

## **Transcription ICANN Durban Meeting**

### **THICK WHOIS Meeting**

**Sunday 14 July 2013 at 11:00 local time**

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Wolf Ulrich-Knoben: We have now just looking at the agenda now (unintelligible). Is it okay?

Man: This session would be the Thick Whois scheduled originally from 11:00 to 11:15 local time.

Wolf Ulrich-Knoben: Yes, just a few words on the - to the agenda. So we have before lunch originally three other parts. There is Thick Whois, a GNSO review and preparation of the ATRT questions.

So I would like really to stay with the half an hour for preparation of the ATRT questions and the Thick Whois.

So I wonder that we could - we were thinking about well to move the update on the GNSO review to the Thursday's session on the wrap up session of the GNSO in order to save time here.

I don't think that we lose anything with doing that. And I'm looking to Rob Hoggarth, Mr. Hoggarth please. Hey do you hear me? Rob?

Now I would like to just as well move the GNSO to (towards) Thursday wrap-up session yes?

Jeff Neumann: Could I - I have a comment.

This is (Jeff) sorry.

Wolf Ulrich-Knoben: Oh I'm sorry.

Jeff Neumann: Can we move it to something that the public is actually interested in? Can we actually move it to Wednesday to our formal council meeting to get an update?

This way people in the community can provide feedback as opposed to in our closed wrap-up session?

Wolf Ulrich-Knoben: Yes. We consider that and take it. We take it yes.

Okay thank you.

Jeff Neumann: Sorry Rob are you available?

Rob Hoggarth: Yes.

((Crosstalk))

Wolf Ulrich-Knoben: (Unintelligible).

Rob anyway you must be available.

So now let's start with the Thick Whois where you will get short a overview.  
And there was an initial report on that. And Mikey O'Connor is the one who is  
going to present that. Thanks. Mike please (unintelligible).

Mikey O'Connor: All right. Are we good on the recording? Cool.

My name's Mikey O'Connor. I'm the chair of this Working Group. There is a  
number of Working Group members in the room. And if anybody asks any  
really hard questions I'm going to defer them to those folks because in many  
cases they're closer to the information than me.

My goal today is to sort of let you know what's happened and where we're at  
and leave you with a very pointed request.

So with that here's the sort of mechanical stuff. We're at the end of the initial  
report. And we're going into the public comment. I think we are in the public  
comment period and we'll wrap that up in three or four weeks.

Cutting to the chase the basic question that this Working Group was trying to  
answer was whether or not Thick Whois registries should be the model that's  
used across all of the GTLD the registries. And the answer of the Working  
Group in the initial report is yes. That's kind of the end of the report.

The components of that path that we used to arrive at that answer are listed  
on the screen. And that's where if you want to drill into a great deal of detail I  
would prefer to do that in another form and another day.

I want to really strongly encourage members of the council to read this report  
because this report was very carefully drafted. And there are number of very  
interesting discussions that we had to get to the answer that's quite simple.  
And so we can talk a little bit about that.

There's the longer version of yes. I'll just let you read it for minute and note that while we're saying yes to this we're also acknowledging that it's complicated and that we're, we the community and the various folks that are going to have to actually carry this out have a big job in front of them and that needs to be well planned. And we talk a bit about it on that in the report as well.

And then finally just the timeline that's in front of us our goal is to be through this fairly quickly after the public comments come back on this initial report.

I think certainly we're striving for having this wrapped up by Argentina.

And with that I think I'll stop and see if there are questions from you all sort of in the interest of moving us ahead in time.

But it - I guess I'll point out that we have a public session on this that's quite a bit longer during the meeting and rollback to give you the - the workshop is on Wednesday from 12:30 to 2:00 in the afternoon so we'll have a lot more time to talk about this. We'll have a lot more ability to take a deep dive.

But let me get to the point of request which is that we don't want to say yes we're done. We want to say our conclusion right now is yes. But we are very interested in substantive comments that pertain to this. And we will take those on board and work really hard to figure this out.

I think one of the most interesting conversations that this Working Group had to deal with is the whole privacy topic. And to summarize and again a very rich and very complex discussion where the group is right now is we could not find a scenario that's related to the transition from Thin to Thick Whois but we're looking for that. And we want that to come in through the public comment cycle.

So if there are comments on that topic or any other we're very interested in it and we will take those on board.

Jeff Neumann: Mikey can you please repeat that? You were unable to...

Mikey O'Connor: I'm sorry (Jeff).

Jeff Neumann: Yes. You were unable to find a scenario where there was Thin to Thick?

Mikey O'Connor: No. We were unable to find - so there are clearly a lot of privacy issues going right now. We were unable to find a privacy issue that was unique to the transition from Thin to Thick.

However we're looking for that. And if those come in during the public comments we'll work just as hard as we've been working to figure that out.

