

Transcription ICANN Toronto Meeting

WHOIS Meeting

Saturday 13 October 2012 at 15:30 local time

Coordinator: Welcome and thank you for standing by. Just want to let parties know today's conference call is being recorded and if you have any objections you may disconnect. Thank you.

((Crosstalk))

Stéphane van Gelder: Operator, can I ask you to please begin the recording. GNSO councilors please take your seats. Operator, please confirm. Yes? It's ready, okay. Great, thank you very much.

Welcome back everyone. This session is going to be on Whois. And as I'm sure you all know the GNSO Council has several Whois activities going on. We are first of all going to talk about the thick Whois PDP. And to do that we have - is it Margie, Marika, I never know, staff is going to help us out.

Marika Konings: Thanks, Adrian. So my update is going to be relatively quick because I think we have another couple of topics that you might want to spend a bit more time on as this one is also going to come back during your discussion on the Council motion. And then again it's on the agenda as well for the Wednesday meeting so this is just a very brief update as part of the overall discussion on what activities are going on on Whois just to mention this one.

So it's the PDP on thick Whois that you initiated a while ago. I don't know if we need to cover this in great detail but, you know, basically as most of you know there are, you know, two models that are currently being used, the thin Whois where a Registry only stores certain information related to the domain

name and a thick Whois where you have both sets of data that covers domain name and registrant information in Whois.

We currently have in the thin model I think it's DotCom, DotName and DotJobs and all the other gTLD registries operate under a thick Whois model as well as this being a requirement for the new gTLDs.

From previous discussions in different working groups, especially the IRTP it has become obvious that it would really have some advantages in having thick Whois for all TLDs but there are also some other considerations that might need to be made in this context so hence the PDP that was initiated on this topic.

So that happened in May of this year. And you formed a drafting team following that and they've been working really hard on developing the charter, which they actually delivered in time for consideration at this meeting.

So basically as the charter - the proposed charter reads, it has a lot of, you know, standard elements in there that are taken from the working group guidelines but the, you know, the meat is really in the first two sections of that charter. And it talks about the mission and objectives of the working group.

So the working group itself is tasked to provide the GNSO Council with a policy recommendation regarding the use of thick Whois by all gTLD registries both existing and future.

And as part of that the working group is expected to consider, at a minimum, the following elements in its evaluation on whether or not to recommend thick Whois. And we need to look at response consistency, stability, accessibility, impact on data and privacy protection, cost implications, synchronization migration issues, authoritativeness, competition and registry services, existing Whois applications, data escrow and registrar Port 43 Whois requirements.

And in addition to that the charter prescribes a number of other elements that the working group would need to look at to indicate it would reach consensus on a recommendation for thick Whois. Should that happen they should also look at, you know, the cost implications of that, provide guidelines as to how to conduct such a transition and consider whether there needs to be any special provisions or exemptions foreseen.

And the charter also specified that as part of its work the working group should look into other activities in this area that may affect its discussion such as the discussions on registry/registrar separation, the output from the Whois studies that Barbara will be talking to you about in a bit, look at the 2004 transition of the (work) from - that went from thin to thick, consider the work that's ongoing on the internationalization of Whois and the success of the Whois protocol.

Look at what might come out of the RAA negotiations and also look at the Whois Review Team as all of these elements relate to the specific question that this working group will be looking at.

So basically it's on your agenda for Wednesday for adoption. If, when adopted, a call for volunteers will go out to form the PDP working group and basically then we'll go into the different steps that are required then, you know, starting with reaching out to the different members in the community for input to, you know, for developing an issue report and eventually a final report. And I think that's all I had on this specific topic.

Stéphane van Gelder: Thanks very much, Marika. So Brian.

Brian Winterfeldt: Sure. First of all wanted to give everyone a quick update on the GNSO Council dinner tonight at the request of Glen. She wanted me to remind everyone it's going to be at Crush Restaurant tonight which is at 455 King

Street. And it is not walking distance actually, as we previous had suspected but it is a short cab right, about five minutes.

Stéphane van Gelder: So we normally don't actually talk about that publicly because not everyone's invited but - so there's actually no dinner tonight. And what you just heard was wrong.

Brian Winterfeldt: I apologize. Doing as I was told. When Glen tells me to do something I listen.

Man: (Unintelligible).

