiating changes to contracts and so on. But at the same time, we didn't just want to say that there is a problem here. So we did want to look at suggesting a way forward.

So that's the general tone of the way we have crafted each of our recommendations.

So in this particular case, we identified a pretty clear problem, that there is a need for -- quite a clear need, the community told us in their submissions, and it's reasonably clear that these services are well subscribed.

So there seemed to be like a demand, I guess, for this industry. And it has grown up, unregulated.

So this is a problem which we identified. And we're guided, to a large extent, by the submissions which we had to our issues paper, I think it was called in the end.

Most people, as you said, either supported this or were grudgingly willing to acknowledge the need and accept them. And this is the position we came to. It does seem like there was a need. It didn't seem like -- well, I guess to take it forward, to address the risks associated with them, we suggested that they essentially be drawn in; that there be some bringing them within the regulatory or the contractual net in some way. But we didn't want to proscribe exactly all the rules that would go around that.

So it seemed like a lot of the problems were around relay and reveal processes, and we said they should be standardized. And we said rather than making those, we suggest that here are some of the stakeholders that are pretty interested in this. Put them in a room and sort it out, essentially.

So we identified law enforcement as one of those stakeholders. Obviously privacy advocacy on the other side.

If it seems there is a need for privacy service, let's allow privacy service. In our view, we are legitimizing this for the first time. And to do so, we want to get the job right, so we are proposing that the people that are interested in this get in a room, figure out how this should work going forward. It should be standardized, and there should be some rules around what information is in the public and not in the public and so on.

So broadly, that's the approach we have taken. In terms. Detail, we tried not to get into it too much.

Does that answer your question?

EMILY TAYLOR:

Thank you very much, Peter. And Kathy tells me that's what she was going to say.

[ Laughter ]

So, Olof, please.

OLOF NORDLING:

Olof Nordling, ICANN staff, but reading out a question from the online chat room.

This is from the GPM group. And I quote: Why doesn't ICANN offer incentives to have open and accurate WHOIS? Question mark, end quote. Which sounds perhaps more like a suggestion than a question.

EMILY TAYLOR:

Thank you.

MILTON MUELLER:

Nobody is going to answer that? I was joking.

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**KATHY KLEIMAN:** Just to note that we have offered both the carrot and stick approach. That we're offering -- -- there are incentives that are built into our recommendations and also penalties.

**MILTON MUELLER:** My name is Milton Mueller. I am at Syracuse University, and I was really astounded to hear something that you said in your very clear summary of the report, Emily, and that was that people have finally admitted that the ordinary consumer does not use WHOIS, basically, and even doesn't know what it is.

And I suspected this for years but I think you need to think a bit about the implications of that because the mandate of your review team was this consumer trust issue. And what you discovered as a matter of fact now is that WHOIS is not used by consumers.

So what is WHOIS about? This is the point I want to make, and then I have a simple recommendation for your report.

WHOIS is about surveillance. WHOIS is about surveillance of domain name users by other people.

Now, obviously some of that surveillance may lead to justified ends and some of it doesn't. But let's stop pretending that WHOIS is about consumer protection and make it clear that WHOIS is about surveillance of Internet users.

That being said, it's a well-established fact in any kind of governmental or private surveillance, and we all know about the controversies surrounding not only governmental surveillance but social network being sites and all kinds of things that are going on there, that some people want to shield their information.

So I was very relieved to hear you say, Emily, that you have explicitly recognized that there is a legitimate need for privacy services. My only comment to you is that is not stated in the recommendations.

I would ask your team to just openly, explicitly, simply say, "We recognize that there is a legitimate need for privacy protection."

**EMILY TAYLOR:** Thank you very much, Milton.

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I think I'm understanding your statement or suggestion as something that should go into the recommendations, because of course that is stated in the report in the findings.

MILTON MUELLER: Right.

EMILY TAYLOR: But I take your point.

MILTON MUELLER: Most people don't read the whole report, and it would be nice to have -

EMILY TAYLOR: You know, I am discovering that.

