Transcription ICANN Durban Meeting

EWG Briefing

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Coordinator: Excuse me. This is the Coordinator. Today's conference call is being recorded. If you have any objections you may disconnect at this time. Thank you.

Jonathan Robinson: Are we ready to go with the recording? One minute. Yeah, that's a good point. So Marika reminds me that if anyone is a member of the EWG - I mean, by all means please come and join us at the table while we discuss the work of the Expert Working Group and their work on next generation directory services.

Right, the recording is good to go so the next session will begin is on a next generation registry directory service presented to us by Michele, ably joined by his colleagues on the Expert Working Group. Over to you, Michele.

Michele Neylon: Thanks, Jonathan. Okay the Expert Working Group next generation directory service RDS, replacement for Whois, reboot of Whois, call it what you will, we have a number of slides and we have most of our members here in the room.

Rather than boring you all to tears by kind of going through a bunch of slides robotically I'm going to work on the basis that most of you have some understanding of what the hell we're talking about and I'll go through a couple of slides but I'd hope that you'd actually interrupt us with questions, queries, and constructive feedback.

Members in the room, well, there's myself. Hi. You all know who I am I hope at this stage. Rod Rasmussen is here as well. Lanre is over there. Faisal is hiding in between various different people. And I see Stephanie down there. And I'm not sure where the others are. I think there's a couple of them knocking around the place somewhere.

Okay the - next slide please, Lars. Okay this was formed based on an ICANN Board directive implementing the Whois Review Team recommendations and it's redefining the purpose and provision of gTLD registration data. EWG was formed to assess the need for a next generation registration directory services and recommend a revolutionary approach.

When we started discussing this we took the view that rather than trying to put a great big Band-Aid on a massive open wound that we would restart things from scratch; start with a clean slate and build it up from there. Next slide please.

Our initial report was published back on the 24th of June. And I hope that you've all downloaded it and read it and reread it and studied it. We held a Webinar - when was that, last week? Was that last week?

Jonathan Robinson: Yes.

Michele Neylon: Yes, that was last week, sorry, I'm confused by the days of the week. So we're recommending a paradigm shift abandoning the current concept of a one-size-fits-all Whois system and replacing that with a purpose-driven system to improve privacy, accuracy and accountability.

Next slide please. Okay. Based on use cases we formed consensus on all these principles. And the key thing to bear in mind here is that - and while there's a great diversity of the members of the EWG we've all worked on the basis of working towards a solution together and not squabbling amongst ourselves so this has been very kind of - what's the word I'm looking for? Collaborative. Collaborative? Okay, Rod agrees with me. Yippee.

((Crosstalk))

Michele Neylon: Thank you. Yeah, so despite my best efforts we've actually been quite collaborative about these things.

So, I mean, we've gone through the various applicability, international consideration, the various data elements, access methods, validation and accuracy, standard validation service, contractual relationships, storage, escrow, permissible purposes and impermissible purposes - oh and just to tell you is Michael is down the back as well. He's been - he's there, hello, Michael - and data disclosure.

And then we have this new concept which is on the next slide. And I'm going through these quickly, as I said, already, on the basis most of you know what we're talking about. This concept that we're calling ARDS, though somebody else has already suggested that we find a way to rename it to TARDIS.

So, anyway, this is the model we're looking at now under our proposal where you've got the various different actors and we introduced the concept of a requestor. And then depending on the type of request and who the requestor is and the purpose for the request they get access to different bits of data with or without authentication and the idea of, you know, this gated access.

((Crosstalk))

Michele Neylon: But not all gated. Thank you, Rod. A consensus view, again, reiterating we all agree on things for once, which is nice and refreshing. It reflects compromises that will not satisfy all stakeholders. In other words, we all have to, you know, give and take a little but we admit it's probably not perfect.

((Crosstalk))

Michele Neylon: Yeah. And, you know, the thing is, you know, if you've got feedback on it please do let us know. We're holding a public session on Monday and we also will be meeting with several stakeholder groups over the course of the week. And we have a number of questions for discussion.

