

Transcription ICANN Durban Meeting

CSG Meeting

Tuesday 16 July 2013 at 09:30 local time

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Tony Holmes: Good morning everybody. I think we should get underway this morning. So welcome to the Commercial Stakeholder Group Meeting.

And it's rather a different meeting from normal. Quite often we use this time or traditionally we have to prepare for our session with the board that takes place at 11:15.

We have the luxury of this meeting of actually having done that work previously where we've prepared for our session with the board. We did that on Sunday.

So we have the luxury of looking at some of the issues in a little bit more detail during this session. And we have two other groups joining us at various times during the morning.

We have a presentation from the SSAC. That's at 10 o'clock and a 10:30 session with the AWG Working Group. So we have a little bit of time beforehand.

What I would like to start the meeting by doing is to ask our counselors that when you have your review session of the meeting to actually make the point that the session that we had on Sunday which was taken from part of the schedule of the GNSO meeting that you feedback that it was extremely useful having this arrangement and that we look to invoke the same thing at future meetings.

Is tremendously helpful to have more time to prepare for our session with the board on Sunday so please convey that message. Marilyn?

Marilyn Cade: Thank you. I think in addition to - Marilyn Cade. I know we haven't actually - I'm going to make a statement. Did you - had you already started the transcript?

Tony Holmes: Yes.

Marilyn Cade: Marilyn Cade. I think it would also be good for us to work into the comments that you might make as lead on CSG to the board because this additional service has additional costs factors to have additional meeting rooms and meeting staff and microphones et cetera, et cetera.

And so one thing we might want to do is just thank the board and Fadi so that it's cognizant right? This is a good thing in that you can plan ahead when they do meetings in other cities so they factor that planning and room support in.

Tony Holmes: A point well taken Marilyn. I think that's very good proposing. Thank you.

So just to complete the issue of how we use that time and preparation when we meet with the board we have three key topics to raise with them, the operational brand and budget which Marilyn is leading on, GAC advice on gTLDs. And we split that into to two aspects.

Ron is, Andruff is initially going to lead on that but then we're going to get into some technical issues which Jonathan Zook is going to lead on.

And the third item is the issue of the current overload and stresses on the volunteer organizations and particularly from these three constituencies. And (Christine) is going to lead on that.

So that brings everybody up to date I think in terms of preparation for the board.

There are a couple of items I'd briefly like to discuss before we are joined by the SSAC. And I'm well aware that there may be people they want to contribute to the discussion behind me.

Obviously I can't see that so I rely on somebody else to alert me if anyone wishes to join the conversation from behind.

The first item I'd like to raise is that the motions that are going before council - - and we had some discussion over a motion that's been prepared by Jeff Neuman -- and at the time we discussed that we weren't in a position where we all had consultation within our constituencies.

So that will take place during the constituency meetings. And I just want to firm up how we are going to coordinate the views across the three constituencies following those discussions.

So if it's in agreement with everybody I suggest we just do that through the chairs. And we may need to take some further advice or make everybody aware within the CSG of the outcome of those debates. Marilyn?

Marilyn Cade: In our - Marilyn Cade. In our earlier discussion I had taken the action item to follow-up with (Manri). And I...

Tony Holmes: Okay.

Marilyn Cade: ...got a match and he's awaiting to hear from me. And I of course want John or one of the IPCs (unintelligible) whatever the decision is I want of course one of the counselors to join.

But (Manri) is a board member of (Evicta). And he's also very open to sitting down and hearing what our views are about the outcome that we eventually take on that resolution.

Tony Holmes: So how do you suggest we take that forward after our constituency sessions?

Marilyn Cade: Well can we talk about the likelihood of there being? What do we think the likely outcome is for us because we obviously need a vote from another counselor.

Tony Holmes: Okay speaking on behalf of the ISPs I can't answer that question.

Marilyn Cade: I think all I can do is just ask him to plan to huddle with a couple of people after we know. Is that okay?

Tony Holmes: Yes. I assume that the - all of the Leadership Team be in the following session between the board and the GAC. So maybe we can find some time to do that. And if (Manri) could join us then that would be a great...

Christina Rosette: Can I actually - cause this is Christina Rosette. I would actually suggest that perhaps we defer the consultation with (Manri) till tomorrow in the sense that, you know, there's a clear view within the IPC that the current motion is unacceptable.

But when I had a discussion, informal discussion with Jonathan Robinson about that and floated the idea we (unintelligible) about the essentially taking

the substance of Jeff's motion and turning it into an action item for the Policy and the Implementation Working Group. He seemed a little squeamish about that.

You know, and the alternative as he's written back to some of us would be to come back with kind of a revised motion.

So I think my point is I think we're - the IDC is not going to support Jeff's notion in the current form but what exactly we propose to do is a little unclear. And I think it would be helpful to have tonight and tomorrow morning to work on that. So we just put the marker down with (Manri) for tomorrow that would be great.

Marilyn Cade: I will do that. I just will make a follow-up comment that the informal feedback I had so far from the board members which was not about this topic but about changes to bylaws et cetera, at this point time was very skeptical about making revisions anytime soon to bylaws.

Christina Rosette: As the BC has not had a chance yet to discuss the motion we absolutely need to wait.

Tony Holmes: Christina if there was the opportunity to amend that how would you see that happening? Are you suggesting that through the CSG constituencies there would be some proposed amendment that we're going to take it in?

Christina Rosette: Yes. That it would basically be a friendly amendment or not so friendly that would eliminate the call for the amendment to the bylaws and really just term the, you know, the board shall into GNSO respectfully requests that, you know, something elaborate.

Tony Holmes: Okay. So just I understand that the semantics of that is that a proposal that would go to Jeff or would that be something tabled by our counselors during the meeting?

Christina Rosette: I would think that in the interest of avoiding another Beijing type council meeting that once there is consensus within the CSG that there would be some discussions with Jeff either tonight or tomorrow, probably tomorrow to let him know it's coming. It gives him the opportunity to accept the amendment.

Tony Holmes: Okay thanks. Wolf?

Wolf Ulrich-Knoben: Thanks (Tony). Well as counselor so I would like really to ask that we have a representative of these constituencies.

I would like really to come to a let me say to a status where we are sure what we have to do and say this way. Because I would - wouldn't like to - I would like to have a situation where we are uncertain about that.

So it means from me really so we have to discuss these motions within the constituencies at first and afterwards really to have a mechanism that let me say on our list here or whatever to exchange you and to have clear positions on that, what is constituencies and what the CSG representatives are going to do on Thursday or on Wednesday in the council meeting. Thanks.

Christina Rosette: Okay. Just to - I agree. And just to maybe kind of wrap this up with a vote so we can move on I think what would be helpful is for all three constituencies in their meetings today to kind of address three questions.

A, do they support the motion in its current form? And the answer to that is no.

