
MARRAKECH – Registration Data Access Protocol (RDAP) Implementation
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CYRUS NAMAZI: We will begin in one minute. Okay, let's go ahead and begin. If you could take your seats, please.

I'd like to welcome you to the session on RDAP implementation. My name is Cyrus Namazi. I am a member of the Global Domains Division of ICANN. I'm joined here with Francisco Arias (to my right) who is the head of our technical services operations and then David Conrad (to Francisco's right) who is ICANN's chief technology officer.

Today's session is really about hopefully being able to have an open and frank conversation about the implementation of RDAP. We would like to share with you what we see from the staff's perspective, our obligations imposed by contracts that we have with our contracted parties, and/or adopted policies related to RDAP. To that end, Francisco is going to give you a very brief overview of where we've come from until today, where we think we should be headed, and then hopefully be able to have actually an open conversation – there are microphones available to ask questions – and then be able to walk away with a clearer picture of what RDAP's implementation should be.

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I would ask you to please withhold your questions until Francisco is done with his overview of RDAP, which should take about five minutes or so. If you have a question, please raise your hand. I have two of my colleagues here who will bring a microphone to you – one second please, Rubens – and introduce yourself and of course, ask your questions. Rubens, do you have a question?

RUBENS KUHL: No.

CYRUS NAMAZI: Okay, you're just practicing? Alright. Let me go ahead and hand it off to Francisco to get us started. Thank you.

FRANCISCO ARIAS: Thank you, Cyrus. Hello, everyone.

This is the agenda for the session today. As Cyrus said, just a small introduction to which we are already [half of it], and then we are going to delve into the three main open issues that we have in the discussion. I have tentatively assigned times for the discussion for each of the topics. I only have one or two slides for each of those just to introduce the issue and then open the floor for discussion. As Cyrus said, the microphone is on the front.

There is no standing microphone, but there is a portable one, so if you make a line in the center, we can keep a line there.

So a short introduction. Why are we here?

In 2011, the SSAC provided a recommendation to the Board to evaluate and adopt a replacement for the port 43 WHOIS. That was adopted by the Board.

That lead to roadmap to implement those recommendations, and then a work started in the community within the IETF in 2012. That work in the IETF finalized last year in about a year from now.

At the same time within ICANN, contractor provisions were adopted in several of the legacy gTLDs in the new TLD agreement and in the 2015 RAA, so most of the contracted parties in the gTLD space have contractual provisions regarding the adoption of RDAP.

Now, in order to implement RDAP, we saw the need to have, what we call, a gTLD RDAP profile, and so we developed an initial draft and shared it with the community back in September. Then we updated [inaudible] of the feedback we received and put for public comment a second version that is still in public comment until March 18. So that's where we are now.

Just very briefly, in case this is not known, RDAP means Registration Data Access Protocol. It's a protocol that is intended to replace port 43, and it provides the following benefits, some that are immediately available and others that need to be enabled by policy or contract in order to be available.

The three here are standardized query, response and error messages, secure access to date, and extensibility. Those are immediately available. Bootstrapping mechanism to easily find what server has the data for the domain name you are trying to query is also something that is immediately available.

Standardized redirection and reference mechanism is also something immediately available. And of course, the protocol is on top of the well-known HTTP, so whoever is implementing this can leverage on the expertise that they probably already have in-house managing a web service.

Finally, there are two other benefits that may require some policy or contractual work in order to be enabled: support for internalized registration data and one of the main topics here is the differentiated access.

Just to explain what's the profile in more detail, the gTLD RDAP profile is a document that lives in – I explained this before – in an interesting area. It's in the intersection between technical and

legal. It has a mapping of the contractual and policy requirements that exist for gTLD registers and registrars and maps those to RDAP features.

That's the document that we have currently in public comment and that we plan to use as the one to say to the contracted parties, "This is what we mean when we ask you to implement RDAP." Like I said before, this is of course subject to community input and has been for several months now.

Without more delay, let's go into the specific issues, and we're just on time. The first one is differentiated access. What is differentiated access?

This is the functionality to show different subsets of the data based on who is asking. For example, we have three gTLDs, the only three that currently have this feature in their contracts: .name, .tel, and .cat. What they have in common is, for example, that it says that if someone is making a query – an anonymous user, someone that has not authenticated – you only provide a subset of data. I believe in at least one of those contracts it will be the equivalent of what we call the thin data, what you will see if you query the .com WHOIS server for the registry. You will only see the domain name, the status, and the expiration date, things like that, but you would not see the contact data.

The contract for those three TLDs has another level of access. In the case of .name, for example, there are four different levels of access. Those are for authenticated users, and those allow, in the simple case, to allow full access to the rest of the data.

What else should I mention here? I mentioned that there are three gTLDs that have this contractual provision for differentiated access, and we also find that there is no existing policy that covers differentiated access in RDDS, which is the term that is used in the registry agreement to refer to currently port 43 and the web-based WHOIS, and eventually, it will include RDAP once that's required to implement it.

During the public comment, we have received feedback. These are just examples of what we received. Two comments, for example, that said this. One is clearly move ahead and require everyone to do differentiated access.

Another one is a little bit more cautious. From the IAB, to go on and say, "All gTLDs have to implement it, but not enable it immediately until there is a policy or some other provision that will allow them to enable that."

At the same time, we have a comment from the IPC that says, "It's currently proposed to not require differentiated access for

everyone since there is a policy development process going on that has that precise point within scope.”

Regarding that PDP, there is the Registration Directory Services policy development process within GNSO. They are looking at what they call the next generation registration directory services. One of the main topics there, as I mentioned before, is define who gets to what data if, for example, they authenticate it.