Actually just in terms of next steps, at the moment we're looking at presenting a final report by Buenos Aires. And the next slide please. The last one, the discussion questions. One more. One more. Yeah, the last one. There you go.

Discussion questions - and these are the ones where we're just kind of eliciting input from the community, you know, just to help us, you know, have we - are we on the right track? Are we off the track?

So are there additional RDS model advantages and disadvantages; how would this happen? How would that happen, etcetera, etcetera. So this - there's a bunch of those questions.

As I said, I went this very, very quickly on the basis that I wanted you to engage with us. Yoav.

Yoav Keren: Yeah, this is a question. I know this is - I know this is being considered in another working group, the issue of internationalized data, you know, using different languages in the database, transliteration, translation or whatever.

Are you doing anything about that? Are you talking about that? Is this going to be considered or you're leaving it to the other working group?

Rod Rasmussen: So, yes we are considering this but not the actual policy of how that works. What we're trying to do is build a system that makes it possible to implement policy around that. And that would be part of the consideration but not...

((Crosstalk))

Yoav Keren: When you say that in one sense, in what sense this is a system that...

((Crosstalk))

Michele Neylon: This system will support - will support whatever the policy dictates in terms of IDNs, IDN variants, all that kind of thing. It should be script diagnostic. It should be, you know, full UTF-8.

Yoav Keren: I'm not talking about IDNs, I'm talking about the data being in different languages, not the domain names.

((Crosstalk))

Michele Neylon: Any data, any data in the system - it's not dependant on a particular script.

Yoav Keren: Well there are policy issues about that and that's what I'm...

((Crosstalk))

Michele Neylon: Yeah but we're - okay. So let's say for argument's sake if you have an address written in Arabic - in Arabic our system would support that, that's not an issue. It's not - it doesn't - the system doesn't' really care about the script...

Yoav Keren: Okay.

Michele Neylon: ...of the data elements.

Man: Okay, can I (unintelligible) are not for (unintelligible). And I think the principle supports the (unintelligible) of IDN. The (unintelligible) and that can be (unintelligible).

Margie Milam: Yeah, let me clarify. It's Margie. We do have a principle in there that says that the translation and transliteration issues should be dealt with - there's another forum. So I know there's the PDP, for example, underway with respect to that and I think that's one of our principles.

Michele Neylon: Jeff.

Jeff Neuman: Thanks. I just want to make sure I understand something because we had - we talked about this at the Registry Stakeholder Group and I think Scott, right, Chuck, that came in and talked to us, Scott Hollenbeck, came in and talked to us about it.

                    And the way he explained it, the way I understood it is that it could be, for lack of a better term, a centralized/decentralized model - wow - in the sense that you could centralize the access to the data but all of the data could still be stored with the registries, for example.

                    The question on there that talks about registration data storage duration, escrow and access the log requirements to me seems more only applicable if it's some new centralized provider that's going to do everything where all the registries have to feed our data to that provider. I'm not sure it's necessarily a question if it's that centralized/decentralized model, if you will.

                    So I just want to make it clear that we're - even though you're asking that question that it doesn't kind of bias the results to automatically assume that

there's going to be some new provider that ICANN hires or outsources that is now going to be the source of - the one source of all the data.

I want to make sure that's clear because that's the last thing that I personally or even my company would want is to now create a new player that's going to house all of the data and now I have to worry about that new player that ICANN hires. And we got to just then spend millions of dollars more for this.

I'm okay with a centralized body in the middle that, for lack of a better term, accredits people that can do certain searches and get certain data; I'm fine with that. But I don't want - and a lot of the registries we're doing this discussion, we don't want all of our data now stored with another provider that we'd rather work on that centralized/decentralized model.

Man: Yeah, (unintelligible) is going to be the registry. So...

((Crosstalk))

Man: ...and provider.