And you would move to B which would you prefer to do to ask that the requests become an action item for the Working Group, the Policy Implementation Working Group or to propose a friendly amendment that would essentially change it from a mandatory bylaws - a bylaws amendment

that causes a mandatory board action to kind of a resolution requesting future cooperation so that, you know, everyone is clear as to what it is that we're talking about and we're on the same page when we promote that decision.

Wolf Ulrich-Knoben: But therefore we need as soon as possible a written statement or a written amendment to...

Okay yes.

Christina Rosette: Let's focus on the idea first and then let's worry about the language.

Tony Holmes: But I think as far as advising counselors Wolf, I think it's beholden on all of us who are in leadership positions to make sure our respective counselors are aware of the outcome of that we should take that up.

Marilyn?

Marilyn Cade: My - Marilyn Cade. My comment is not about this process but about the implication the language is going to be to me speaking individually going to be incredibly important.

Because I don't support calling for a change in the role of the council as it relates to oversight of implementation or oversight on what - that has to do with the fact that once the board puts something out for public comment, you know, I think we have to be really careful about language so we're not expanding the role of the council beyond the understanding we already have that the PDP process will now incorporate a kind of a consultation and implementation aspects.

But I am going to be concerned when we talk in our constituency about language that might actually be changing the functional role of the council.

Christina Rosette: I understand that. And I would just encourage the constituencies to focus on kind of the least, the most innocuous language that would be acceptable to them.

And I'm thinking of language like request the opportunity to, you know, nothing that gets into this shall, must, may, triage but yes.

Tony Holmes: Okay. I think we have a way forward with that.

I'd also request there are some lists people to put the details of attendance on separating. Could I ask you to make sure they come back to this table with this form completed? (Stephan)?

(Stephan): Thanks (Tony). Is it appropriate to - change in the subject slightly but following on basically from what you've just been discussing?

I actually wanted to ask the group a question about past discussions you may have had about the need for while I presume you feel that there's a need for GNSO review and restructure.

I've been away from that discussion for a while. But when I left the council there was two current groups of thought. One was that the review was needed and urgent. And the other was that it should happen after new gTLDs were launched.

And it appears that that is the thought that's prevailed from what I can see from the outside.

My own feeling now as a member of this group is that the current structure is woefully inadequate to represent the interests of this group, the CSG I mean.

So just wondering if it's an appropriate topic at any time to discuss whether, you know, we should push for at least consideration of a review at some point?

Tony Holmes: Well it's interesting you raised that. We do have a little bit of time. I did have another item to bring to the table but before I go any further (Steve)?

Steve Metalitz: I just wanted - this is Steve Metalitz. I just want to point out that we just - apparently the Structural Improvements Committee has just posted for public comment a proposal to delay the GNSO review. so I don't know that would be one medium by which we could express our views on that.

Tony Holmes: That's very helpful. What I'd ask is that if somebody can alert me to the fact when the SSAC arrive? I don't want them sitting behind me and others just carrying on. I'm not - I would say that.

But I think your proposal is a good one (Stephan). I think that that is an issue particularly now hearing that occurrence that I wasn't aware of to have that discussion now. And I'll open up for comments on that. And I'll open up from saying that from the ISP position we've had quite a lot of discussions about the need for the GNSO review.

And even prior to that situation occurring we are of the firm view and I think we have consensus that we would like the review to happen as quickly as possible. It's a line we've always had, nothing's changed from that.

So with that open comment I'd be pleased to hear from others. Zahid?

Zahid Jamil: Thank you. Just a couple of data points to (inform) the discussion. Number one, if you go and look at what the reasons for delay that has been suggested is that because we have been ATRT2 and a strategic plan that is being discussed that is the - (that's) the sole reason -- nothing else -- I'm just

stating that without any explanation why the review of the GNSO needs to be or is being considered as one option to postpone it number one.

Two it was - a presentation of this was going to be made over the weekend to the GNSO council but was postponed for some reason till Wednesday.

And so although we have lost that opportunity to discuss it during the week there will be discussion on Wednesday and I think that we should take, you know, instruction to counselors to bring issues up and for people from the floor and audience to get up and come to the mic would be a helpful report. Thanks.

Tony Holmes: Thank you. So I'm very keen to hear of the situation in the other two constituencies, the discussions you've had if any and what the current thinking is on this particular issue. Is there anyone who would want to led that discussion?

Woman: (Unintelligible).

Tony Holmes: Yes?

Woman: We've discussed it although quite candidly we've been looking at it from the micro perspective in light of the extremely elaborate and just oddly detailed checklist that (Rob Halverse) had distributed at one point on which all of our constituencies and stakeholder groups would be (evaluated).

You know, we, you know, consistently the theme that (Stephan) raises is a topic of conversation. But I would expect that we would take the opportunity as (Steve) notes presented by the public comment request.

And frankly I would think that, you know, notwithstanding the fact that it's a short period that perhaps we could try and build into our - the respective comment preparation an opportunity for some cross CSG coordination.

Tony Holmes: Jay Scott?

Jay Scott Evans: I can't speak for the BC. I do know that some concerns were raised briefly yesterday but they haven't been fully fleshed out.

I can't say that the comments that I heard during the working session from BC members and ISP members were of great concern.

I'm a little concerned as is why - I think Mikey you brought this up when you talked about this, I'm very concerned about the fact that it seems to be moving away from what we were told the holy structure was and that was the GNSO council was a manager of a process. They are not a legislative body.

And what they're supposed to do is make sure that the process works and that the work is done by working groups which are open to anyone in the community to be involved.

And I think this is a land grab away from that. It is marching backwards into the world we were before and makes some sort of - the council some sort of legislative body.

And I'm very concerned and I think we should all be very concerned because while imperfect Marilyn, Steve, myself and a few others (Tony), both (Tony)'s, we're in a better place than we were five years ago even with all the frustration and problems that we have with the system as it exists today.

And I think that the board needs to know that. And I think that we need to be unified and clear on this particular point.

Tony Holmes Marilyn?

Marilyn Cade: I just want to say something about the benefits of the checklist. Even though it's detailed do you think about the checklist - and maybe we could actually talk to (Rob) separately about that. Do you think about the checklist is actually a tool about how they're going to help identify additional resources that we need?

So I think it's my understanding from (Rob) and I just park that for us to maybe examine not spend time on now but if the checklist is going to be used to say okay we're going to beef up the toolkit or, you know, provide more services we may want to think about approaching the tool, the use of the questionnaire for additional benefits which is separate from the rest of the discussion about the review.

Tony Holmes: I agree. It's certainly separate at least (unintelligible).

Elisa Cooper: So while - this is (Elisa). While there has been some work done in terms of looking at the checklist this has not been a topic that's been discussed broadly in the business constituency. So we have not in my opinion done any sort of significant meaningful discussion of work on this.

Tony Holmes: Steve?