Unfortunately, this work is just starting. The working group just assembled, and given the complications of the work that they are carrying out, it’s likely to take years.

Just to give you a data point, I remember seeing a statistic from my colleagues in the policy department within ICANN. The statistic was talking about the average time that it usually takes a normal PDP, and it was around two years from start to finish. Just the PDP, and then you have to add the implementation time. This one is probably going to be more complicated.

Yesterday, in the GNSO, Chuck Gomes, the chair of this PDP, was giving us a statistic on the number of participants. There was 130 – if memory serves – plus another 100 observers or something like that. It’s a big group, and it’s going to take some time to get to an agreement on what to do.

It is also fair to say that currently registries have the option to request a change to their RDDS service to include the feature of differentiated access according to the policies and procedures that apply to each case.

The final slide on the topic, and then we open the floor. So given the lack of policy and contractual provisions regarding differentiated access in RDDS, what we are proposing to do is move forward with implementing RDAP without requiring differentiated access as a requirement for all gTLDs.

As a side note, we do have in the proposal an allowance for those that have switched provisions in their contracts to provide differentiated access or when there is a policy to allow that. So it's certainly not a requirement for everyone but doesn't have the language in their contracts. They can do it.

With that, I would like to open the floor for questions. Perhaps if you step in the middle of the room, Gustavo is going to...

RUBENS KUHL:

Rubens Kuhl, Registry Stakeholder Group. I would like to comment that, although you mentioned RDAP implementation as being required by contract, the contract requires implementing RDAP and IETF proposed standards. The contract

does not require registries to implement what ICANN has been calling an RDAP profile.

Since ICANN took an unfortunate decision to not follow the IETF standard process with that profile, there is no obligation in the contracts to follow that. You just need to implement RDAP following IETF RFCs and that's it.

Whatever, I think, it might be mandated or obligated through contract is not there. So unless you are planning to amend the contract to include that profile, what registries need to do is just implement RDAP and only that. I would caution against calling that a mandated obligatory deployment.

CYRUS NAMAZI:

Thank you, Rubens. Would one of you like to take that?

FRANCISCO ARIAS:

Thank you, Rubens. That's a very good observation.

The way I will approach this is to say that what we're doing with the profile is simply mapping the existing requirements you have. You can see this as how we are clarifying what we meant by RDAP given what the contract says to you.

If, for example, the contract is telling you that you have to have certain fields, that's what we're saying in the profile, or that you cannot do differentiated access, we are saying that in the profile.

Another way to say this is if you were to take the path that you were saying, I would think you will arrive to the same conclusion that we are getting it into the profile. The profile is simply mapping what the contract says to what the RDAP features are.

RUBENS KUHL:

You call that a clarification? A clarification requires a common understanding of both parties. You might notice that we don't agree with your interpretation.

It's not written there. We don't agree with that assessment, so you can't go there. If we might want to issue a clarification, you would also have to agree, so this goes both ways.

CYRUS NAMAZI:

Thank you, Rubens. Let me ask you a question. Do you expect IETF to continue to come up with additional protocols related to RDAP and then the contract provision kicks in? It's unclear to me because IETF has already published a protocol. But what else do you think needs to be done by IETF?

RUBENS KUHL: IETF published a protocol that doesn't match specifically gTLD requirements because they couldn't propose a protocol that would be adopted by IP address registries, by ccTLD registries, and by gTLD registries, a structure that would apply to them all. So if ICANN is planning to enforce what's in the contract, which would be a requirement to propose at IETF, ICANN will need to propose another standard that would be using RDAP in gTLDs if you are going to use what is in the contract for enforceability.

But you could also add to the contracts for amendments. [You] welcome that.

CYRUS NAMAZI: Thank you, Rubens. Jordyn?

JORDYN BUCHANAN: Hello. It's Jordyn Buchanan with Google. Francisco, you note in the decks, and I think you've come to the conclusion here that there's a lack of policy on differentiated access. Do you believe that there is a policy that requires non-differentiated access?

FRANCISCO ARIAS: There is [contrary] requirements that says that you have to show all the fields, which means you cannot do differentiated access, and that's further clarified, I will say, by the three gTLD [RAs]

because that clearly have differentiated access in their contracts.

JORDYN BUCHANAN: Correct. I agree with you that there are contractual requirements that dictate the behavior of port 43 WHOIS today. But I'm asking do you believe there's a policy basis underlying those contracts, or is that purely a matter of contractual practice up until this time?

FRANCISCO ARIAS: It's a contract provision.

JORDYN BUCHANAN: Right, so ICANN can change the contract without changing the policy in this case of differentiated access. Is that your understanding of the situation?

There's no need to go through a consensus policy process in order to achieve differentiated access outcome because that's purely a matter of contract between the registries and ICANN staff.

FRANCISCO AREIAS: On an individual basis, [inaudible] .cat went through that process. I don't know about .name because it was before my time, but I know, for example, .cat was during my time at ICANN. They came and talked with us and said, “We would like to have differentiated access.” We followed the process and came up with an amendment to their contract, and now they have differentiated access.

JORDYN BUCHANAN: Correct. So is there a reason why you believe that you couldn't use a similar consultative process to make a global change to practice? It seems very inefficient for all the registries to come to you one at a time and say, “We'd like to do this. We'd like to do this.”

Couldn't we come through some group, some batch change through a non-policy process but, nonetheless, some sort of ICANN community consultative process?

CYRUS NAMAZI: Is your question specifically about the differentiated access part of it?