[ Laughter ]

EMILY TAYLOR: The other thing, if I may, just, Milton, it's correct to say that at the present time consumers -- in our study, I am not claiming any -- this isn't the final word on it. They are not currently aware or using it.

That's not the same as saying perhaps it might be nice if we could take them along a bit, and those who would like to know more about who is behind a particular Web site, because of course consumers trust, and we may disagree about this, but consumer trust might not just be as users of the domain name or of the WHOIS, but as users of the Internet as a whole, and that consumer trust would be promoted by knowing who they're doing business with or understanding that data is accurate or obviously inaccurate and so on.

Susan wanted to say something.

SUSAN KAWAGUCHI: So the study did show that the consumers that were interviewed, 1200 in the whole world, 10 countries, did not find the WHOIS record. But I'm not sure I could completely agree with Emily that we can jump to a conclusion that consumers do not use WHOIS.

And unfortunately, because the WHOIS is such a tangled Web and hard to find in cases, they rely on third parties to do that for them.

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So there's many resources spent in looking at WHOIS and determining what is a valid use of a domain name. And the WHOIS record is extremely important it that.

And I think if ICANN did a study that was much broader, then we might come out with a different, you know, result.

So I would hate for you to pin any opinion on 1200 users at this point.

MILTON MUELLER:

If I ask my mother whether she has used WHOIS, the answer is going to be no. And I invite you all to ask your mothers and fathers.

EMILY TAYLOR:

Try explaining to your mother that you have been doing a committee on it.

I suppose you have, haven't you.

[ Laughter ].

EMILY TAYLOR:

I have got Bill.

BILL SMITH:

This is Bill Smith. I wanted to make one other point on the consumer trust and that is the Affirmation of Commitments asked us to determine to what extent WHOIS contributed to consumer trust; okay? Not that consumer trust was, in fact, built upon WHOIS. But that the charge to us basically was around, in the Affirmation of Commitments, an assumption that there are things be done to improve or enhance consumer trust. And I believe we took that to mean is WHOIS contributing there.

And the study that we did, 1200 in ten different countries, I think fairly clearly -- I agree with Susan, it's not everybody, no one uses it, but it fairly showed that it is difficult to use, it's confusing, and if we expect WHOIS to enhance consumer trust, something needs to be done about it.

EMILY TAYLOR:

Thank you. Please go ahead.

JORDYN BUCHANAN:

Hello. I am Jordyn Buchanan, speaking here in my -- purely in my capacity as a long-time observer of this process.

[ Laughter ]

So I have two questions and a comment. And hopefully we can get through them all fairly quickly. And I'll start with the one that was most on point to this last conversation, which is about the discoverability of the WHOIS service.

You propose that ICANN should create essentially a cool multi-lingual interface that will make it easy to get WHOIS data, but it strikes me there are a number of these services that already exist that are not operated by ICANN. Is there some evaluation of how they are deficient or what ICANN would do to make them more awesome than the existing things?

BILL SMITH:

Quickly on that one, this is Bill Smith, one thing we found is not all necessarily but many sites on the WHOIS server throw ads in your face. It's just very confusing. The data is not consistent, I would argue because there is no data model behind the data. And just on and on and on.

So as a user of this, I happen to use it on occasion, but a novice user will be presented with lots of information that, frankly, that is nothing to do with the request that was entered. And, in fact, the response may not even be visible on screen it's so far down.

So, yes, they exist. We think -- I shouldn't say "we." I think that's a good thing. It's a proof that it can be done.

The bad thing is that they do not present the information in a clear manner that is accessible, and, most importantly, is easy to use.

SUSAN KAWAGUCHI:

One quick comment. I do not know of a WHOIS aggregator who shows every single result. They get pretty close, maybe in the 85% rate. But what we are looking to ICANN is require -- in the way that ICANN could develop this Web interface is that every result for a gTLD is there.

JORDYN BUCHANAN:

Thanks. Second question is, so in this first recommendation you basically say, hmm, it's hard to find the policy that backs WHOIS and you say ICANN should really write down what that policy is.