Steve Metalitz: I think if I - this is Steve Metalitz. If I could raise I think a related point which since the ATRT2 was one of the reasons given I guess for this proposal to delay the review, we don't have the ATRT2 on the agenda here because we didn't have room for it. And instead as people may recall we had a phone call, a teleconference with the ATRT2 which I thought and I think others may have felt was quite unsatisfactory since it consisted mostly of scolding us for not having responded to the ATRT2's own questionnaire.

But I just want to say that I hope the constituencies maybe not at the CSG level think about whether we do have some input to ATRT2 that would be

helpful. I mean it's certainly relevant in terms of the third issue we're going to raise with the board today about overload and all that.

I think maybe ATRT2 could be some help - be of some help there. And I just I ran to (Brian Cue) a little while ago. And he emphasized that comments up until the middle of September would still be timely.

So I guess I would just encourage regardless of what we do about the GNSO review I would encourage us if we can input - I know we're all totally overburdened but if we can input to the ATRT2 in a timely fashion that can be helpful. Thank you.

Tony Holmes: But speaking as chair of the ISPs it was certainly my intent to raise that during our session. And following on from some of the input we gave to the ATRT2 team when I met with the GNSO because I think it's now incumbent upon us to engage with them and would love to put in some response on that.

Also feel that there is a serious question here that we definitely need to engage and give some response back on the suggestion that the GNSO review is just basically deferred. What was the timeframe Steve? Can you remind me to...

Steve Metalitz: The public comment - it's out for public comment.

Tony Holmes: Oh okay.

Steve Metalitz: And I don't know...

Tony Holmes: So it's in process.

Steve Metalitz: ...it's 21 days or 30 days...

Tony Holmes: Yes.

Steve Metalitz: ...or...

Elisa Cooper: Right. But I believe the comment calls for the deferral to review...

Steve Metalitz: No the schedule will be established in six months.

Elisa Cooper: Oh.

Steve Metalitz: So they didn't say when that would be.

Tony Holmes: Okay.

Steve Metalitz: This just came out about an hour ago so I don't know.

Tony Holmes: Right. So this is something we need to give some urgent attention to if we're going to get something in during that period. Sorry Wolf?

Okay all right yes, it's always the same. It's thrown out and time is tight.
(Stephan)?

(Stephan): Yes just echoing what you said earlier on (Tony) about the ISPs position which seems very clear. I was just wondering if there is interest in trying to get a - some kind of unified CSG position on - I doubt - I guess it's a no-brainer that we all think that the review should happen sooner rather than later.

And I think that would be a useful message to get across rather quickly if that's the case. I once again as many other speakers have mentioned I don't think there's a unified position from certainly from the BC at this point.

So perhaps a discussion that needs to happen but I think it would be useful if we can push for a unified CSG position at some point rather quickly if we feel

that a review especially in the light of what Steve's just told us, you know, things are moving along here.

And what's likely to happen now is that that review will be pushed back and it's going to be pushed back for more than a year and we'll be stuck with the same structure that's not working for us.

Man: Tony?

Tony Holmes: To build on what was just said let's keep in mind that when this does get underway that will probably take with public comments and everything involved maybe 18 months or two years to actually come to something. So I don't really see it's in our interest to let this drag out until it actually gets going.

Man: Well okay having heard what's been said as far as that ISPs are concerned we're in a position where we could even go and make that statement today.

I don't feel that the other constituencies are at that point though. (Elisa)?

Elisa Cooper: I have some hesitancy talking about all this work and not that I - obviously it's very important work but given where we're at now with the workload I just question whether or not this is the right time.

Tony Holmes: Okay. So clearly there is some more dialogue to be had. But certainly I think the feeling that's been expressed in your ISPs despite the workload this goes right to the top of the stack for us.

Okay so I assume they'll be some further dialogue about this and hopefully can be squeezed in the agenda of the constituency meetings to get some initial feel and we'll move from there.

So with that I'd like to welcome the members of the SSAC come and join us.
Hello (Martin). Please.

Woman: I'm - I was wondering whether I could ask some of the CSG members to maybe move back into the side seat so that we can have some more seats open for SSAC members.

I understand the entire SSAC is coming. Not all of you but if a few of you could, you know, that would be great. Thank you.

(Marty) are you going to drive? Okay thanks.

Man: As the SSAC folks are settling (Julie) can we just with our speakers can we just enforce the next slide discipline because that way (Benny) who is running the Adobe Room remotely can tell which slide we're on?

(Martin): Okay. That sounds good.

Man: Thirty minutes?

(Martin): We do. So let's get rolling on this. These are always really interesting sessions whenever we meet with the SSAC so I'd like to welcome the SSAC to this meeting with the CSG.

And we do have I think some questions heading your way as this goes through. But probably the starting point is to hand over to you (Patrick) and let's roll through the slides and put the questions on the end.

Patrick Falstrom: Thank you very much. Patrick's Falstrom, Chair of the Security and Stability Advisory Committee of ICANN. We have 30 minutes and as I understood you have questions for us.

So as you have got the material I have a question to you, should we go through any of this material or should we directly go into question and answers?

Tony Holmes: I think it would be helpful to have a quick run through these slides, just a quick tour...

Patrick Falstrom: Okay.

Tony Holmes: ...which may also bring some additional points as well.

Patrick Falstrom: Okay. So next slide please. So the Security and Stability Advisory Committee is one of the advisory committees of ICANN and began operation in 2002.

And our advice is to the ICANN community but (as the) advisory committees ICANN work primarily to the board. We have 39 members appointed by ICANN board for three year terms.

Next slide please. Here you see a list of the current activities of SSAC. We are looking at everything from the DNS (SAC) related issues to abuse of the DNS for (demo) service attacks and other things. Related what might be interesting at the moment has to do with namespace coalition issues and also the work that we're doing on the Expert Working Group on the gTLD directory services.

Next slide please. We have had a couple of publications lately. We have some related to security and abuse.

Next slide please. Reports related to internationalized domain names and Whois.

Next slide please. So the - so there are three different reports which you have which you have got in the materials that you have.

The first one is a response to the board because we have and a couple of times said that studies that are issued by ICANN must be interdisciplinary.

So we got a question from the board specifically what do you mean by interdisciplinary study and what kind of criteria should be used to - what kind of criteria do we have to fulfill?

And this report SAC 59 is laying out our view of that issue.

And then next slide, next slide, next slide.

(Here) one work reported that we currently have that I would like to give a brief update on has to do with variance and internationalized domain names.

This is not a report. This just sorry, it's not a document that we have finalized. This is a status of the work party of SSAC.

Next slide please. We got asked to comment the reports produced by the ICANN IDN variant TLD program.

And the report that we are working on that is not yet released or commenting on the label generation rules procedure for the root zone, the label generation reviews repertoire and variant generation rules, the change process of LDRs, and various other recommendations by the user experience report.