JORDYN BUCHANAN: Correct. There's the statement that there's not a policy that provides for differentiated access, but there's also not a policy that says that you can't have differentiated access. So it seems this is purely a matter of contractual inertia, and therefore, if we wanted to alter it, we would do it through the ways that we think about changing the contract, and in this case, not even really the contract, the operational profile and whether or not we have to adopt it as opposed to necessarily thinking about this as an area where policy is required in order to make changes.

CYRUS NAMAZI: If you don't mind, that's an interesting perspective. Perhaps we take it back and think about it. I hadn't thought about that.

Our position has been that there needs to be a policy on prescribing differentiated access, but let us take that back as a suggestion.

JORDYN BUCHANAN: Yeah, because it seems like if you just assume that the status quo is the policy, that's a policy decision of its own. You're saying de facto there is a policy saying that there must not be differentiated access, but that policy doesn't exist as far as I know.

CYRUS NAMAZI: And that becomes two negatives in a way, and it's hard to prove, but it's an interesting perspective. Thank you, Jordyn.

UNIDENTIFIED MALE: [Maximo Zuber] [inaudible]. Two topics.

First, just a clarification. As far as I know, the clarification is out of scope of the contract. Thus, it cannot be enforced by the compliance, thus, it's not obligatory. It's just not.

The second topic is as I understand, you suggest that registries go through RSEP process while implementing RDAP differentiated access. Am I right?

FRANCISCO ARIAS: I have not said RSEP.

UNIDENTIFIED MALE: Thanks.

JOE WALDRON: Joe Waldron from Verisign. I wanted to follow up on the discussion with Rubens just to make sure I understood. You're

saying that the RDAP profile is essentially a clarification document of what's already required in the contract?

FRANCISCO AREIAS: I was making an analogy. The profile is mapping the requirements laid out in the contract regarding RDDS to the features of RDAP. For example, for those contracts that do not say anything about differentiated access, then we are saying there you cannot do that.

You have that feature in RDAP, so we're saying in the profile – I'm, of course, paraphrasing here – if you don't have differentiated access in your contract, you cannot have differentiated access in RDAP.

JOE WALDRON: I guess my concern is that having an advisory that mandates adoption of a profile that hasn't gone through a standards process, hasn't gone through any other kind of community process to agree on what those requirements are, puts us in a position where we've got one set of requirements for EPP and the type of data that registries collect – some of those fields are optional, some are mandatory, and some aren't specified today – and having a profile document that clarifies and mandates a specific format has much wider ramifications when you start

flowing back through the registry processes back to the registrars in terms of what data we're collecting.

I'll give you a specific example we talked about yesterday in the thick WHOIS IRT because that's also a consideration to have. The thick WHOIS IRT include as part of a consensus policy mandating implementation of the RDAP profile. If I just take that one example we talked about yesterday with the registrar and registry expiration dates, that's an EPP change, that's a completely different field that isn't being collected by registries today that would require a new EPP extension to be created. It would require additional data that registries are collecting from registrars.

I don't even understand why or when in the community we discussed the need to display in a single WHOIS response or in an RDAP response two different expiration dates, which I think has the potential to create confusion. That's just one example of the type of specificity that comes out of the RDAP profile. If it's merely a guideline of how to implement RDAP in accordance with existing requirements of the contract, that's one thing. If it's an extension of the contract, I think it becomes a question of interpretation.

FRANCISCO ARIAS: Thank you, Joe. So just to clarify, on the topic of the registrar expiration date, just like the three other fields – registrar abuse, contact phone and e-mail, and reseller – those are not requirements of the RDAP. Those are requirements from the draft thick WHOIS policy language.

JOE WALDRON: No. I appreciate that. I think that's why it's difficult to separate the thick WHOIS work that we're doing because that thick WHOIS consensus policy will impact all registries, not just Verisign for [common net], so I think that's something that we need to consider.

RUBENS KUHL: I would like to suggest a path forward. If ICANN were to publish an RDAP Operational Profile that is clearly nonbinding for registries that want to deploy RDAP to follow it, ICANN could also deploy SLA monitoring systems monitoring for that profile. That would be a pilot program that we would follow together and say, "Oh. We are seeing the same things you're seeing. We are now agreeing on things."

After that, we could agree on contractual managements that would include all this joint effort. That could probably be much more acceptable than [inaudible] dictating technical change to

the contract. This might move things without us discussing whether it's in the contract or not. Just a suggestion.

CYRUS NAMAZI: Thank you, Rubens.

JAMES GALVIN: Hello. I'm Jim Galvin from Afilius. I guess I want to say two things listening to some of this conversation here.

I'll say first that I want to support what you're suggesting here for a path forward. I've been thinking about that and listening to some of the discussion that's going on here, and I'm thinking, "My saying that we support that is, in some ways, as awkward as your saying up here that you want to go forward without it," because part of the problem that we have in this whole RDAP discussion and WHOIS discussion is there are a lot of activities and there are a lot of moving parts and relationships here that we often lose sight of and aren't always tracking.

You can make a statement like that, and then I support what Joe is saying here. He comes up and he says, "Oh, but by the way, they have other implications down on the EPP side that go with this."

I guess this is my action and my comment to you about it. Since I was one who stood up in Dublin when you were having a presentation then – and I’m sure that Francisco remembers this – and said, when you were first proposing a profile for RDAP and the things that would have to be there, what I felt was missing was if we’re going to deploy RDAP – and we know it’s coming. There’s just no way it’s not going to happen. It’s about when and what all the rules are and processes that are going to be around it – it feels like you want to deploy something and take advantage of what it is that RDAP brings to the table, and one of those things is differentiated access.

At that point, in Dublin, we were arguing and saying, “Well, gee. You're proposing something here, and you're totally ignoring differentiated access.”