Brian Winterfeldt: All right now onto actual business. We did speak a little bit earlier about this already but I just wanted to give a brief update on the Whois report. The group was formed in October of 2010. I think everyone knows the purpose was to review the extent to which ICANN, through its policy and implementation, are effective; to determine whether the legitimate needs of law enforcement have been met and to promote consumer trust.

The ICANN Board asked us to look at the report. And the final report was delivered on May 11 of this year. The ICANN Board asked us for our feedback. We put together a small group to take a look at the issue which included myself, Wendy Seltzer, Thomas Rickert, Wolf-Ulrich Knoben and Jeff Neuman.

We were unable to reach consensus, as we discussed earlier today, regarding a response to the ICANN Board. As we discussed earlier there was a very divergent views put forward by the different representatives in the group.

So we sort of moved on with trying to at least summarize the feedback from the different constituencies potentially for further debate with the Council or to present to the Board. I think everyone received, we discussed earlier, the

updated chart that was put together by Margie that included all the feedback that we've received so far.

And so basically we're at a point where we need to sort of decide what our next steps are going to be and what we'd like to do; do we want to take the chart that Margie put together and send that one with a cover letter to the Board sort of updating them on the activity that the Council list had so far with regard to their request and providing them with at least some kind of feedback so they had some sort of guidance before the vote on Thursday. I believe Margie confirmed they're going to be voting on this particular issue.

Do we want to try and look at the points then try and come to greater consensus prior to communicating to the Board? Do we want to just communicate to the Board that we're unable to give them uniform feedback and leave it to the various stakeholders to provide the feedback through their constituencies?

That's sort of really I think what we need to chat about right now and decide what's sort of best. And I know we are going to have the opportunity to dialogue with the Board and hopefully get some more insight from them on what they're looking for potentially.

But I would love to hear what folks on the Council feel about sort of where we're at, what they think about sharing the chart that we have together. If people feel like they have additional feedback they'd like to see incorporated in the chart or if they have any issues with sharing it with the Board and think that we would be better to not provide that in sort of the format that it's in right now but rather have individuals bring it forward.

Stéphane van Gelder: Thanks, Brian. So can I open that up for discussion? And then we do have some more staff updates on Whois-related subjects so we'll go through them after this discussion. Thomas.

Thomas Rickert: Yes, I was just wondering whether all the councilors have adequately discussed the chart that was circulated with their respective groups? There's a couple of question marks in there. And also I think, if I'm not mistaken that, Wendy, when you responded to an email thread you said we might as well say the opposite to all the individual points.

So I'm just trying to ensure that all the yeses and nos do not originate from the email thread and went into the document were actually you would like to have a divergent view on that individual subject in the list.

Stéphane van Gelder: Thanks, Thomas. I have Jeff, Brian, Jonathan, Wendy.

Jeff Neuman: Thanks. I don't know if Jonathan was going to say what I'm going to say but with respect to the Registries we discussed all of them. The question marks are not question marks as we don't know where we stand; the question marks are we're not sure what's meant by - we're not sure how it's going to be interpreted, the recommendation.

So for example if you look at Recommendation Number 2 it talks about coming up with the creation of a single Whois policy document. And then our Registry response is, you know, it's not clear what you mean by that. If you're just talking about combining everything into one that already exists and that's fine; that would not require a policy development process.

But if you're talking about creating a new document that summarizes some policies - wait, if it's - I'm trying to read - anyway I'm not doing a good job reading it. But essentially it's not a question mark because we don't know where we stand; it's a question mark because depending on how it's interpreted.

No, no there was feedback. This chart actually came from - at least with the Registries - this came from the Registries. The Registries were the first ones

to do this chart. And I think they - we decided that that was a pretty good format and so then all the other constituencies and stakeholders weighed in.

So at least from the Registries' standpoint the question marks are not that we don't know how our members feel; it's questions about the recommendation.

Stéphane van Gelder: Thank you. Brian.

Brian Winterfeldt: I just wanted to state that, I mean, I think we could definitely vet the chart and if we are going to obviously share with the Board give everyone an opportunity to go through it again and provide additional feedback. But I guess if we could talk about whether we think, assuming the chart is updated and does incorporate everyone's feedback and is accurate, is that something that we feel comfortable sharing. And if we think that's an appropriate way to move forward.