And I'm looking for questions.

Wolf Ulrich-Knoben: Yes.

((Crosstalk))

Mikey O'Connor: But I...

Wolf Ulrich-Knoben: Yes Mikey people seem to be so much satisfied that you came to that...

Mikey O'Connor: Yes well...

Wolf Ulrich-Knoben: ...kind of conclusion - to that conclusion yes. So I'm wondering what that's - what should be expected from a council level point of view after you have finished?

So you - now I understand you've really come to the conclusion to the (transition) relative to that. So...

Mikey O'Connor: We've got one question.

Wolf Ulrich-Knoben: Oh yes Avri please?

Avri Doria: Yes, thank you. I do want to sort of very much emphasize the need for that.

I would contend that the statements -oh this is Avri Doria sorry. I do contend that the statement that we couldn't find an issue with that was specific to the migration, the privacy issue that was specific from the migration from Thin to Thick is - I would argue that that's not quite accurate.

What we were unable to find was a situation where there was legal courtroom proof that this been an issue.

For example, we unfortunately have not found any instance where someone in Europe actually sued their registrar because of the privacy issues that were forced upon them by Whois.

So I think that in the discussion groups there was certainly enough evidence of a problem. And in fact recent Article 19 issues have shown that there is a huge problem in the jurisdictional motions and the change of jurisdiction from your local registrar to your nonlocal registry. So I think that that was clearly shown in the discussions.

What we weren't able to show was a court case where this had actually been played out. So the fact that it was all theoretical to most of the people in the group meant no real problem. Thank you.

Mikey O'Connor: Oh Don, Don Blumenthal?

Don Blumenthal: Yes. Appreciate it. I was on this group and chaired the privacy sub team. I want to make an important distinction and maybe fall in the middle of Mikey and Avri.

We were looking at two things. Right through we struggled with scope and what is within the purview of this Thick, Thin with regards to issues that fallen elsewhere.

What we struggled with was court case yes. And there aren't any. And we struggled with the issue that there really was no history, the one registry which happens to be the one that what I worked for years ago that transferred from a Thick - Thin to Thick.

But when it comes down to it I don't think your - you've - anything in any transition from Thin to Thick that we've not seen before.

Data moves from registries to registrars, registrars registries across the international lines. That's ongoing. It has been ongoing. It will continue to be ongoing.

The unique issue when it comes to the transition - - and I've realize we have just two - a limited number is volume.

And that's more logistical, a secure and operation security issue than it is a legal or a policy one.

You know, can the system be designed to protect privacy when we have this level of data transfer?

Mikey O'Connor: So my original comment stands, several of them stand. One is on clueless and rely on much smarter people than me on both sides of this issue.

And so I greatly appreciate Avri and Don stepping in and sort of helping me across this because this is what the GNSO does really well. We take really complicated problems. We apply a lot of rigor to that discussion that often leave your slightly brain-dead chair behind.

But the beauty of this is that it doesn't matter because the group is so good. This is an amazing group of people and it's done a great piece of work.

And my main point is that that work, that the door is not closed to continue that work and continue the conversation.

And the other point I guess is we do have a longer session later on this week where we'll take considerably more time on this and have more time to explore it. So by all means join us.

Any other questions for this? Oh Wolf go ahead.

Wolf Ulrich-Knoben: Yes I do have a question maybe. It's (unintelligible). So I understand it's focus - focusing on the question whether to do some traditional or not. So the answer is yes.

So did you also look at the - a potential schedule at what time, what does it mean with regard to the limitation of these things?

Mikey O'Connor: No. That's the short version. The slightly longer version is that there are an awful lot of moving parts in the WHOIS discussion. There's the Expert Working Group stuff.

There's new gTLDs, et cetera, et cetera. And at least at this stage, you know, we - I would be very reluctant to project a schedule. Oh Marika go ahead.

Marika Konings: Yes this is Marika. And I think that's probably one of the items where you're talking about a real implementation issue.

I think that what we're looking here for is need a policy recommendation. And of course there's, you know, some guidance that may be given saying, you know, it should it happen quickly, slowly, you take your time.

But I think it's part of an implementation rate of discussion where you're looking at some of the factors I think that (John) was pointing out as well and then some of the things that are pointed out in the report that you on that basis put together, you know, staff should be in consultation with an implementation review team should the council decided to create one to agree on, you know, what is an appropriate plan and as well with, you know, affected parties to really make sure that it's something that can be done in a measured way.

Wolf Ulrich-Knoben: Understood. Thank you. Are there any further questions to this call or to Mikey?

No I don't (see). I would like to encourage you as Mikey mentioned as well to join the meeting on Wednesday. Yes it is Wednesday. And then thank you very much and we come to the close of this session.

END