And I'm confused -- But you say we shouldn't do a consensus policy or anything like that to define that.

So I am confused, I guess. If you guys go out and looked around for a time and couldn't find the policy in a way that could be easily written down, how could ICANN do that other than creating the policy through whole cloth? The only way to do that is through the consensus process. And if you guys worked for a year or more and couldn't find it to write it down, what can I do here that would be different than what you have already accomplished?

KATHY KLEIMAN :

That's a good question, Jordyn. This is Kathy Kleiman. We did find it and we did write it down. It's Chapter 3, and I encourage everyone to read it because I spent a long time writing it.

But there are pieces out there, if ICANN wants to codify chapter 3 and put it up, that's fine. But the pieces are. There we aren't asking for anything new, but we spent a long time asking where is the WHOIS policy. And, you know, it's a valid question.

So you know if there was a one-pager or a two-pager, we think that would be a good idea. Put the as expects of the registry contracts and registrar consensus, there are four consensus policies, one consensus procedure. Explain to people what the differences are. I could do it at great length but it would put you all to sleep. It's not rocket science. We think it's administrative stuff. If you disagree, definitely let us know.

JORDYN BUCHANAN:

It's like you shall saying we found it and ICANN should write it all down somewhere where we can all get to it.

Great.

My final comment is relating to the data accuracy points. And I think the goal of improving contactability I think is a really awesome goal.



I do think that, at least in the current recommendations, you know, it's hard to separate within the recommendations what the difference between contactability and accuracy looks like. It's hard to -- it's not intuitive to me reading these recommendations what that would mean.

But I think more importantly, the real problem we have here is because -- because -- it's not just hard to separate that in your recommendations. It is, in fact, hard to separate them in the way the WHOIS is instantiated. The way you become detectable in WHOIS is you put your contact information into WHOIS and if it's not accurate, you aren't contactable; right?

I do think as long as that's the case, as long as the only way to reasonably contact someone is for them to list all their contact information in public, there is this ongoing tension with the privacy part of your report; right? And you're never going to be able to completely get accuracy as long as there are incentives for people to hide it for legitimate privacy reasons, which happens today.

So I think it's really, really -- I'm glad both aspects are in your report. It's great to see. But it's going to be really hard to push those two poles, other than in conjunction with one another, because they are just inextricably linked, I think.

EMILY TAYLOR:

But I think and I hope that those -- those two legitimate but competing interests can coexist. It might just be that neither gets to the peak of perfection.

Where is the recommendation of that specific thing that this is the balance? Should that be written down in this policy? Doesn't ICANN have the mandate to specify --

(Off microphone).

Point of order, sir. I think there is a rather large queue waiting to input their points. But if I could just draw your attention to the recommendations on privacy and proxy. They do mention that.

JORDYN BUCHANAN:

And I will say just to wrap this up, a point I made to Bill out the hallway is maybe -- and this is clearly beyond the scope of your work. Maybe



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the point we are so fixated on WHOIS to solve this set of problems, contactability as well as making sure there is reasonable privacy, maybe we have the wrong tool. We know this is here. It's the hammer that we have but maybe there's a better way to solve the problem and we should encourage ICANN to think about that in addition to WHOIS reform.

EMILY TAYLOR:

Yeah. Thank you.

Wendy.

WENDY SELTZER:

Thank you! Wendy Seltzer of the Chilling Effects Clearinghouse, another long-time participant in WHOIS debates. And thank you, Jordyn, for making my analogies out of the tip of my tongue because I, too, was going to ask about the WHOIS hammer.

And I think you did a lot of good work in investigating the questions that I were set out from the Affirmation of Commitments on scope in terms of WHOIS as the tool. You have done a lot to find policy and find places where WHOIS could be used or could be changed.

But did you ask the question, can we ask the question is WHOIS the right tool for the problems that we're trying to solve, and the joint problems that I see us trying to solve are how can we cut down on bad acts on the Internet by helping to trace the bad actors who might use registrations in the DNS to commit bad acts. How can we work with law enforcement to help them do their job better?