Next slide, so what we are looking at are sort of the normal criteria that we are interested in from SSAC perspective. We are looking as always or as often.

We refer to conservative principle. We're looking at the process to handle situations where the community disagrees with ICANN variant calculations.

We are looking at various backward compatibility issues, if you have to move from one sector of labor generation rules to another one.

We are looking at the applicability of the LGR for the root zone on other TLDs and higher layers levels. And we're also looking at the operational readiness of the ICANN TLD functions with respect to variance.

Next please. So we have produced a document that is currently under full SSAC review where our last call is 17th of July which as you who know what date it is today is pretty soon.

And after that we will finalize the document for publication. So if it is the case that we are really lucky and why would you be that if you are more than two people writing a document it might be that we actually can present the final document on our open session on Thursday. But that's if we are really lucky yes.

Next slide please. Then we have two other reports and I would like to ask (Ross Monday) to give an update on the root key rollover work party. Is (Ross) here?

Okay hello I'm (Russ Monday). Next slide please.

So what this work port is doing is to consider issue relating to the rollover of the keys used for DNS (SAC) for the root zone.

This work is not meant to result in a definite advisory but it provides an inventory and study of the issues related to a key rollover.

The work party is exploring possible root zone KSK rollover scenarios and points at some complications and complexities that are unique to the handling of root zone case compared to case at lower levels in the DNS CRK.

In parallel with this IANA has added a public consultation that is part of a contractual requirement to perform a scheduled root zone key rollover.

So the public comment period ends on 31st of May. So it's really important to understand here that IANA had the consultation and are working on how to really do the actual operation of work with the root key and the root zone as we have it today.

What SSAC is working on is to look at root key rollover in a more general sense what kind of issues might be there.

Next slide please. Oh sorry not enough coffee. So what the - you see here what kind of issues the work party is looking at, for example key management, various mechanisms with key rollover RSA5011 which is normally used, how is that actually working for the root zone et etcetera.?

Next slide please.

So this work party has not yet produced a document for the full of SSAC to review and then SSAC as normal will decide whether and/or this document is to be produced.

Next slide please.

Is (Marika) here? Good so let's move away from the microphone.

(Marika Keogh): Good morning. (Marika Keogh). And I'm leading a work party that deals with the abuse of the DNS. Next slide please.

So the primary objective of this work was that there's still ongoing issues with people not following best current practices that have quite frankly been known for over ten years.

So SSAC has had documents created specifically SSAC 004 and 008. And what we find is that overall the community doesn't necessarily implement these practices.

So we have undertaken a work party to look at well what is the problem today right? Is it growing? It is growing because there are DNS amplification attacks that keep happening.

And so what we wanted to do was see whether or not we could produce our current work that takes a look at what was previously done and then provides additional current information.

Next slide please.

So the issues specifically are, you know, that there is an increased scale and impact of the tax because there is more bandwidth available, there's many more hosts that can be exploited.

We want to list the factors that make these amplification attacks possible so that there's an overall awareness of why they occur.

We also want to point to the prior work on mitigation techniques because quite frankly most of them are things that have been known over the last decade. And we also will be providing recommended steps to address unresolved critical issues.

Next slide please. So the questions that are under discussion currently are in the work party are what steps should DNS operators take specifically to resolve issues that make such large-scale distributed (knowledge) service attacks possible?

You know, how can they prevent it? How can it be prevented specifically network address spoofing where people are foraging IP addresses and traffic from these forged IP addresses?

To be able to identified unmanaged (unintelligible) resolvers and also to detect networks that deploy - oh sorry, and also to be able to detect networks that deploy (unintelligible) networks and run unmanaged open (unintelligible) resolvers.

And just so everybody is aware I mean the issues of spoofable addresses is what was addressed in fact 004 which was created in I believe 2004 right?

And then also the issues of unmanaged open (unintelligible) resolvers was also addressed in fact 008 which was written about in 2006.

So these are not new problems but what we found is that, you know, these are still recurring problems that are causing instability in DNS so we wanted to raise the awareness.

Next slide please. So the next step are that once the finalize document is done we're sending it to the entire SSAC for review.

And then once approved and published we want to renew efforts to evangelize and socialize the importance of following and implementing a the security best current practice for the overall - health and stability. That is my presentation. Questions?

Christina Rosette: Christina Rosette, IPC. Thank you very much for this. With regard in particular to the report on the DNS abuse when do you anticipate under the current timeline that that would be finalized and released?

(Marika Keogh): I'm trying to think of what month it is.

Christina Rosette: Yes.

(Marika Keogh): Yes so it's really hard to say. But my hope is that by the end of this calendar year. But again that's a guesstimate and please don't hold me to that.

Tony Holmes: Okay Mikey?

Mikey O'Connor: This is Mikey O'Connor for the transcript. I've got a little list and I'll just rattle them off because I know we're pretty pushed for time.

On the abuse of the DNS one to the extent that ISPs can be, you know, this is just a - these are all comments to that question.

To the extent that we ISPs can be involved in that in a way and for sure be recipients of that and figure out ways to promote whatever the conclusions are I just want to extend that hand. Because clearly, you know, the ISP community is going to be a big part of the solution to this.

And any way that we can build a bridge on that we're all ears.

On the - there's a gaggle of reports coming out. Is there another report on the error string in the root issue, the SSAC 45 issue that's also coming out soon?

Man: About what about the error string?

Mikey O'Connor: You know, the delegation of .corp and thus the internal...

(Martin): Internal yes...

Mikey O'Connor: Not search not...

((Crosstalk))

(Martin): No, no, no but collisions.

Mikey O'Connor: Collisions yes.

(Martin): Yes. Yes we - what happen within name collisions is that just as you point out SSAC issued SAC 45 in 2010 and now SAC 57 in 2013 that are related to domain space collision issues.

But based on those ICANN has committed a study on namespace collision issues that as far as I understand is between the study team in ICANN at the moment.

But the future of that is that ICANN is to draw conclusions on that report and use the normal public comment period whatever ICANN is doing.

But we in SSAC are asked to do is to monitor that and if need if there is need comment on the correctness of the conclusions of that report. And yes, we are asked by the board to keep our eye on that and that is what we're doing yes.

Mikey O'Connor: So is any of that material in those reports going to get released to the community this week?

(Martin): I don't know. You'll have to ask ICANN. ICANN staff...

Mikey O'Connor: So this is an ICANN (unintelligible). Okay. Let me just finish my little list and then release the mic. Never mind, Steve go ahead.

(Martin): Wait a second Jim Galvin (unintelligible) I said did you want to add something there?

Man: Unintelligible.

Man: Yes.

(Martin): Mikey overrides the (queue). Go ahead and we'll come back to Zahid in a moment.

Man: Great, thank you. Patrick with respect to the name collision we want to be completely supportive of that. Speaking to the BC our members of the kind of companies who's systems will break, they just won't work if our external resolution of .corp. for instance or .mail .web breaks systems that have worked for a decade.