Jeff Neuman: It's a different question. It's not necessarily - it's not just who is the authoritativeness of that data but it's also where is that data stored. And from our perspective, as a registry and we're going to have a number - it's our preference not to have to send - I don't know how we would do it but on a real time basis have to send that data now to a third party that's just going to then take those files, put it into its own database and then serve it up to other people. Does that make any sense?

It's kind of like - I guess the old IRIS model was sort of based on what I'm talking about here, which is I don't want to create a new player now that each of the registries and registrars have to send all of our data to and then they're going to do everything that we're doing now. I hope that makes any sense. I'm getting puzzled looks so I'll stop.

Rod Rasmussen: No I - we've certainly had this discussion within the working group. I would say the model that we're proposing is not what you're talking about it; it is actually copying the data to a centralized system, an aggregated system.

Jeff Neuman: Yeah and that's something that a lot of us have been talking. We have some big issues with that.

Rod Rasmussen: Yeah, I would encourage you then to formulate a response that also takes into account the use cases that we put out there so we can come - and we're very open to having ideas that would improve upon the recommendation we're giving. And I would highly encourage you to come up with a way to accomplish the goals...

Jeff Neuman: Yeah.

Rod Rasmussen: ...we're trying to accomplish and accomplish what you're...

((Crosstalk))

Jeff Neuman: See, I wasn't - that's a little bit different so I want to go back to my stakeholder group because I wasn't told that the Expert Working Group was leaning to that conclusion. I was told that it was just there'd be a centralized source for - and what I read didn't seem to exclude that so that...

Rod Rasmussen: It doesn't exclude it. That was the model that we put out.

Michele Neylon: Okay. I think, you know, this is something probably best if you put it to us and if you can kind of put that to us what your concerns are with it we can address it. I mean, one of the things about any form of centralization in this is in some respects quite key if we want to be able to maintain the different - the gated access concept.

You know, obviously there are concerns and if we can address those that would be fantastic. I've got Joy and then Yoav. It's Joy, isn't it? No, sorry. (Holly), sorry. Sorry. Sorry. You can slap me later.

((Crosstalk))

Holly Raiche: First of all I'd like to support the use of a phone booth to describe the system. But that said, it's Dr. Who...

((Crosstalk))

Rod Rasmussen: TARDIS.

Holly Raiche: Go on and take it very slow. Just a couple of things in reading the report the centralized body will have - a role in respect to verification so I'm wondering if you thought through the relationship between say ICANN's Compliance department and the possibility of another body having some responsibility for verification. Just, I didn't understand the (unintelligible) between that.

And the other is I like the concept of gated access but I'm just wondering have you thought through or will it be thought through the relationship between the centralized body and then how verification will work in that and then how that will work with the privacy proxy issue and verification of what is, I suppose, my next question.

I'm not sure there are answers; maybe they're just questions that need to be asked.

Michele Neylon: They're all questions that we have been looking at. I mean, again, you know, these - any input anybody can give us on some of these things, I mean, if you're - I suppose - I'll put it this way, if you think that the concept that we

might put forward in some areas has validity but you might have queries about it, great, please put them to us.

If you think the concept we've put forward is fundamentally flawed please let us know on one hand why you think it's fundamentally flawed and, two, what your alternative is to that if you have one.

Sorry, I'm getting - they're all excited about this. Yoav, this gentlemen here, then Volker, then the other gentlemen (unintelligible).

Yoav Keren: Okay. Maybe it's possible for you to explain in a few sentences why didn't you go the way that Jeff just talked about on having a body that kind of validates or authorizes who can have the access but not controls the entire data?

I think there are other aspects in addition to what Jeff raised not only the fact that you're going to have - you're going to have one provider holding the entire data. That's - there's a lot of issues around one provider having so much data and, you know, for different reasons.

And I think that the cost issue is not only - it's just adding another party to this whole chain. I suppose it will have a cost issue at the end on registrants so I'm just - and there's other...

((Crosstalk))

Michele Neylon: It actually - it would reduce your cost, Yoav.