Now, you’ve come here and you’ve said, “Okay, we’ve actually looked at the situation and we think the right action at the moment is to not do anything,” and you're supporting why you're not doing anything. Because there are so many other things going on, you want to wait for those things to finish. That’s why I’m saying that I support this.

But what I would suggest – and you're not going to do this here, and I don't expect you to respond to it here – somebody needs to take a step back, and maybe ICANN needs to do this

somewhere along the way. You really have to take a look at all the different things that are going on. You've got to figure out a way to bring all of these WHOIS-related activities together and under a single umbrella.

I have to admit, I honestly feel like they're not, and that's part of the concern that I have in this picture. There are so many different activities going on. This next generation RDS Group right now is the next largest one, and it clearly is going to be a multi-year effort and there's going to be a lot of discussion there and a lot of things that are going to come out of it over time. We need to find a way to get everything under a unique and harmonized umbrella. I hope that was a useful comment.

CYRUS NAMAZI:

Thank you, Jim, for your thoughtful comments. Actually, they're quite thoughtful, quite helpful.

I just wanted to get a clarification from you. Is the gist of what you're raising the issue of not having differentiated access in the initial roll out of RDAP? Is that what one of your concerns was?

JAMES GALVIN:

That's an assumption on my side when I look at a statement like that, and I think that's what's interesting here.

The distinction between what I said in Dublin and what I'm saying here is in Dublin, it felt like you were coming forward with a proposal, but you had not at all considered some of these other related things, like differentiated access and had nothing to say about them. In that sense, I support this statement because at least you've made a decision. I mean, you've looked at the situation and made a choice, recognizing that there are other parts of the community and other activities that are going to say something about differentiated access.

So it feels like let's leave that alone for right now and let's go forward without it and let the rest of the community figure out what it really wants there. To me, that actually says something. It's not an oversight now. It's a conscious choice, and that's why I say, "I support this," even though, I still prefer what I said back in Dublin, which is we really ought to do something about differentiated access.

But you have to let the community speak. There's a place for that to happen. It's just not here.

CYRUS NAMAZI:

Thank you, and we really have wrestled with this issue of differentiated access, which is something that clearly the community, the operators like yourself, want to have and how to

address it. We're going to take that back, and hopefully, maybe come back with a proposed way forward that I'm hoping – I'm optimistic – that is going to address some of these issues.

But collectively speaking, as Fadi said this morning, to step away from the mountain to see the whole thing, the summit, I want to remind all of you of the powers that ICANN, the organization, we in the staff side have and the powers that we don't have. I said this to the GNSO Council yesterday, as well.

We're not really empowered to change things, to make rules, to make policy. You don't want us to be, and we don't think we are in that position. So to the extent that there are clauses in the contract that we're tasked with implementing, monitoring, enforcing, or policies that have been adopted by the Board, we have a mandate to follow them.

Now, we try to put as much logic and presumably sanity into it as we can, but if there need to be changes to what's been adopted as consensus policy or what's been written in a contract that we enter into, the way to change that is through really the bottom-up process, through the policy-making machine. Going to the Board, getting it adopted, and then us getting that direction to change things.

I'm not empowered to change things that are already in the contract or have been adopted by the Board as consensus policy to go implement. That's the essence of the narrowness of what ICANN is empowered to do, and we want to keep it that way. You want us to keep it that way. Thank you.

STEVE METALITZ:

Thank you. Steve Metalitz from the Intellectual Property Constituency. We did file our comments on this, and thank you for referencing them. I think you're accurately stating them.

On this differentiated access point, we support what is up here as far as the path that you were taking. The main reason is that I think it's been pretty clear from the outset of the RDAP activity that there's a differentiation – and I think this is consistent with what Cyrus just said – between the technical side and the policy side.

Our conception of RDAP was always something that would enable technologically differentiated access, but then it was neutral or didn't attempt to set a policy on differentiated access. That is what is now under consideration in the bottom-up process in the next generation RDS activity.

I know Jordyn ambushed you with a question about whether it was a policy or a contract. Maybe he's going to ask another ambush question here, but that's a very complicated issue.

I recall from our meeting yesterday about thick WHOIS that it appears that there is policy and then there's policy, or there's consensus policy and then there's consensus policy, and they mean two different things.

Here we have policy and policy and policy because ICANN has a policy on differentiated access. It is a policy that the rule is there is not differentiated access. That's the policy that ICANN committed and affirmed to the Department of Commerce in 2009. That's the policy that the Board affirmed and said they would enforce in response to the WHOIS Review Team a couple of years ago.

At the same time, they launched what is now the next generation RDS process to look at setting a different policy on differentiated access. And as has been mentioned several times, there are also and have been for about ten years processes in place for registries or registrars who if they are able to demonstrate that they are incapable of following a no differentiated access policy because of legal obligations that are applicable to them, they can get an exception. That's the status quo that's been worked out over the past 15 years, and that is

exactly what is under study in the Next Generation RDS Working Group.

I think that will be a long-term project, and I don't know where that will come out. I think where you are right now on the differentiated access point or what you put out in the profile is the position that the intellectual property constituency would support.

On the other issues that have come up here regarding the RDAP Profile, our main concern, as you know from our previous discussions, is that we don't want to see any further delay in what is already looking like a four-year process to implement the “consensus policy” that the Board unanimously adopted on February 7, 2014, regarding thick WHOIS. So basically, our principle is to support whatever will enable that to be achieved most promptly. Thank you. I appreciate the opportunity to share our views again, and we look forward also to responses to some of the questions we asked in our public comments on other issues in the RDAP profile.

CYRUS NAMAZI:

Thank you, Steve. Jordyn?