And we want to be supportive as we can but here in the CSG we found often that it's difficult to throw anything that would get in the way of the train for the new gTLD launch. And we have been very frustrated at getting frankly management and staff to pay attention to it.

I want to encourage you to take advantage of any offer that the GAC makes to provide advice supportive of your concerns.

I know that we will, but if the GAC were to give advice on that I believe it really gets to a level of attention it needs at this point because you probably don't have that much time to either delay the rollout of a few TLDs, just a few that are going to present the highest risk of name collision.

And the time may be now. And let us know how we can help and I'd encourage you to invite the GAC to support you.

(Martin): Zahid?

Zahid Jamil: Thank you. Two quick questions SAC 57 it's interesting that finding four says that basically this that problem with the search will create an issue which will make man in the middle attacks more effective. It's an interesting finding.

And then we've also mentioned that we recommend that, you know, in browsers and other forms this is addressed.

But you've mentioned very clearly that the vulnerability window to this is at least three years. So my question on that point would be in your recommendations which come further in the document would you suggest that those TLDs not be put into the root at this point in time? So that would be my first question.

And then on the SSAC 59 the conclusion where I think the language used is actually very - something we would support within the CSG is the assertion that further inquiry into lingering issues related to the expansion of the root zone as consequence of the new TLD program.

And also saying, you know, and at the end you say stubbornly unresolved concerns about the longer term management of the expanded root zone.

To what extent - that's - so my second question to what extent have you found management even discussing this and saying well what do we do about this? Have you had any (error) of them and have they decided to take this into consideration and do something about it? So two-part question thanks.

(Martin): If you take the first one which is the easy one let me clarify how that report was created. Yes in the report we found that the window of three years and that's why we have recommendation we had.

This report was handed over to ICANN in the beginning of January this year. And what ICANN did was to was actually to implement a couple of those recommendations immediately.

So if you read Appendix A that is where we describe the events between when the report was released to ICANN. At that time one of the recommendations if noted is a disclosure policy.

So ICANN decided to handle this just as you normally do in search as with any kind of secure vulnerability to not publish the report. So it was handled as any kind is sort of cert incident issue.

What ICANN did was first of all to implement this disclosure policy. It then communicated according to it was ICANN security team.

They worked with C browser forum and also various vendors that are - were impacted. And all of this is described in Appendix A.

In March after to say a browsers forum had changed the policy and recommendations for certificate authorities. As you see in Appendix A this window is shortened drastically to a couple of days.

At this point in time we in SSAC decided just like any type of disclosure policy in cooperation with ICANN security team -- and this was if I remember correctly around March 10 which is three months later -- we decided that this was the time when the report could be made public.

And that's why you had the report itself which is sort of done January 1 and then you have the appendix which is written and finalized on March 13.

And but also I think one thing that I think is something that you can look at as a business constituency by looking at the report and then reading Appendix A to also evaluate whether this was handled in the way by SSAC and the ICANN security team that you feel comfortable with.

Because this was the first time as I said a disclosure policy was in use, was implemented and we from SSAC perspective we are perfectly happy with how that worked.

And given my experience in the last 30 years on the Internet this is one of the best introductions of a disclosure policy I've ever experienced. So I congratulate the ICANN security team for doing a good job.

But that is also a (mirror) issue that you can have a look at and come back with feedback either to us or to the security team under (Jeff Moss) to say whether you have any input on that.

Regarding the second one of regarding root scaling issues yes that is something that is coming back all the time and we have been looking at it.

That said we have numerous reports that have to do with the scaling issues. In almost all of those reports we are saying that the short stories there are domain - there are zones in the world specifically TLDs and ccTLDs and also dot com which have millions and millions and millions of domain names.

So what is really the problem? The problem is the problems are two. One is to change the number of records drastically and fast and to monitor and react if it is the case that you detect something is happening.

So what we are saying and everyone else is that those two things are the most important things to monitor, to see what's happening and have what we in SSAC call has studies that involve interdisciplinary studies that involves all involved parties that try to predict what kind of risks are the next ones ahead.

(Martin): Thanks. So Marilyn, next (Jonathan).

Marilyn Cade: I'm going to make this very quick because it - because I know we want to go on to talk about .list of names which I think are a real priority to all of us.

The linkage between I don't quite fully understand yet the linkage between the security framework which has been an issue of interest to large parts of the BC and the SSAC reports.

And I do think maybe not at this meeting but at a future discussion it would be helpful for us to be able to go into more discussion.

Just referencing some points that have made and I think Mikey referenced this and Steve did as well but widely distributed throughout the business constituency are those enterprises both large and small and associations who can enrich those enterprises both large and small and particularly in Latin America and in the EMEA region and in Africa.

So maybe we could come back at some later point Patrick and think about how we can use reaching into our - the members - through our members into some of those communities more strongly?

(Martin): Yes absolutely. And this is also why for example you and myself and also (Tony) have been talking about first of all how should we meet which we now are, how much time should we have together which is always something that we tried to get more time.

We always try to get larger rooms. But this is also one of the reasons why I open the meeting just as a way for me to support you in this.

That's why I also opened the meeting by saying we have sent you material. You want us to go through the material or should we go directly into Q&A?

So one alternative was which I open up to you as well which it was to just skip this and go into discussion. And we just have to continue to make these sessions more effective.

(Martin): (Jonathan)?

(Jonathan): Yes I guess I don't want to be too redundant with some of the other people but on this issue of namespace collisions and general certificates there's been a lot of discussions in the CSG. And there's a real consensus that this is a serious issue.

And it feels like there is a disconnect with ICANN on this even though they took immediate action after 57, the slide you had up on the screen an hour ago said that there was still significant work that needed to be done.

And I agree with that. And I'm continue to be concerned that this is a kind of Y2K style problem that we have the ability to advert to do education around, et cetera.

But to just simply suggest as (Moss) has suggested that it's just up to the business community to worry about this and we can't control how all the networks around the world, you know, operate it feels a little bit to punting the ball down the court.

For some people it was such a significant impact on potential practice on enterprise network, small businesses, Microsoft Home Server. I mean it's all over the place right? And I think it's something that we need to get the board and the ICANN staff to take more seriously.

(Martin): No we in SSAC completely support that as well. So, you know, as you heard, as you can see in our reports I think our recommendations are pretty clear.

(Denise): (Denise) from (ISP TP). And I really wanted to thank SSAC for operation (unintelligible) the shared report. And we're planning to translate your report about the internal named certificate into Japanese so that our community know what the issue is.

And so I just want to understand, you know, the current situation correctly. So my understanding is that necessary steps have basically been taken and of course there are some continuing issues. But there - it's not to the point that we really have to start worrying about stopping the delegation of the new gTLD.

And I think that's what I'm planning to share with our community is that their description of the current state.