Yoav Keren: Why?

Michele Neylon: Because otherwise you're going to have to do the validation.

Yoav Keren: No, no but registrars, yes, but I'm just talking about the entire chain. So maybe at the end registrants will need to pay more, I don't know.

I'm just - so my question is if you can explain why you're - why is that needed to create another body with the database but not only an (authoritive) body that, you know, just says - tells each registry who's allowed to access.

Rod Rasmussen: So this would probably encompass several days of our discussions that we've had. Obviously this came up, right? This is not something that was - we didn't anticipate.

So there are many reasons why we - this was our preferred model that we came out with. It ranged from technical reasons around the, you know, efficiency and storage and things like that to the ability to standardize, to the ability to do cross validation across a set. Compliance was mentioned a little while ago. This actually allows Compliance to do a better job potentially at what they do so there's a series of reasons.

I think some of them may be apparent in the report; maybe some of them aren't. But, you know, Jeff, you know, you're up and down, okay. But so there's a series of reasons why this was our recommendation.

Now other models obviously were discussed as well. So but, listen, this is why we want to get feedback here and this is one of the questions that we were asking too and also cost issues were brought up. That's actually one of our questions as well.

We think there is a great opportunity to reduce a lot of the costs and inefficiencies that there are currently in the model because of the distribution across registrars and registries of various types of systems, right? Both collecting and providing answers to these questions that people have about who's responsible for domain names.

So there's - we did a bit of a cost benefit analysis around this too. That's one of the areas we want to go into. So there is certainly a interesting opportunity

here to potentially reduce cost in some areas but obviously there will be cost of operating whatever a central system is, right, whether it's access or it's full data, what have you.

So those all have to be weighed out. But these are, again, things we need input from the community on.

Man: (Unintelligible) cost for the registrars. So I think (unintelligible) costs to the registrars because some of the responsibilities are (unintelligible).

Yoav Keren: That may be, that's registrars. But the question is will it add cost to the registries, add costs to the channel and at the end - this is going to be - there's going to be another provider here in this whole chain. This probably is going to be a company that is for profit.

So I'm just, you know, intuitively it seems like adding another cost. Maybe I'm wrong, I'm just - that's my basic intuition.

Rod Rasmussen: I would posit that a for profit or not for profit would be a policy decision that the GNSO might have some influence over.

Michele Neylon: This gentleman.

Man: (Unintelligible) just a quick simple question but you probably can give me easily a reply on. When will this system be out there? (Unintelligible).

Michele Neylon: Sorry?

Man: When will it be available out there?

Michele Neylon: Where or when?

((Crosstalk))

Michele Neylon: We have no idea.

Man: Okay, I think that depends on the GNSO Council because this input is part of the GNSO.

((Crosstalk))

Man: So it's a long process of our work (unintelligible) the GNSO then it comes back to the Board...

((Crosstalk))

Michele Neylon: The short answer is not in the next 6-12 months. The long answer is it'll depend on a lot of different factors but it's not something that's going to happen overnight.

((Crosstalk))

Michele Neylon: I've got - I had Volker. I had at least one other person over there. I mean, you know, Zahid - the charming gentleman from Pakistan had a question.

Jeff Neuman: Can I just ask like a - to clarify we need to ask the question of...

Michele Neylon: And don't jump the queue, Jeff, please.

((Crosstalk))

Jonathan Robinson: ...but I do want to remind you that we've got to bring it to a close...

((Crosstalk))

Michele Neylon: Go on.

Man: (Unintelligible).

Jeff Neuman: So I was just going to say when you said - it's a long time. I mean, all this stuff ultimately is going to go to the GNSO. The reason why we're hearing it now is because this is all going to feed into the policy development process.

Volker Greimann: Okay, my question would be you're speaking of one provider that provides the central database. Have you also considered having multiple providers in multiple jurisdictions?

Because having one provider in one jurisdiction might also carry with it the risk that the government of that country where the provider is situated will have special access to the data that other governments will not have.