Also if you look at the document that's on the screen right now at the bottom we did sort of summarize it in a different way where we just sort of went point by point and did a quick summary kind of where everyone turned out, which might be, again, an alternate format depending on what people like that we could share.

Stéphane van Gelder: Thanks. Jonathan, you were next.

Jonathan Robinson: Yes, I mean, Jeff was right. I responded to the same points but there was one other point to respond directly to Thomas's question I think is that Margie put out a draft, we saw the draft, we took the draft even back to our stakeholder group and in fact I think Keith went through it again, who was our nominated person who dealt with this and went in front of the stakeholder group and we resubmitted it having verified that it was, indeed.

So we've really done a thorough process on saying this represents our stakeholder group view. And the question marks don't represent, as Jeff said, an uncertainty; they represent a question over what's intended.

Stéphane van Gelder: Thanks. Wendy.

Wendy Seltzer: Yes, the same for the Non Commercial Stakeholder Group. The position reflect our review to the degree of granularity we thought it was useful to provide that input.

Stéphane van Gelder: Wolf.

Wolf-Ulrich Knoben: Thanks, Stéphane. Well I (unintelligible) we also discussed it. We discussed it internally between the ISPCP and we came up with that - with our answers here. So - and so we clarified that and that's (unintelligible). Thanks.

Stéphane van Gelder: Brian.

Brian Winterfeldt: Just wanted to confirm also the IPC has vetted it with the entire constituency and that summarizes our feedback as well.

Stéphane van Gelder: So, John.

John Berard: So based upon our earlier conversation when we talked about items to discuss with the Board and the question of at what point does bottom-up discussion become top-down direction. Is it your view or the view of any of the folks who have been involved in this deeply that the appearance of our inability to achieve consensus will be reflected in the Board just making decisions as it sees fit?

Jeff Neuman: I think that's a question of - or I think I would answer that as in this instance I think that has to be the case. Although there's other things at play, as I said,

in the last time - the last session on Whois. I believe there are items that ICANN Board will not be able to act unilaterally on because of the contracts it has in place with the Registries and Registrars.

But absent that - but I think that's a pretty big hurdle - absent that then I think the Board will have to make a decision. I do have a question, I mean, I don't know if this is the right time to ask, you know, other stakeholder groups questions about their position; I don't know if it's appropriate or not. I'll ask the - I do have questions on other groups' answers but I'll save that if we want to have that discussion.

Well I guess one of my questions is generated to the Non Commercial Stakeholder Group that basically every single answer that was given is yes a policy development process is required. Some of the things in there just seemed like they were pretty administrative and so I just - I mean, every answer was a PDP is necessary.

On the same token we had others that said a PDP is never necessary. So I guess the question would really be to both sides do you really mean that or are there areas that we could actually drill down and say okay, you're right, having the compliance function report to the CEO does not really need to go through a PDP.

I mean, that's the kind of discussion I would engage in because what happens is you have two extremes now; you have one that says everything goes through a PDP, one that says that nothing goes through a PDP and it makes us all kind of look like we didn't even try the exercise of coming up with a unified position.

Stéphane van Gelder: I have Alan next then Wendy.

Alan Greenberg: I was the one at the last - I think the last Council meeting or a Council meeting that expressed great regret that the Council could not make a

statement to the Board whether it was consensus or that we're divided and here are our opinions. And I think that's what drove this summary chart being created.

If we cannot even send that summary chart to the Board and you said release it, it's already archived on a public mailing list, I think that really says bad things about this Council being able to give input into the decision process.

Stéphane van Gelder: Wendy.

Wendy Seltzer: Yes, this is why I - in response to Jeff - why I qualified my statement with at the degree of granularity we thought useful. Yes, if it's - if there's a way to move things forward by narrowing that position we're happy to engage in discussion. Perhaps across this long table isn't the best way to do that. But - I think sure if we can knock some of those out and knock out some of the extremes on the other side in places sure. But if it's just going to be we give in and nobody else does what's the point?

We focus our resources where it's most impactful. And on the bulk of the Whois Review Team recommendations they are making policy. The bulk of those recommendations are to change the way that Whois is collected and the place it has in the ICANN ecosystem that's policy. And that's material for a PDP.

Stéphane van Gelder: Thanks. Brian.