JORDYN BUCHANAN: Hi. I didn't actually get up here to talk about differentiated access per se, but I feel obligated to at least point out that I strongly disagree with Steve that there's any policy on this topic. I think if you look at the WHOIS review, they came to the same conclusion that there wasn't policy per se, there was just contractual inertia. I would challenge anyone to point at any specific language relating to differential access one way or the other to date in any policy that has been adopted by ICANN.

The thing I was going to suggest, though, was to build off of Rubens last intervention. I think, Francisco, you've told us in the past, you don't see port 43 WHOIS sunseting anytime soon, so we're actually in a unique opportunity right now where all of the existing practice and the contractual inertia exists and will remain for port 43 WHOIS. I think that actually gives us a unique opportunity to experiment and gain operational experience on RDAP before encumbering it with a bunch of practices that we're inheriting from a world in which we didn't have things like differential access.

So if you were to simply say, "Registries, go try RDAP, figure out your own profile, do whatever, see how stuff goes," we could learn a lot of stuff. Some registries might do differential access, some might not. We could see how that works. We could see what practices work. Some might choose to try to work with

registrars and actually set up referrals. Some might not. We could learn a whole bunch of stuff while at the same time making sure that the community expectations about how RDDS works in the existing form of WHOIS continues for a while.

That doesn't need to be a long time. It could be 6 months or 12 months. You could refine a long-term operational profile based on actual operational experience instead of trying to put your finger up right now and say, "I think probably this is how we want to do things."

It's also possible that some of the policy work will converge and make your life a little easier, so we don't have to change the RDAP implementation that everyone has to do several times as we adopt all these additional policies.

Personally, and I think this is Google's view, as well, we expressed this in our public comment on the privacy and proxy topic, I don't think any of this WHOIS policy work is going to go anywhere. It never has. ICANN has spent over a decade now trying to make substantive policy on WHOIS and really hasn't made any success. The community is just too divided on this.

Part of the problem is we just don't have experience trying anything other than what we have in the status quo, so I think you would really benefit the community significantly by being

less prescriptive in terms of the initial roll out of RDAP because we still have port 43 WHOIS to rely on in the meantime. Thank you.

CYRUS NAMAZI: Thank you, Jordyn.

RUBENS KUHL: Building up on what Jordyn commented, one of the things that I really don't like about the profile as it is, is that it's currently forbidding the use of internationalization. If there is one thing that RDAP was meant to was to bring internationalization to registry directory services. So that one thing is actually cruel against the protocol developers that spent so many years assembling a protocol that can handle international characters, like my last name, like ICANN CEO's first name, and we're not taking advantage of that if that is a binding order. One of the things that a non-binding implementation would bring is that you would see that registries would bring finally at least internationalization to WHOIS.

CYRUS NAMAZI: Rubens, I don't recall anything like that in the profile, but if you send me the pointer, I will appreciate it because I don't recall anything like that.

CHUCK GOMES: Since the RDS PDP Working Group has come up, I thought I should share with everyone what I shared with the Board RDS Working Group this morning. I told them we would have that PDP done in three months. They also laughed.

CYRUS NAMAZI: Starting when?

CHUCK GOMES: For those that don't know, I am kidding and I was kidding with them.

I just wanted to clarify one thing that Steve said, and he confirmed this, as well. There is no consensus policy against doing differentiated access or tiered access, whatever term we want to use, so just to make that distinction because that's an important distinction.

CYRUS NAMAZI: Thank you very much, Chuck, so we'll see you in three months. There's a comment or question online. Antonietta.

ANTONIETTA MANGIACOTTI: Yes, there's a question from remote participant Scott Hollenbeck with Verisign.

“If gTLD registries currently have the option to request a change to their RDDS service to include such a feature in accordance with existing policies and procedures, will registries be allowed to defer implementation until a change request is processed, or will we be obligated to implement per the profile and then make changes after a change request has been processed?”

FRANCISCO ARIAS: I think that's a very interesting question. I think we will need to take that offline.

CYRUS NAMAZI: And we'll respond to you, Scott, offline.

STEPHANIE PERRIN: Thanks very much. I'm Stephanie Perrin. I was on the EWG, and I am on the RDS Group, and I have a question.

I really appreciate your clarification that you don't like to make policy, and for those of us who are not technical nor immersed in the business, my question is: if it is not mandatory to implement RDAP with differentiated access possibility, does it not in a way foreclose policy that will be decided in three months, of course, at the RDS group that Chuck is so ably chairing? That's one question.

As someone also who's trying to struggle and figure out the timing of the thick WHOIS roll out, the RDAP roll out, the new policy roll out – I'm missing a couple – I would support what Mr. Galvin was saying about trying to pull it all together.

I've seen the slides. I understand that when we were somewhere – I forget where, a couple of meetings ago – the GAC had asked for a roadmap of all things WHOIS. We saw the roadmap. It didn't help me. I don't know if it helped anybody else.

But the interdependencies of all of these things confuse us. By not allowing for the interdependencies, it sets policy, so if you can help me with that, it would be great.

FRANCISCO ARIAS:

Thank you, Stephanie. On the first question, if I understood what you were asking, just clarify what the profile says regarding differentiated access. You can do it if there is a policy or you

have a contract provision that allows that, so I don't think it's harming a potential future differentiated access policy if there were to be one.

STEPHANIE PERRIN: But if you don't do it, and then the policy is set, it's going to cost you a fortune, right? You'll have to make a lot of serious changes?

FRANCISCO ARIAS: I would not call those...

STEPHANIE PERRIN: Not a fortune.

FRANCISCO ARIAS: Not a fortune. I cannot tell how.

STEPHANIE PERRIN: Because accruing costs, as far as I'm concerned, that's a policy consideration, not just an implementation one.