Certain data protection requirements are different in one country from another so would it be a consideration to have the registrant's location determine which database he's entered into?

And that provider be another level of - for a certain mechanized ICANN output system that the requestors then could use where the provider would - within its jurisdiction determine what kind of information each requestor can actually request and which data element cannot be provided to anybody else in law enforcement or certain governments?

Rod Rasmussen: So the second half of your question is one of the reasons we proposed some of the things we did is that you could actually take into account privacy laws of various jurisdictions. I don't know that we really considered multiple providers in multiple jurisdictions because of that issue. That's an excellent point.

Michele Neylon: I think it's a - I mean, Volker, that's a very good question. That's one that I think we'll have to discuss.

Rod Rasmussen: Yeah.

Michele Neylon: Zahid, you were next.

Zahid Jamil: Thank you. Just I had two questions. But even if you did have multiple providers in multiple jurisdictions they would all have the same data and the risk would exactly be the same if...

Michele Neylon: Sorry? Not if you - not under Volker's concept, I mean, Volker is talking about the data going to a different database dependant on the...

Zahid Jamil: Different on the rules?

Michele Neylon: Dependant on where the registrant is based...

((Crosstalk))

Michele Neylon: ...of course that adds an extra complexity.

Zahid Jamil: Okay, that would help. The - so my two questions, were, one, and you've got number two up on the list here, the accreditation for law enforcement agencies. I'd love to hear what you thought about those enforcement agencies that, say, abuse the right. And then, you know, what would be the recourse and any thoughts on that, number one, I can think of a few.

And the second question is on data protection did you consider the cross border flow of personal data as an issue? Because, say, the providers in the US, European Whois data would not be able to flow to the US as a result. So what was the thinking behind that? Thanks.

Rod Rasmussen: Quite obviously (unintelligible) it does today.

Zahid Jamil: But the EU has issues about it.

Rod Rasmussen: Exactly. And, yeah, actually on the last point a discussion point we had is that exact issue. And that's one of the things I think we emphasize is this provider would not necessarily be US-centric. And that was a point we wanted to emphasize.

On the law enforcement accreditation, that is a - that is a trick area. We have - there are a couple of law enforcement - or pan global law enforcement agencies that deal with this today, Interpol being the primary example there where they actually do take into account exactly some of these issues that are grave concern to many.

And, you know, what is the legitimate police force in a particular country, at a particular time, that's not always an easy question to answer. So they actually have a (unintelligible) confliction policy within Interpol to do that. That's one of the areas we thought would be a potential solution to the accreditation issue.

Jonathan Robinson: So, Michele and colleagues, I'm conscious that there are some questions in this part of the room that have been waiting for some time. I'm not sure if you've got them on your list or - and I'm also conscious of the overall...

((Crosstalk))

Michele Neylon: Jonathan, how much time do you have left?

Jonathan Robinson: I mean, realistically we're 15 minutes over schedule so I think we want two or three minutes - I think we want two or three more questions, those that are outstanding and close it off.

Michele Neylon: The lady and then Wolfgang, I suppose and then we'll have to close it out.

Marie Laure-Lemineur: Thank you. Marie Laure-Lemineur speaking for the record. To echo what Volker said when I read in the report that it said, international provider, I had this image come in to my mind of a provider based in Germany, for example, and so what would be the legal implications of having such a (unintelligible).

And, second, could you tell us why is the issue of the consent of the registrants missing in the reports? And if there is the possibility that it's included in the list of pending issues that have to be dealt with?

Michele Neylon: I'm sorry, consent...

Marie Laure-Lemineur: Of the registrant...

((Crosstalk))

Michele Neylon: With respect to what exactly?

Marie Laure-Lemineur: To the whole model. I mean, at some point the consent of the registrant is important in data protection. So I don't know whether you have considered touching upon this issue or not.

Michele Neylon: Stephanie might be able to speak to that.

Man: Okay, yes, I want to say that - just wanted to point out that...