Brian Winterfeldt: First of all I want to say that I agree with Alan's point; I think we should provide some type of feedback and the point that the chart is already publicly archived is a good one. And I think it would be helpful for the Board to at least see something.

I also agree with Wendy. I think it would be great if we could sit down and hash things out to a point where we could maybe come to some negotiated

points that would get us to a stronger more unified voice. I think the challenge we're going to have with that is time and figuring out when to sit down and do that between now and to give the Board feedback before their vote on Thursday.

Stéphane van Gelder: Wolf.

Wolf-Ulrich Knochen: Thank you, Stéphane. I also would like to follow Alan's suggestion. So what the ISPs did, for example, is we have discussed a lot of time and also with the (unintelligible). We came from the position that we would like to have imposed all the recommendations as quickly as possible. That was a very strong position we have had at first and we came down.

Also clearly saying that there may be some other ways, well, to deal with it. We are open, well, to discuss it in which points we would like to see - or could see a PDP. I think we have moved a lot and others have moved a lot as well. I cannot understand the strict position which is just saying all we need is PDP. At least we would like - I would like to see a statement - a written statement - a general one, besides a list, why that is done. But I agree to Alan, well, we should send a message and this list to the Board. Thank you.

Stéphane van Gelder: Jeff.

Jeff Neuman: I guess this is the time of day I get less politically correct.

Stéphane van Gelder: Didn't know there was a time of day, Jeff.

Jeff Neuman: It's the magic hour; it's the witching hour. Yes, Wendy, I hear what you're saying but part of your answer is kind of the frustration that a lot of people have. We're trying to come up with what's in the best interests and we're trying to come up with a bottom up process where we can all get together and agree on things.

But one of your statements was well if they don't move off their position why should we? If we enter into - if we enter into discussions with that kind of position then well never get any further than that. And that was part of - one of my frustrations with this small group that was put together was that there were these extreme positions and then when we tried to kind of get people together to talk it was either we couldn't find time or it was I'm not going to move if they don't move.

That's - we got - I don't know what the answer is but we have to work as a group to try to get out of that - that mentality. And I'm hopeful that in the next, you know, couple years we can do that at some point.

Stéphane van Gelder: Thomas was next.

Thomas Rickert: Wouldn't this be an idea to move forward to take out those - I think there are two or three items in the list where we have only yeses and one where we have one maybe in there. So where one might take those two - I think it's two subjects on the proxy privacy subject which we could maybe even make progress on very quickly to evidence that we are being active.

Then on the other end of the scale we have items where there are just nos and one yes. And there are some other items that are, you know, like 50/50 or where it's much closer. So I think we need much more debate on those rather than on the other two. And I think if we could cluster them by, you know, showing the different levels of complexity and maybe even take action rapidly on those where we have more or less consensus I think that would show that we are operational and that we can move forward.

((Crosstalk))

Stéphane van Gelder: Thank you. Wendy.

Wendy Seltzer: So I, perhaps, spoke too glibly if I was characterized as saying I'll take extreme positions just because others are. What I said is on the core of the recommendations in the report we strongly and principally believe that the - implementing those would be a change of policy requiring Council work.

The others are unimportant recommendations or administrative level details where everyone is faced with limited time to engage in these processes. It's not a matter of staking an extreme position for the sake of it but taking - expressing a view that encompasses the majority of our positions and not going into every corner simply because there are limited resources to answer those questions.

So sure, I would love a process in which there were dozens of people who could follow every issue and could go into those corners and said yes, that one can be carved out because it's not so deeply ingrained with policy as the rest. And given a choice between doing that or reading the stack of RAA documents that comes out or reading other volumes of material that are before the Council I'm afraid I didn't put priority on answering whether an administrative question was one that required policy development process.

Stéphane van Gelder: Thanks. John.

John Berard: So following on my earlier conversation with Jeff regarding those things that are specific to the contract and those things that are specific to consensus policies, right? In the course of the review team's work did you carve up the - so this chart says what requires a PDP and what doesn't?

But it doesn't speak to the views that constituencies have as to what is even eligible for a PDP and what is required for being inside the picket fence. And so was there that conversation?

Jeff Neuman: Yes, so at least with respect to the Registries that is what's reflected in our response. So we took a look at the contract, we took a look at what is, quote,

within the picket fence. And that's what dictated our outcome as to what we, the Registries, felt belonged in the PDP.