The second problem of how can we help speakers who want to exercise their rights of free expression on the Internet to do that safely with privacy when they need it and want it, with identity when they need it and want that. And WHOIS seems like an imprecise solution to both of those problems. And so when people try to jam both of those problems into the WHOIS box, we end up with a mismatch and spillovers on both sides. It doesn't answer law enforcement's needs, it certainly doesn't answer the privacy advocates and human rights advocates and community association's needs. So how do we get the question to the right level of abstraction that we can then join as a community to answer the real problems here.

EMILY TAYLOR:

Thank you, Wendy.

The short answer is yes, we did. The -- there is getting questions to the right level of abstraction and then pulling ourselves back to the practical problem that we have many hundreds of millions of domain names and that, rightly or wrongly, WHOIS is what we've got. We heard from Sabine just now that there are competitor and replacement protocols that have been developed for many years that are better. Where are they? People are using WHOIS and they are relying on WHOIS. And it's obviously an imperfect solution. And it's obviously the -- it's obvious to us, having spent a lot of time looking at it and I know you have as well, that the current state of play is very far from perfect.

So by all means and, you know, there has been work done on better protocols, what we -- what we heard when we considered well what about if you just get rid of the whole thing, was sort of cries of agony from the people who are currently viewing this as the only thing that they've got, the only hammer or the only tool in their tool kit, imperfect as it is. And so I think that it's absolutely right to consider the abstract questions and we should all be challenging ourselves to do that. In the meantime, as we have the practical problem of people using and relying on this, let's try to make their lives better, if we can.

BILL SMITH:

This is Bill Smith. So yes, we did discuss it, probably at length. We also, though, had to come back to our scope, which sadly was WHOIS. Right? The protocol, the data, you know, the current world. I hope -- I won't speak for the rest of the team here, but I hope we do manage to get to a better place, something that's better, where the rights of individuals can be properly respected. Human rights organizations, et cetera, and at the same time, we -- we seriously take a dent in the crime that's going on. You know, we -- and I believe we can do that. Okay? But it does -- it will require that we start asking I think some of the questions we've been seeing here in the last -- not the last session here but the RAA session on ways that we might be able to do input validation, let's say.

The point I wanted -- the last thing I wanted to say is we already have a huge amount of data and we know that a lot of it is what, pick your term, inaccurate, imprecise, there are lots of problems with the data. So even if we were to switch to a new system tomorrow, we still have the problem. So in moving forward, which I believe will take years,



okay? Even just from the technical perspective, IRIS and CRISP are not going to be adopted. That's just not going to happen. It's been out a long time. The community has spoken and is not using it. So fortunately the IHF is doing some work already on new technical protocols, but that will take a while. Okay. Then they have to get adopted. The stuff does not happen overnight. In the meantime, we can be doing something with the current system and we can make it better. And that's really I think what we're saying here, is let's make it better.

[ Applause ]

EMILY TAYLOR: Thank you, both of you.

[ Laughter ]

Peter.

PETER NETTLEFOLD: I'll be very brief because my colleagues have probably covered all the main issues, but just sort of half light-heartedly but also quite seriously, like we're probably not going to solve all of the problems in this first review, so look to the next WHOIS review team to really clean it up.

We're trying to make -- make as many improvements as we can based on the data and the information and where we're starting now, essentially. And hopefully the next review team will take that work forward. Like these are rolling reviews and hopefully we will see some ongoing improvements.

EMILY TAYLOR: Okay. I'm just going to do a brief time check now. It's now 25 to 6:00 and we've got a lot of people in the queue, so I think for all of us on the panel and perhaps those in the queue as well, if I could just encourage you to keep your comments crisp. Thank you.

HOLLY RAICHE: Holly Raiche from APRALO. It's really more of a comment. The presentation earlier this afternoon on data verification raised some very interesting points that might be incorporated. In attempting to define



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accuracy, there was actually several levels of it. So anything from filling in the blank spaces to independent verification. And there was a slide that was called the five Cs. Just wondering if you're going to incorporate any of that in terms of if you're asking for data accuracy. The slides show that at least three of those levels are at no cost, so it may be that there is a graduated terminology that you could use so that we know what you mean by data accuracy. And more importantly the registrars know what you mean by data accuracy. Thank you.