((Crosstalk))

Man: ...and that is what the consent of registrants (unintelligible). We had extensive discussion on the privacy issue. If Stephanie (unintelligible)...

((Crosstalk))

Michele Neylon: Yes, I defer to Stephanie.

Man: Oh okay, she's there.

Stephanie Perrin: Yeah, just let me make one basic point that I wanted to make earlier in the discussion of the costs. Understanding that the system is broken, you don't fix a broken system without new cost. So there will be costs. The question is who's going to bear them that seems to me.

One of the issues that requires a little bit more work, I would suggest is privacy. With respect to the question regarding consent it's taken as a sort of bottom line that data protection law applies. And that one of the reasons why a central registry is attractive is that it makes it easier to administer and actually enforce it.

In terms of consent it's fundamental for many of the data protection laws. The question is what kind of rights will others have? And obviously if the central registry is held in a jurisdiction where data protection law applies it will apply depending on which jurisdiction it is.

And I'm sorry to get arcane here, but it'll apply to everybody whether they're, for instance, EU citizens or not. So your question about consent is very relevant.

Michele Neylon: And the last question, Wolfgang.

Wolfgang Kleinwachter: Yeah, it was already answered. You know, I wanted to ask the same question and the role of the registrant because we are talking here only from the perspective of the registry and the registrar but the registrant is an important player in it.

And my question was, you know, how you discuss it - how you would, you know, figure it out, you know, what the role of the registrant in the whole new system is.

Rod Rasmussen: Yeah, I think our discussion here has been focused on registry and registrar because that's who's in the room - at least who's asking questions. But in our discussions we started with the registrant; that was our number one use case, right, is the person who has control of the domain name and how they want to work with it.

And everything built from that that we've put out here. So registrant was the very center of our entire discussion base. So every recommendation we have reflects that, I think. I hope.

Man: As a matter of fact we (unintelligible) access is meant to protect the data...

((Crosstalk))

Michele Neylon: Right.

Man: ...so that's (unintelligible) the registrant is (unintelligible).

Jonathan Robinson: Jeff, you were last on the list and then we're done.

Jeff Neuman: So I agree with the notion that if something's broken you need to spend money to fix it, I think that's right. But you don't fix the non-broken parts which a lot of this tries to do. The parts that aren't broken right now, at least for - I'll speak on behalf of thick registries.

When anyone comes to my sight and tries to get the data they can get it, it's easily accessible, it's, you know, it's not something that has ever been reported as being ever broken.

So I really seriously - this whole discussion of where you put this new centralized provider because now it's going to actually have the data and now you're talking about potentially multiple centralized providers, it's a nightmare.

You really should reconsider that and go with the notion of the whole, you know, you want to centralize the access point at which someone needs to get that information or get accredited to get that information that's fine. But keep the data with the registries, they're going to enforce their own policies that are compliant with their own laws.

I mean, there was a discussion, what, of sending different data depending on where the registrant is to different providers? Oh my gosh. I'm going to have to through, you know, X million number of names in DotBiz and have to say well this registrant says they're in Pakistan so I got to send it to this provider. And this registrar says - this registrant says they're in Germany so I've got to send it to this provider.

Guys, that becomes even much more broken and it's easily solved by having the one access point in there, which solves the other problems that were broken in the paper of not knowing where to go and how to get the information if you could separate that out as to where the data is actually stored and pulled from.

You don't need to create this behemoth new entity that's going to store every single Whois record from every single TLD out there.

Jonathan Robinson: Thanks, Jeff. So thank you to the members of the Expert Working Group. This is a unusual, if I may be incorrect in saying, unprecedented mechanism of working.

We've had, as you know, as a Council direct correspondence with the working group and also in their general public communications a recognition

that any policy related work is likely to come back through the established policy process.

So, thank you for your work in trying to better build the background and picture to all of this that might precede that work. And thank you to the councilors for engaging with the group and providing constructive and thought-out feedback. Thanks. So we'll close that session.

((Crosstalk))

END