(Martin): Well I think it's real important that people read and draw their own conclusions. That may be a little more precise.

The historically - so originally the agreement in the (unintelligible) forum was three years as Zahid said.

That has changed to be 30 days until they stop using the certificates and 120 days for revoking.

So maybe when I said a few days must have - might be understood so let me be precise here.

What I meant by a few days was more like drastically smaller three years but for some parties maybe it's still too long okay?

But this is a (unintelligible) browser issue, a forum issue. And it's also the case of course that not all CAs are members of the CA browsers forum.

It's also the case that not all applications are checking (relocation disks). So there are many, many unknowns here okay?

But what we say in SSAC is that just having the habit of having list of certificate authorities that you trust has so many errors and problems anyways.

So if the problem is really to be resolved we have to - the only thing we have to look at the moment is to use (Dain) which means that we take a fingerprint of the certificate and put that in the DNS and we sign it with DNS SAC.

That is the path forward. That is the mechanism for resolving this issue. Because with CAs we also have various issues like the (unintelligible) and other CAs that got inclusion which means that certificates, false certificates are issued which is also an attack factor.

So and then comparing how much would it be better if it was the case that CA browser forums had three days instead of 30? Is that so much better than the other kind of issues? Like that is something that people need to think about themselves please.

Jay Scott Evans: I'm Jay Scott Evans from Yahoo. And I'm not a technical person so please forgive me if I missed it.

But have we discussed the .list domain issue? Because that is something that I am - have publicly written the ICANN board about on behalf of my company and I would really like to take advantage of having discussion about this, the former study and the new study.

I think there are many people in this room that are very interested in that. If we could move to that I would greatly appreciate it.

(Martin): Okay just...

Man: I think we have time to respond but then we have to leave actually.

(Martin): Okay Mikey.

Mikey O'Connor: This is Mikey. This will be real quick. And I agree with Scott I'd love to hear about .list domains too.

But, you know, I've got a process question for you (Patrick) which is it seems like you and the SSAC are very calmly very measured tones saying by the way your house appears to be on fire and all of your children appeared to be in it and there aren't any fire trucks in the neighborhood.

And so in this very calm and measured way you are stating catastrophic future events and there is no (unintelligible) between those conclusions and action.

And so as a result my impression is that we who are being informed that our house is burning down around our ear are not responding with the appropriate vigor.

More of an editorial comment but is there some way that we can get a better connection between SSAC reports and action in this organization?

Patrick Falstrom: Not where I work. We have this sign which says if in case of fire leave the building and Tweet later.

So but I got a question on yes of course all of us would like to have better action on our own views. Yes. Of course it's easy to agree with you.

But to answer the question about .list domains and then unfortunately we at SSAC need to leave.

Yes we issued a report on .list domains. What should be remembered is that the applicant guidebook already from the beginning say that you should not have any address record at this own apex.

We had a study where we said the same thing, don't do this. But ICANN board at the same time requested a study on the - on some other implications -- and I don't remember the wording of the of the board resolution.

That study was issued this spring. And if I understand correctly it is almost done. I haven't seen it myself. It's not public.

In parallel we have multiple portals including the Internet architecture board which also basically said the same thing.

So there seem to be - and the messages in all of those reports as far as I see are coherent.

(Martin): Okay. So we are going to have to wrap up. I'd like to thank Patrick and the rest of the team for joining us.

I'd like to make one final request though before we close. Patrick this session as you're aware it's raising quite a few issues that we could discuss in depth a lot more.

Would we have the ability to possibly have a session with you by Tele-link between meetings? Is that something you would consider?

Patrick Falstrom: Yes there are multiple things we can do. First of all I would like to have the SSAC people that are in the room to stand up please.

Okay. So no wait a second. It was not because I was getting an applause because we could do it the other way around as well and pat each other's backs like forever.

But I want you to see with - what people in the room are SSAC members. Because I think the first thing that is real important is that each one of you

don't chase me. Yes you can do that but sit down and talk with the other SSAC members.

All of them know this (shit) in detail. Talk with them okay. That's the first thing.

Secondly absolutely we can have some kind of unintelligible set up and we have (unintelligible) and we have the mechanism for doing that so let's do that.

(Martin): Okay. Thank you.

Tony Holmes: Check, check, check 1212. Okay so let's get moving because time is quite tight. We had a hard cut off with our - to move to our session with the board.

So I'd like to welcome group, the team from the EWG Working Group and hand over directly to you. Thank you.

(John Francois Beleviere): Thank you very much (Tony). And good morning everyone. My name is (John Francois Beleviere). I'm very pleased to be here today, very nice to be invited to this Commercial Group and to have kind of more intimate dialogue that we - we're able to have yesterday and very much specialize on the commercial side of the equation.

I'm coming today with many of our group members. So if (Michael) over there, (Michael) if you can raise your hand and (Andre), (Stephanie), (Rob), (Susan) that probably you know very well from this group.

Then in the back (Margie), (Lisa), (Dennis). I miss some probably, no. So as I said I think it will be very important after you have probably read some of our initial report at least the executive side of it posted on June 24.

Some of you were in the Webinar that we organized on July 8 when we had this public session yesterday. So I think it's probably not the best use of our time if we want to get - put to the slide.

I think much prefer to collect your insights, your view and how this is affecting one way or another positively or preferably your business. So that's what I think we are looking for.

Looking forward we have through the deadline of August 12 for collecting maximum input and elements from different groups.

And then by October preferably beginning of October but I'm not too sure because it is still a massive amount of work when we look the details now on what we are - embarked into our journey, but by October present the final report to the CEO of ICANN and the board.

And hopefully when we are in Rio for ICANN (48) than this is much more solid base such a way that people can we can help the people to go to the next the transition and PDP.

(Martin): Thank you. So let's open up for comments, questions. Mikey.

Mikey O'Connor: This is Mikey O'Connor. I'm just going to reprise what I said in the session yesterday with maybe a little bit narrower focus.

And that is what I was trying to say yesterday was that there are clearly some long-standing and well-developed issues that will lead to deadlock in any PDP unless some navigation beacons can be laid out in your report that say okay we know that's an issue. And we heard a lot of them yesterday in the commentary.

And what would really be helpful as a person who might be on that PDP would be here are some of the tips of the icebergs and here is a possible course that would drive through that minefield or iceberg field.

Because what I was trying to say yesterday is that my concern is at the level that your report is right now it all makes perfect sense. But the devil's in the details on this.

Chris Despain is all wonderful guy but he's kind of a blockade at times. And he was saying well yes, yes, yes we're going to get more detail.

I'm not really asking for more detail. I'm asking for a navigational chart that helps us avoid just walking right into deadlock and then spending another decade deadlocked. So I just wanted to refine that a little bit.