CYRUS NAMAZI: Hopefully, people who will make the policy will keep that in mind. There's an implementation element to a policy that hopefully is taking into consideration when its being debated and decided and, ultimately, adopted.

STEPHANIE PERRIN: That's where the interdependency is setting policy. If this rolls forward and increases the costs when we haven't got the policy set – it's only going to be three months, of course – I think that that's where you're actually doing policy by pushing a schedule.

CYRUS NAMAZI: Thank you. I guess it's not clear to me, Stephanie, what your ask is here. I understand quite well that there are so many moving parts, as Mr. Galvin was highlighting there are. On the other hand, there are contractual obligations. There are adopted policies that we on the staff side are directed to go implement.

Now, how they tend to be dependent upon each other if there are considerations for the cost of implementing something that we don't know what it is in the future, these are all things that we have somewhat of a control over so that they don't become this insurmountable operationally prohibitive policy that no one can implement.

I'm not sure if I'm answering your question, but that's the best I think I can do.

STEPHANIE PERRIN: Well, and I don't know the answer. Maybe if you do not implement the tiered access potential, or differentiated access potential, at this time, the costs are small. It doesn't become a policy issue. That's my question.

If, indeed, not implementing at this time more or less economically precludes implementing it another time, then one of the key policy pieces of the RDS Group has been more or less punctured already prior to take off. That's what I'm getting at.

CYRUS NAMAZI: Thank you. I understand.

WENDY SELTZER: Sharing again my sense that by not inviting the use of differentiated access, we are setting a policy through implementation here that makes it more difficult to implement the policy changes that many are advocating in the ongoing WHOIS discussions. I agree it is not yet a decided policy there one way or the other.

But steps in the IETF side took care to leave open opportunities for differentiated access or uniform access, and an implementation that invites code writers to implement only one piece of that delays the point at which we could come back and get the policy outcome that may yet come out of one of these policy working groups.

CYRUS NAMAZI: Thank you, Wendy.

ROD RASMUSSEN: Listening to the back and forth here, but a quick clarification here. Is there any prohibition on a registry to implement differentiated access with a differential of zero?

In other words, I can put the protocol in place, and basically anybody who's making a request, anybody get the same answers. So it's non-differentiated in practice, but I've actually baked it into my systems. Is that a problem?

FRANCISCO ARIAS: I think the requirement that I remember [inaudible] images that you have to provide all the fields, so potentially, no. But we have to take into account that we don't know what, if there is a policy

on differentiated access, it will say. It may say you have to have ten levels of access or maybe just two.

ROD RASMUSSEN: But I can enable it in a system, right?

FRANCISCO ARIAS: Right.

ROD RASMUSSEN: Right. Okay, so having designed and built systems in the past where I know that there's a standards change or some policy thing that's likely to happen, I would imagine that most registries at this point are not going to simply build software that ignores differentiated access. I would hope not because I think that would probably be a foolish business decision to make right now given we have this momentum around that.

So as long as it's not precluded specifically by this, I think that people will make a business choice right now as to what they want to implement if they're not required to going forward. Maybe make a clarification that, "Hey. You can go ahead and implement whatever you want, just don't differentiate the access until you actually have some policy to back it up." That's my point on that. Thanks.

CYRUS NAMAZI:

Thank you. Any other questions or comments before we move on? We're mindful of the time. We have less than ten minutes left. This was a 2:45. Okay, I'm sorry then, we have 20 minutes. I have to leave in two minutes. I apologize to all of you to something I couldn't change, but David and Francisco will, of course, continue to run this session, so please, Francisco, maybe move onto the next topic.

FRANCISCO ARIAS:

Thank you, Cyrus. The next issue is something that touches into the intersection between the draft thick WHOIS policy implementation and RDAP. This is to the point that was mentioned before of trying to find ways to simplify the implementation. This is what we are trying to do here by having the thick WHOIS policy implementation and RDAP implementation to be bundled together so that since they both have a similar timeline, then we can try to save implementation effort from the contracted parties.

Here is the issue we have. On one side, on the thick WHOIS policy implementation, we have four fields here that are currently only being shown in the registrar side. They are described there, and they are not currently being passed to the registries. In order to

do that as the current draft language of the thick WHOIS policy implementation says that at least for two of them, there will be the need to have probably EPP extensions in order to pass that information from the registrar to the registry.

So, on one side, we're talking about modifying the registry RDDS output, and on the other side, in the context of the RDAP discussion, the RDAP profile contains a requirement for registrars to implement an RDAP service for thin registrations. The issue here is that on the thick WHOIS side, some registries are saying, "Please don't make me add fields in my output, or more importantly, don't make me do EPP extensions to add these fields."

On the registrar side, in the context of RDAP, we have the registrars saying, "Don't make me implement an RDAP service since we're moving to a thick WHOIS-only world."

The issue is, of course, that if we were to follow both, then you've got to do both as is being requested by registrars and registers. We'll end up with less information being shown in WHOIS because at least these four fields will not be shown in neither the registry nor the registrar RDAP since there will be none of those.

So in order to continue to allow access to these four fields, we see two options here, and we would like to hear your input. One is to have the registrars offer an RDAP service, or the other would be for the registries to show these four additional fields. Those are the two options that so far we see in here.

So with this, I would like to open the floor.

RUBENS KUHL:

I would like to comment that these are not the only two options. The expert WHOIS Working Group proposed a centralized WHOIS system. It might be that that centralized WHOIS system might have the answers for all the questions. We don't know yet what is about to happen in the RDS policy development.