EMILY TAYLOR:

Thank you for that. Yes, we were looking at the slide just before we came in, so thank you very much for that pointer.

ELISA COOPER:

Hi, my name is Elisa Cooper, I'm with the BC. And first of all, I'd like to thank you all very much for your hard work. Clearly it represents a tremendous amount of hard work and we're all very aware of that. In the BC we've spent a fair amount of time working through your recommendations and for the most part we're very supportive of them. We do have a few comments on things that we think could even be expanded and we look forward to submitting our comments within the next few days.

I did actually have a question, and I think you started to actually answer it, Bill. And that kind of has to do with other things that are out there that are under review currently, specifically the SAC51 recommendation and implementation roadmap. And I was wondering if it's possible to get any of your thoughts on how your report and recommendations play with that.

BILL SMITH:

This is Bill Smith. The SAC51, the roadmap, we -- I believe we took from SAC51 their definitions for data model, protocol, service, things like that. We lifted them, and we -- we're very -- we're very much in agreement. The terminology, and someone else mentioned it earlier today, the terminology is just -- it's frightful. You never can tell what anyone is talking about. So the SAC51 report absolutely, I don't believe we have looked in great depth at the roadmap. We may choose to do that. We're hoping to wind up our work, though. We could continue this forever, as stuff comes in. As Kathy has pointed out, this is a moving target, and we've attempted to keep up with the motion, but

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we do -- we do need to bring it to a close at some point. So I guess in closing, yeah, the SAC51 report itself we think is -- we reviewed, we used, it's good. And a roadmap forward would be a good thing. But we have not discussed that one specifically at any length.

EMILY TAYLOR: Thank you.

STEVE DELBIANCO: Hi. Steve DelBianco with NetChoice. Is it convenient to bring up your recommendation 17, is that something staff could do? Thank you very much. Recommendation 17? You've got it. Thank you. On this one, as -- Susan, as you indicated as well, you guys have done a fabulous job on these recommendations, set a very high bar for review teams, and I applaud your effort. On this one I would suggest that the notion of a thick WHOIS centralized service, do you mean to imply a real-time access service such as the one Susan indicates are only roughly 85% effective, or was it actually a database repository held by ICANN that would take the data in? Real-time versus database.

EMILY TAYLOR: Real-time.

STEVE DELBIANCO: Real-time. So the question would be it might be necessary to have that but will it be sufficient? I think this recommendation ought to acknowledge that it may require policy changes within the picket fence of consensus policies, it may, to force the several hundred registrars who have the data to make it available in a reliable and automated way with high availability to the centralized service since I don't think that if it's in the consensus policies, if it's not there, you wouldn't be able to compel them to share their data and that becomes even more important if the PDP that'll probably be approved on Wednesday for thick WHOIS, suggests the guys -- the registries that run common net since that's what this is about. If the registries that run common net add a thick WHOIS there's going to need to be some sort of policy forcing the registrars to provide the data up the chain.

EMILY TAYLOR: We're -- we're well aware, and I think the next WHOIS review team is going to be very well placed for information because a lot of the studies and a lot of the processes that are currently just in their infancy will have been fully seen through by the time they get going. Yeah, we're not really dealing with wholesale policy stuff here. This is just simply access in the way that registrars are obliged to give access at the

moment. It's just actually just a view what you call the realtime. Obviously as with all of our recommendations, if adopted it will be anyone's guess how it turns out and more work may well be done. This is a process. We're never going to get to our WHOIS Nirvana, or we may, but what we can hope to do is to improve matters incrementally and just get the process going in a positive direction.

STEVE DELBIANCO: Great. The way it's worded it seems as if it's sufficient to --

EMILY TAYLOR: I agree. It's caused confusion and we need to look at it.

STEVE DELBIANCO: Thank you.