(John Francois Beleviere): And your point is extremely well taken and I think this is in the mind of every one of us in the (BOG) we are very conscious that if we leave that at a very high level as it is today it is not going to be easy for the next step to implement in the right spirit that we have predefined or pre-anticipated.

So we are committed to work very diligently on this aspect not only to bring more detail but also to imagine different scenarios on how to navigate through all the pitfalls on what it is.

This is well understood. This is not so easy by the way. And this is what I thought it will be easy when you get the principal at the high level.

But as yesterday when we, after the public session when we get together and then try to understand what is going to happen I say well much more work needs to happen.

(Martin): Okay, thanks Steve?

Steve Metalitz: Thank you. Steve Metalitz. Thanks again to all of the Working Group members. I think you've really moved things forward very significantly here.

My question is actually somewhat builds on Mikey's and it really goes to what level of detail you were looking for in the comments. I'll give you an example.

You have this approach of looking at the use cases and trying to identify which data elements are needed for which types of uses of this data.

And as this is been reviewed by our team people have said no we actually need this - they left out this data element. I mean for example you have IP address down there for only very limited categories of uses and actually it is extremely useful in a lot of other areas as well.

So we - and we can provide you with, you know, kind of edits or is that the level of detail that you were looking for? And obviously on a short timeframe like this -- you know, August 12 is not long off -- it's hard to both grapple with the overall questions and add these detailed comments but they interface with each other.

You know, I think we - even if we say we approve the overall project you taking that approval might the level of approval might change dramatically if there weren't changes to the particular, you know, allocation of the data element.

So I'm just seeking your guidance as to what type of commentary or reaction would be most useful to the groups.

(John Francois Beleviere): I think Steve that's a very good comment and will take care of this one. We think we have reviewed a lot of use cases. And I think it was the basis in the foundation of how we get started to make sure that from these

two things we understand who is doing what and for which purposes and which context.

If in the case we would have missed some important use case I'm sure we can dig into this one. Of course timing is very important but is a fundamental things which is opening up a different set of elements that we have not captured in our analogies. Of course we (knew) that.

Maybe (Rod) if you've been...

Susan Kawaguchi: So Steve we did know the fab on the - myself on the (unintelligible). I'm sorry Susan Kawaguchi. We did - we presented specific use cases and by no means is that all IP uses.

But there is - was sort of a limited amount of time. I mean we spent weeks and weeks and weeks looking at use cases and really diving in.

So I'd be happy, more than happy to work with representatives of the CSG on additional use cases that we could use to guide us. So maybe we can do that sometime here, just get a list going.

But on the other hand, you know, once we sort of looked at - we did look at other things that we may not have written up and sort of came out with the same data element. So we felt it may have been covered. But if we've missed anything be more than happy to work on that.

Steve Metalitz: Let me just clarify. I'm not saying you missed use cases. I'm saying that in that use cases you have people have pointed out to me there are the data elements that are needed.

Susan Kawaguchi: Than that's really important.

Steve Metalitz: Okay. Thank you.

Susan Kawaguchi: Yes let's talk.

(John Francois Beleviere): If I knew what she wanted.

Stephanie Perrin: Perhaps it's a good thing Chris isn't here to silence my mic. It's Stephanie Perrin responding to that.

I'm following-up actually on something that Mikey had said earlier.

One is a really complex thing. I mean obviously we're not supposed to go down into the complete weeds and tell people how to do it.

But if you don't get down into the weeds you don't put - you don't apply scope to these generally permissible uses.

And I think on the data protection side and the privacy and civil liberties side there's going to be great consternation if it is sort of generally accepted that this permissible use means everything's okay in that ballpark because it's not okay.

And the more we get down to exactly which data elements you want for what purpose again you don't sort of get it tank and then that goes through some sluice engine that (Rod) knows how to build and I don't. And everything and that general scope goes out.

It's not going to be that easy. I don't think it ever is if you actually apply data protection law and various other laws by the way to the use of data.

So in response to your question we have to sort of produce a report that ties the butts, but if you accept this, if you get greater accuracy which you also need for data protection as I think you pointed out or someone pointed out

yesterday you have to accept now all scope and not the sort of country club past type of approach to the central database.

From a data protection perspective a central repository makes it easier to have a center of expertise, to apply data protection law without having to -- sorry for the lawyers in the room -- hire a lawyer every time you get a request.

So it should bring reduced cost but it comes with increased responsibility and more work load frankly to evaluate the request.

So from my perspective we need that nuance in the report. How that's going to help the policy process because there's still an awful lot of very hard work.

And with respect to data protection I would gently submit work that hasn't been particularly done in the past. And there's a lot of stuff that may be happening now that isn't legal, just saying.

(Martin): Christina?

Christina Rosette: Christina Rosette, ICC. Thank you all very much for this report which is extraordinarily helpful. And as someone who fought in the trenches with many of the folks in this room in the last Whois PDP Working Group I can only whole-heartedly endorse what Mikey said.

Those - the most recent battles kind of raised in my mind a question, a topic that was very contentious in previous discussions but is not really addressed in the report.

And what I would just like to not is - and that is a topic of whether the registrant would receive any notice of the fact that its registration data had been reviewed or requested for review.

You know, that obviously from the IPCs perspective raises significant issues and, you know, quite candidly will basically render moot many enforcement efforts.

However I guess what I'm asking is does the EWG have a view on this? And if there is a view I think it - or if there is view is that no there should not be a provision for the registrant to be notified I think it would be very useful to make that very clear in the final report and close that off.

(Martin): Anyone wants to comment? Stephanie?

Stephanie Perrin: I can speak best from the perspective -- Stephanie Perrin -- of the Canadian data protection law. And I can assure you that that is a right under the notification. It's a right under the Canadian data protection law. Possibly not one that's being exercised by applicant or by registrar but it is a right. So I don't think that the report could recommend just casting that aside.

Stephanie Perrin: Certainly in that case I think it would be helpful for there to be a very clear articulation in the final report of is there a recommendation, if so what is it and if there isn't why not?

Woman: So we haven't discussed that thoroughly and (Stephanie) and I are definitely on different sides of that issue. Personally I would say absolutely not and for those reasons I'm sure you understand.

But I think we also need to look at this data as commercial data and individual data. So if you are commercial and we have not come to a decision on this and really have that discussion we need to yet, but it's on the agenda.

We may decide differently for individual non-monetized sites. There may be a distinction there.

Stephanie Perrin: Understood. And I think ultimately my request is just that there be some indication in the final report of what the disposition of that issue is even if it is we discussed this, we were unable to reach consensus.

Man: So and speaking from kind of the investigatory law enforcement prospective obviously there's in a desire to be able to do investigations without notifying the particular person or group that you're looking at things.

So this all gets back to use cases right? And (permissible) purposes and this. And we have not fleshed this out. I supposed on (notification) things it's come up a little bit but that's one of the areas we're going to dig into.