For instance, they could say that due to the legal barriers of transmitting registrant contact from registrars to registry that we should move all registration data in all gTLDs to a model that looks more like the thin model not the thick model. We have a lot of things we don't know yet, so we can't assume that this is going to be necessary.

The thick WHOIS policy is only about displaying fields, not about collecting data, so that policy cannot mandate registries to collect the data. If registries don't have the data, the only thing

they can do is either omit the answer from WHOIS output or show that with blank.

So there is currently no policy that can move the data from registrars to the registries. That implementation draft is currently going against consensus policy, so it's probably going to be fixed very soon, and when it's fixed, there is no option currently to move the data to registries, so we actually don't have the problem you are mentioning because there is not an option there.

We might come to this question when the PDP Working Group completes in three months as I just heard. But when it happens, then we might solve the problems and get to answers. But for now, this is pure speculation.

FRANCISCO ARIAS:

Thank you, Rubens. Just to be clear, we are talking about within the bounds of implementation, so we are talking about what we can do with the thick WHOIS and RDAP implementation. We are not talking about what can come later from the RDS PDP. That's a different story, and this is not about that for sure.

So in the context of the current requirements that we have in the contracts and the draft language on the thick WHOIS policy and

the RDAP implementation, these are the options that we see. We haven't found any other option.

In order to keep this information that is currently shown in RDDS, at least one of the two parties have to show it, be it the registries or the registrars.

RUBENS KUHL: That would be possible if registries had that information, but it doesn't matter that the extension is being proposed in the IETF for that. There is currently no policy allowing or requiring that, so what is currently in the implementation draft is simply against policy. We'll soon be fixing it, and then you don't have that question anymore.

FRANCISCO ARIAS: I guess we disagree on the interpretation.

RUBENS KUHL: Okay. We can make a motion and make it more clear. Thank you.

JORDYN BUCHANAN: Thanks. I'm going to ambush you again. Is there a policy that requires the display of these four fields?

FRANCISCO ARIAS: They are in the contract, not in policy as far as I'm aware.

JORDYN BUCHANAN: Correct, and in particular, they're in the 2013 RAA. Is that right?

FRANCISCO ARIAS: Correct. Do you want to say something, Krista? I'm sorry.

KRISTA PAPAC: [inaudible]

FRANCISCO ARIAS: Oh, the draft language of the thick WHOIS policy of course.

JORDYN BUCHANAN: Oh, I understand.

KRISTA PAPAC: You understand the answer to that?

JORDYN BUCHANAN: Yeah, Okay, so depending on how we interpret the draft language of the thick WHOIS policy, I would suggest, Rubens

said there's an option C. I would suggest maybe there's an option D, which is you don't necessarily need to display all of those fields in RDAP. In particular, I think Joe mentioned it earlier, the registrar expiration date as opposed to the registry expiration date seems mostly confusing. It's not clear the community is clamoring for that to be displayed.

I feel like the abuse contact information – I'll speak for Google registry – that seems like it wouldn't be that hard to display. That could be done on a per registrar basis. You wouldn't have to send information back and forth per registration.

Then the reseller information, it's not clear to me how much that's used or whether the community is getting a lot of use out of that. It seems like you could have some discussion about whether you really needed that or not. It might just be that there's a relatively easy way to preserve the abuse information, which does seem useful and relatively simple for registries to display, at least for my registry to display.

Maybe there's a middle path where we keep some of this and some of it just doesn't survive the transition to RDAP. It's just there because it got thrown into the 2013 Raa, not because the community necessarily decided that it needed to be there.

FRANCISCO ARIAS: I agree on the registrar abuse contact fields. Those two are probably easier to implement than the other two.

Regarding the registrar expiration date, that's actually a third topic that we have here. I understand that that has a different niche given the discussion on potential confusion for end users.

But the reseller field, for example, doesn't have that issue. The issue that we see is there is currently contractual language that prescribes that to be shown, and if we were to remove that field from both the registry and registrar RDDS output, we don't think we are in power to do such decisions. Maybe in the context of, for example, say, the RDS [inaudible]. I don't know, but as part of the implementation, we don't feel empowered to remove a field.

JORDYN BUCHANAN: I guess how were you empowered to add that field to the RAA in the first place?

FRANCISCO ARIAS: Because this is our interpretation of the policies when it says that the output of the gTLD [inaudible] just has to be consistent with the 2013 RAA.

JORDYN BUCHANAN: Oh, so this is your interpretation of the thick WHOIS policy again. Let's not have that debate again right now. Alright, thank you.

UNIDENTIFIED FEMALE: We already had that debate.

JORDYN BUCHANAN: Yes.

MAXIM ALZOBA: Maxim Alzoba, FAITID. A question. Were there any efforts to measure the discrepancy between those dates? Because what I see is that in some future, registries and registrars are going to face their ex-clients in the courts where their clients are suing them over losing superrich domains because of discrepancy in days and confusion costs, etc.

As I understand, you pulled lots of WHOIS data. Was there any effort to just analyze the difference? Maybe there are very few of those domains where difference is measured in days. Maybe you could do something about it. Thanks.

FRANCISCO ARIAS: Thank you, Maxim. That's a great suggestion.

We haven't done a [thoughtful] study on the difference between those two expiration dates. What we found in a quick inspection is that it's fairly common.

There were also discussions in the gTLD tech mailing list where some of the registrars explained how it is that, at least in their specific cases, the difference was being produced. I remember one of the explanations was related to the auto renewal and the grace period, something like that. I don't remember what was the other explanation, but there are specific cases of registrars that explain how they are using that field to mean something different to what the registry expiration date means.