PETER VERGOTE: Okay. Right, can do it like this as well. Hi. My name is Peter Vergote. I'm working for DNS.be, registry operator for the dot BE ccTLD. I would like to join, first and foremost, the previous commentators in congratulating the WHOIS review team with the tremendous work that has been undertaken so far. And I briefly screen through the report. I haven't been able to grasp every detail of it. Unless it has been unnoticed by me but I haven't seen a specific recommendation concerning a mending or perhaps repairing the RFCs that are touching upon the WHOIS.

Now, there's one particular one, RFC1032, I believe it's 25 years old. We all know that in that time span much has evolved. Now why is this relevant? Well, because there is an organization out there, it's called RFC Ignorant and they keep on blacklisting whole TLDs, ccTLDs as well as gTLDs, because supposedly those registries are not following the rules of the RFCs. Now, particularly in this case we have been entering into debate with them because they blacklisted dot BE, some other European TLDs and also dot gov, a gTLD, because they're not abiding the WHOIS rules stated in that particular RFC. Now, we have argued that because the reason for their comment was that we shield registrant details if it's a private registrant. Now, that's something that is completely in line with European privacy regulations so there's no question that we do this for fun, just because we want to shield information, but this type of situation leads them towards a response that they are not really impressed by our argumentation. In fact, they even state on mail that it's not because we are adhering some rules that the rest of the world should abide by what they refer to be local idiosyncrasies. Now, that's kind of appalling to me to refer to EU privacy legislation as local idiosyncrasies.



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The bottom line is that they are telling us as long as RFC1032 is not amended the situation is going to stay that way and that might cause a problem. Thank you.

EMILY TAYLOR: Thank you for that input. And Wilfried.

WILFRIED WOEBER: While there is one organization doing that funny thing, there are a couple of other organizations doing other funny things. And with regards to -- or based on their unilateral arguing that local law is irrelevant to them. I don't think that we can resolve this issue by modifying a 25-year-old RFC. My personal belief here would be that those organizations will eventually go out of business or lose their credibility, whether we modify our -- another RFC or not. And it's just a mechanism of who funds them for what reason. Whether there is an RFC or not is, in my personal opinion, a secondary issue. But I do agree that the RFC is outdated, and if I remember correctly, when I read the last time one of the RFC -- the WHOIS relevant RFCs, the most recent one just says it's not touching on the protocol, it's not touching on the definitions, it just adds a couple of sentences regarding the fact that there is no security implications and no security assessment. So the whole thing's broken, I fully agree, but I'm wondering whether this review team mechanism is the appropriate path or the appropriate tool to actually go to the IETF and to come up with a new RFC.

I think this is two separate things and quite a few of us who are wearing more than one tiny hat, appointed hat, should try to resolve this issue. But I think it's outside the mandate of this review team. But I do appreciate the comment and I do appreciate your experience.

EMILY TAYLOR: Thank you.

OLOF NORDLING: Olof Nordling. I can start off reading from the chat room and a question from Rob Golding. I quote, "Are there recommendations on criminalizing misuses of WHOIS data? It took less than three days from new registration before spam started arriving at the unique e-mail address I used on a domain registration. Having such information freely available and public is not just a privacy concern but a real issue to normal users who don't need supplier of dodgy pharmaceuticals."

EMILY TAYLOR:

Thank you very much, Rob, for that question, and as you may be aware there's currently a study on WHOIS abuse and misuse of which will be there as a resource for future review teams and, of course, the community as a whole. We are well aware of the issues that you're talking about and it will be very helpful for this community in moving forward to have some data to -- and some evidence base to help in trying to resolve those issues.

KATHY KLEIMAN:

And just an added point to Rob -- this is Kathy Kleiman -- that we certainly heard a lot from the registrant community about the concerns over the use of WHOIS data. So we appreciate his voicing those again. It's an important concern.