But yes there's conflicting law interest, et cetera, here and we've got to try and best we can de-conflict this. And we will make a statement around that I think as part of what we're doing.

Man: I think (Rod) we got that. And I think (unintelligible) area would not as significant discussion on.

And I guess this is a good opportunity to have input so percent of (unintelligible) that that would be very helpful.

(John Francois Beleviere): So this is to reflect the how which is the limit of our investigation and where we are at the moment -- very difficult topic.

We will not have a statute (unintelligible) in the way that we will have a position but at least we will thrust it into our report what is the - we want to have a solution or we cannot have a solution for this reason.

(Martin): You're certainly not in the right place to get some input I think on that. Mikey?

Mikey O'Connor: This is very helpful discussion and I think you start to understand why as a person who's likely to be in a PDP I don't want to leave all of that for us because these are complicated.

And let me offer maybe an intermediate process suggestion which is at least in terms of these topics we've got an awful lot of expertise available in these constituencies.

And I know that you are the exalted expert Working Group placed on the mountaintop and we are waving the tablets with glee.

But if you wanted to take a little detour down here into the lower reaches I'm sure that a lot of us would be more than happy to help you.

(John Francois Beleviere): And many times the issue is not all about the deep expertise even if the deep expertise is needed at some point.

I think it's much between the deep expertise and the soft skills to find a solution and to converge to a point where we understand that we have to make one step in the middle of the table.

That's probably even more difficult. And if we stay only at the top, top expertise they always conflict because there's no way there's two sides or three sides to the point.

So that's why we tried to put in motion within EWG is yes we get access to all expertise we want to have and we already have a lot of expertise in the team.

That this is not enough to find a proposal, to make a proposal for impossible question to solve. This is to put a circle into a square which is by the definition not possible.

Woman: And Mikey we can't do it without you so you've got to be there.

Mikey O'Connor: I'll tell you the truth. This is Mikey again. If PDP charter is based on this report I'm running - I'm not going even close to that PDP because it's guaranteed to break everybody's heart.

Woman: And that definitely sparked some discussion in our session yesterday just with the group so we're looking at that but there's a lot of things to look at.

(Martin): Okay so we have an opportunity for a couple of final questions or one final question probably. Anybody want to raise any other issues? Steve?

Steve Metalitz: Given that opportunity I - well somebody who hasn't spoken yet that wanted to speak?

(Martin): Okay (Malcolm)?

(Malcolm): Thank you. I asked a question in the main session yesterday related to jurisdiction and whether there was an intent to make it easier for those outside the jurisdiction in which the registrant is to gain access mandatorily to the registrant's information.

And I if - I understood the answer correctly it was essentially yes to achieve a degree of harmonization to make that easier.

So I would have the specific feedback to the fact that this is the direction that this is going. But the report should make it very clear as to on what basis the committee the Working Group thinks that it is appropriate and legitimate for ICANN to establish mechanisms that prefer the interests of a foreign governments law enforcement agencies in accessing my data over my interests and not being subject to the laws of the foreign government or investigated by them.

(Martin): (Michael)?

(Michael): Well a couple of things. ICANN is not a body that has legislative powers. I think we all agree on that. That means it cannot legislate through the back door and have a harmonization of whichever level of data protection laws.

So any mechanism that is proposed has to respect the applicable law of the - whichever law is applicable according to its standards.

So I don't think that this is - should be interpreted as a mechanism to facilitate things that otherwise are not possible because the citizen is protected by the law of his country.

And I think so that must probably - and the message was not quite clear that this is not going to change that fundamental principle.

(John Francois Beleviere): In addition to that the system will be (unintelligible) that - okay core focus of this system is built on (unintelligible). The request of are going to be given (unintelligible) based upon the purpose of their request.

So the core principle is that purpose is very critical in what we are designing. So if the law enforcement fits the purpose while requesting particular registration (unintelligible) available to him will be built on that purpose. And I believe that will factor in (unintelligible).

Man: Maybe you'll sleep tonight now (Malcolm).

(Malcolm): Okay. I was just considering for clarity the circumstances in which the investigation was by an entirely proper duly accredited law enforcement agency in one country, that the purpose was investigating the breach of a law which might well be clearly a law and may well to be investigated.

And it might even be the case that what the registrants have done would have constituted an offense under the laws of that other country.

But and - but and where he did it that was lawful to do. And but nonetheless the investigating agency thinks well by putting this thing on the Internet you made it available to our citizens and that is an offense in our country.

Meanwhile where the person did it they published that material that was perfectly lawful to publish in that country. That's the scenario I'm talking about.

So the purpose I understand but it doesn't necessarily answer the question unless the jurisdictional question is clearly articulated as to how that is intended to be resolved.

And if there is - where an intent to make it easier for those proper authorities to properly investigate what are our prima facie offenses under their law nonetheless there was a conflict of interest there.

(Martin): Malcolm?

(Malcolm): There are two things, the question of applicable law and jurisdiction. And there are also this - the issue of data protection for noncriminal issues.

And wherever there is a law enforcement investigation nothing is going to change in the testing for due process. In some area - in some countries in other mechanisms to (flood) protect people that are investigated according to the legal procedures of that country.

Now the issue you're talking about is an issue which is much beyond our issue here because we have - and here I talk about jurisdiction.

We have a number worldwide, a number of court decisions that are contradictory on this issue. And this what we're doing here cannot solve that issue.

(Martin): Okay thank you. Zahid just to...

Zahid Jamil: Just also to follow-up on that point, sorry.

Woman: Just not too continue on the Mikey this is going to be really hard theme, but we're just in the registrar's group then they asked us to consider the fact that there is a proliferation of central databases including the escrow one.

And that adds a layer of complexity to this problem but it doesn't alter the fundamental point which (Michael) just made.

I mean this issue of what you release to law enforcement is well known to data protection commissioners. It's a question of forcing it. And that might make matters much simpler in this regard.

The fact is that with current shall we say broken system where a lot of this stuff is out there anyway so the enforcement has been lacking.

We are now putting it behind the fence and then there is a very strong duty to enforce the applicable law.

(Martin): Okay Zahid have to cut this...

Zahid Jamil: Just very quickly. You know there is a question on the trump card when it comes to law enforcement or criminal investigation.

It does not sort of come in the way and say well I have data protection right, so even if there is a crime has been committed you cannot get access to the data, in fact quite the opposite.

When it comes to a criminal investigation data protection rights are actually excluded.

The question then arises to what extent is the investigation, the due process there appropriate? And that's the only question. So you've got to keep that in balance. It's not a binary. Thank you.

(Martin): Okay. So with that we are going to be out of time because we have this hard stop to meet with the board. So I'd like to thank you very much for joining us and this has been a very interesting session.

I'm sure we could have gone on a lot longer but thank you very much for joining us and I'm sure we'll have some follow-up dialogue.

Thank you Tony and looking forward for the input on the 12th.

END