MAXIM ALZOBA:

Just a short clarification. The issue arises when the client, the end user, his account is depleted and there is no auto renewal. Because if the domain is renewed year over year, you just don't care. But if it's depleted for some reason – maybe tech support was stupid or something, who knows – then the domain may be deleted in the end of the story. Then we will see court and judges, and it's better to avoid that all.

JAMES GALVIN:

Thank you, Francisco. I just want to repeat a comment that I've made in the past with respect to RDAP and WHOIS related things when it comes to registrars.

In general, I think that changes on registrars should simply be avoided and they should be left alone. So this idea that should registrars offer an RDAP service, probably not. I don't imagine a compelling reason why they should.

The intent here is thick services on registries and there's where the RDAP service is going to be, and so suggesting that registrars should do anything just feels like a wrong step for me. It would be a transition step, and why would we burden them with something that they're ultimately going to turn off unless there's some compelling reason to do it, and I haven't seen one.

JORDYN BUCHANAN:

I'll just make the point that both of these options involve changes for registrars. One option is that they have to do RDAP. The other option is they have to do a new EPP mechanism to transmit this data to the registries that they're not transmitting right now. So there is no way for the registrars to do nothing under these two options.

JAMES GALVIN: Fair enough. Thank you for that, so I'm really just speaking to whether or not they should have an RDAP service, and they shouldn't have to do that. I mean, obviously, there's some data transformation stuff that has to happen, but that's a totally different thing. And now, Roger.

ROGER CARNEY: I agree with a lot of the statements here, and I think there are other options. A) It shouldn't be done. Of course, I'm going to say that. It's too much work that's just throw away because we will stop using it, right?

FRANCISCO ARIAS: I'm not sure what you're talking about. The four fields? Just throw away the four fields?

ROGER CARNEY: A up there. Bullet A.

FRANCISCO ARIAS: Oh, not to require registrars to do RDAP service.

ROGER CARNEY: That’s a temporary solution. I think most people see that as a temporary solution until thick is available.

FRANCISCO ARIAS: Unless something else comes up perhaps on the thick WHOIS implementation side. As you know, that has been mentioned as one potential solution to theoretical future legal issues on data that I am not the expert to talk about.

ROGER CARNEY: To follow up with that and disagree with Jordyn. The two fields that are easy, we’ll agree with the abuse fields. We’ll find a way to do that.

The other two fields, I’m not sure should be shown. I think the community is stating that the registrar expiration date and the registry expiration date should not be shown together. There are many comments suggesting that.

The reseller field is optional in the contracts, so you can show it or not. If you choose not to, then there’s no work for you to do.

FRANCISCO ARIAS: It is true. This is an optional field, however, there is no mechanics to transmit that data. It will seem like we are de facto

removing that field from being available in all cases. That's the thinking on that field.

ROGER CARNEY: I guess people aren't wanting to create that today, so if it's optional, they're not going to display it.

FRANCISCO ARIAS: Some are displaying it. That's what I was saying.

ROGER CARNEY: Yeah, and GoDaddy does display it in all their WHOIS output. But again, the registries don't display it. Many registrars don't display it.

FRANCISCO ARIAS: Yeah, correct. The registries don't have that in their agreement. That's why they are not explained there.

We are running out of time. Just very quickly, the last topic was precisely the registrar/registration expiration date. I think we mostly covered this.

This is a special case within the four fields because the argument here that has been raised is that it could be confusing for end

users, for the users of RDDS, to see the two expiration dates. However, others in the community have said that perhaps it's better to show the information than to not show it.

This is how it would look. This is from the thick WHOIS policy draft language.

The two options we have seen so far is – this is something that was suggested in the gTLD tech mailing list – is that perhaps we show both expiration dates, but we also include a link similar to what is done with the AWIP policy that explains the meaning of both expiration dates, so that should perhaps help in mitigating the potential confusion with these two fields being shown at the same time.

The other option is to have the registrars offer RDAP for a service for both thin and thick. So the registry would show the registry expiry date, and the registrar would show the registrar expiration date. And of course, if there is any other idea, I would be more than happy to hear about it.

Just for completeness sake, this morning – and I didn't have time to put it in the slides – there was a meeting in which someone suggested that one potential solution to this is that any particular case in which we have a differentiated access policy or language in the contract, what field is shown could be

related to who is asking. I just wanted to throw it out there because someone suggested that as a potential solution.

But since this is depending on future work that is not defined, it's probably not an immediate solution. Thank you. Jordyn?

JORDYN BUCHANAN:

Or you could let people try that.

As I understand it, the issue here is that the date that the registry shows reflects the relationship between the registry and the registrar, and that's an auto renew basis, and so there's potentially a 45-day window in which the registry thinks the domain name has renewed, but the registrar hasn't necessarily renewed it with the registrant. And during that 45-day window, the registrar can delete the name and get their money back, and so they often are using that period in order to try to secure a renewal.

So it seems like the reason why you would want to display these – if that's the basis for it – is because you might think that a registrant would go and look at WHOIS in order to understand whether their domain was expired or not. I'm skeptical that very many registrants are using WHOIS in order to figure out whether their domain is expired or not. If they're not, then this conflict I think is largely immaterial.

So what I would suggest – if you want to actually take a data-driven approach to this – is you should go survey some registrants and ask them how they figure out when their domain has expired, and if a bunch of them tell you they use WHOIS, then we need to actually grapple with this issue. If everyone says, “Oh. I go log into my registrar panel or I look at the e-mails I get,” or something like that, then you don't have to worry about this, and you should just display one of the dates.

FRANCISCO ARIAS:

Thank you for the suggestion, Jordyn. We are running out of time. One last comment, anyone? No one online? No. I guess not.

Well, I guess with this, we close the session. Thank you, everyone, for the suggestions, and we'll come back to you.

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