STEVE METALITZ:

Steve Metalitz with the intellectual property constituency. The IPC has filed its comments on the reported so I won't repeat those. But I was just struck as I watched the queue here with a lot of familiar faces that, you know, you had the benefit of scores or maybe hundreds of collective years of discussion of this WHOIS issue. But I think you downplay a little too much what you've contributed. I think you've really moved this debate, which has been kind of mired in one place, you've really moved it forward with a set of good concrete recommendations, and so while I -- I know I've heard several times that -- well, this is an issue for the next review team and I suppose there are some of those, I don't think you should understate what you've accomplished in this process. So I wanted to thank you for that.

The only other point I would raise is I have to disagree with my colleague Steve DelBianco which is something I do rarely and only with great trepidation. But on this point, in fact, I think we referenced the comments that the IPC filed on the thick WHOIS preliminary issue report. For the largest remaining thin registry outlier, dot com, ICANN has it in its power right now to require them to have thick WHOIS. It's in their contract, and their contract is expiring at the end of this year, their registry agreement. So that's another opportunity to negotiate something more specific on that. So we've urged ICANN to do that because we do agree that while being far from a panacea, thick WHOIS would be valuable in the three outlying TLDs that don't now have it, and of course, dot com is by far the largest of those. So I think ICANN should seize the day and actually get that done this year if that's possible. Thank you.

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EMILY TAYLOR: Well, by a remarkable coincidence we have next in line is Keith, isn't it? So perhaps you could answer or comment on the last question. Is that something that VeriSign would welcome?

KEITH DRAZEK: Thank you, Emily, and thanks also Steve for stealing a little of my thunder. Let me begin by first saying, I'm Keith Drazek. I work for VeriSign, and I am the alternate chair of the registry stakeholder group. I just want to comment that the stakeholder group, the registry stakeholder group will be submitting our written comments this week, so I won't, your know, spend a lot of time focusing on the specific comments. But I did want to acknowledge on behalf of our stakeholder group and myself the incredible amount of work that you all have done over the past year. And as Steve said, you really have moved this forward. Obviously for those of us that have been in the community for a while know the WHOIS issue has been around for five, six, seven years. I mean, this is not -- this is not new ground, but I think that it's important to note that you as a review team have, in fact, I think moved the debate and the dialogue forward. So thank you for that.

As far as the issue around the thick WHOIS, I mean, I think it's important to note, this is -- this will be reflected in the stakeholder group comments, but it's important to note that thick WHOIS, going from thin to thick in com/net or whatever TLD is not just a registry issue. This is an issue or a challenge that would impact far more than just one registry. It would impact the registrars, it would impact the registrants, it would impact a lot of other people in the industry. So the recommendation that the stakeholder group has put forward is that to tackle this issue, there really ought to be a PDP around it so all of the community, the entire community, can contribute their views and their perspectives on that -- on that important question.

EMILY TAYLOR: Thank you very much, Keith. Can I just ask a question for clarification. Is that on the creation of this -- we're really talking about just a who -- a look-up. Not any -- I know that there's a parallel process of looking at the thick -- thick/thin WHOIS thing, but this is really intended to be just a very lightweight, just an environment where people can go and visit and look up data. Do you believe that that is also --



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KEITH DRAZEK: I think the challenge with that proposal, and again this will be reflected in our stakeholder group comments is that in order for that lookup facility to exist, the data has to come from the registrars to that central facility. If it's not the registry, then it has to be somebody. Whether that's ICANN the organization or a third party that they would contract to, they would have to be able to collect that registrant information, that WHOIS data from each of the 900-plus registrars that operate in com and net, for example.

So I guess what I'm saying, I'm not against it -- opposed to it in theory, you know, but I think that there are practical implications for creating that lookup for a thin registry.

BILL SMITH: This is Bill Smith. Perhaps we should take this offline, but my understanding would be that using the standard port 43 services that exist, I could go from the root on down and find the data wherever it is. Because I -- I do do it manually. So --

EMILY TAYLOR: I think that's what we're talking about.

BILL SMITH: It may be difficult, so let's take it offline.

KATHY KLEIMAN: And just a note on the practical, if you go to the registry or someplace and you're looking for dot com record, it might send you to a registrar, the link is broken. So just kind of finding these things is difficult for many users, and we've heard about that from law enforcement on down.

KEITH DRAZEK: Understood.

KATHY KLEIMAN: So it's not ownership. We understand there are proceedings with ownership. That's not the issue we're trying to play with. I also want to add, Keith, five or six years is young for this issue. Some of us, including Jordyn Buchanan who was up earlier, have been doing for a decade.

KEITH DRAZEK: Thank you all again.



THOMAS ROESSLER:

Speaking of a decade, Thomas Roessler speaking in a personal capacity as a long-time participant in some of this discussion, two points. First one, RFC1032 is a red herring as far as this conversation is concerned. The attempts to declare it historic apparently died from lack of energy in about 2006. It is currently in status unknown. That is a worst status than IP over IV in characters has -- carriers has in the RFC series so I suggest not to spend any time on that.

Second point, I'm slightly confused by the discussion that I heard about consumer confidence and the study that you performed. If I take a question like does WHOIS contribute to consumer confidence and I design a study in which I ask people a number of questions that is intended to answer that question, then there must be a result to that study which answers the question in the affirmative, there must be a result to that study that would answer those questions in the negative, and there might be a range of results that answers this question in the undecided. What I heard you say was, the answer is undecided. And my confusion is what was -- what would the range of results from the survey have been that would have led you to a negative answer?

EMILY TAYLOR:

I'm having some difficulty parsing that particular piece of code, but if I could just ask you to -- perhaps we can take this offline when we meet with the Board tomorrow. But if -- if you take a look at the consumer study and the appendix, have you already read that?

THOMAS ROESSLER:

I've read bits and pieces of it, and I've forgotten some of them. Emily, let me perhaps try to just rephrase the question if it was so confusing.

The study has a number of possible outcomes. As you design the study, some possible outcomes mean your hypothesis that WHOIS contributes to consumer trust is affirmed, some of them mean the hypothesis is not affirmed, and some of them are perhaps in the middle. I'd like to understand where we really are and where those ranges are.

EMILY TAYLOR:

Well, the consumer study was undertaken in two parts. I think following current survey best practice the way you don't quite know the questions that you want to ask, a good thing to do is to start with some exploratory or qualitative research, and that is indeed what we did. We then took the advice of the -- of the survey company, the professionals,

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and all consulted on the set of questions for the quantitative element. I'm sorry, I'm just -- it's probably because I'm jet-lagged and it's very late in the session. I just simply do not understand the question you're asking.

THOMAS ROESSLER: Okay. We can come back to it.

EMILY TAYLOR: I would appreciate taking it offline.

THOMAS ROESSLER: I'll send it to you in e-mail and we can come back to it tomorrow. Thank you. Bye.

EMILY TAYLOR: Mikey, you're always the last one.

MIKE O'CONNOR: I saved this one. I let everybody else go in front of me. I have really no additional comments, except to relay a little anecdotal story. I'm looking at your faces. And you remind me of me when I've tried to cut a new path through brush on my farm to a beautiful prairie. And I've been on the tractor all day. And the brush has been hitting me in the face. And I'm bleeding, and I'm angry and tired.

But the analogy gets even better, which is the first time you go through the brush, it looks terrible. It's all bumpy. There's all these little tufts of stuff that aren't quite right. But it's the first time through. And that's the hardest time through.

And that's what you guys did. And so I hope that you all lean together like a tent and give each other a huge hug. Because you've done a fabulous job at changing the angle at which we're coming at this conversation. And you can see it even in the conversation we had earlier about the RAA where Benedict and Rob Hall gave each other a hug. I mean, we're talking epic photo. And you all are part of the reason why that's happening.

There was kissing.

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MIKE O'CONNOR:

There was kissing. So personal congratulations and thanks for all the hard work that you all did.

[Applause]

EMILY TAYLOR:

Can I say thank you all for your contributions, your kind words, your criticisms. They're very welcome. And I'd like to say my personal thanks to my colleagues and my now friends on the review team for a very interesting and collaborative working experience. Thank you all.

[Applause]