So that - so you'll see the Registries' answers are yes a PDP is required on a few of them but the majority of them or a lot of them are no, a couple of them are qualified nos depending on how it's interpreted. But, I mean, we as the Registries took that exercise very seriously and that's what we did is we looked at the contract.

And so I think to respond also to Wendy if all a group does is take extremes whether it's because of a lack of time or whatever when the Board or anybody else looks at it it's usually the extremes that are discounted. And we - I guess we can't be surprised with the outcome of what the Board decides to do if extremes.

And same thing on the extreme on the other side too, right? So if someone just answers all yeses they're going to be just as discounted as the party that says all nos most likely, I mean, it's just kind of human nature. To the extent - and I understand prioritization and it's not like as Registries don't have other things to do and run businesses as well. We all have priorities. But we then can't be surprised by what the Board does on something when that happens.

Stéphane van Gelder: Brian. Brian, sorry.

Brian Winterfeldt: I guess what I'm wondering is if, you know, we do take a look at where we're at. And if you scrolled down further on this document you'll see that we did kind of go actually point by point and state sort of where we're at right now with who feels the PDP is necessary and who feels that no PDP is required for each point.

I mean, we could certainly look at the ones where we have near consensus and talk about those. And, you know, maybe there is time to do that. In the next day or two I'm happy to try and find time to carve out and sit down

maybe with our group or even whoever is interested to try and go through that.

And maybe we could at least come up with the list of ones that we have near consensus on now and that we can get to consensus on a few. And maybe we can put forward that, you know, we feel comfortable as a Council supporting a certain number of these recommendations as not requiring a PDP.

And again alternatively we could just put forward the positions that we have right now, which will at least give the Board some guidance rather than nothing before Thursday.

Stéphane van Gelder: Is there a consensus on doing what Brian suggests? Sorry, is there any opposition to doing what Brian suggests? Marika, you're not allowed to oppose.

Marika Konings: I'm not opposing. Just making a suggestion because we do still have two other staff presentations that we actually have suggested to go first so maybe first quickly run through those and then we have time left to discuss those because I'm worried that otherwise we might not get to these updates which we don't come back at any other point and I think the Council meetings.

Stéphane van Gelder: Well I'm aware of those two. I just want to let - try and get us to some kind of resolution for this - this is also important. So are you opposing, Jeff?

Jeff Neuman: Sort of, yes.

Stéphane van Gelder: Right, okay. Well that's that then. Chuck.

Chuck Gomes: Thanks, Stéphane. Just a real quick observation - and this is my own opinion. To say that everything requires a PDP is to create paralysis. We'll get nothing done because there's so much to do.

Second to say that nothing requires a PDP is to totally negate the bottom up multi-stakeholder process. So there has to be some sort of middle ground and that's just an observation on my part.

Stéphane van Gelder: Jeff and Alan.

Jeff Neuman: That's okay. The reason that I oppose the suggestion is I don't really oppose the suggestion but if the people that come together don't have the support of their groups or the authority to compromise or go one way or the other on these issues then, yes, I oppose wasting my time and going into this, right.

I would love - if everyone could go in with the authority to make certain concessions and were backed up by their groups absolutely we should do it. I'm just not convinced that that's going to happen. But if it can great; it not then I don't want to waste my time on it to be honest.

Stéphane van Gelder: Thanks. Alan.

Alan Greenberg: Okay. I thought that Stéphane was asking was should it be sent; not should people go off and talk so I'm not quite sure what Jeff was referring to. So I'm not sure you answered the question that he asked.

But to say what I was going to say when I raised my hand I don't quite agree with Jeff that if everyone answers no it doesn't require a PDP it implies anything like what you said.

There are other vehicles the GNSO can use to talk about policy; it doesn't always have to be a formal PDP. So I think - I may not agree with the position taken but I can see it's a rational thought-out position that not every - that none of them require a formal PDP.

Stéphane van Gelder: What I was really asking is following on from what Brian suggested. And perhaps what you said earlier on, Alan, that, you know, we were unable to find consensus way forward before so we have decided to draft a document with everybody's views in it. And it now seems that we're unable to find the consensus way forward to send that document. So it looks like this is coming to a dead end.

And what I was asking was, what I thought Brian suggested was that we send the document expressing the diverse views of all the groups. That's - so, Jeff, perhaps there was some level of misunderstanding there but...

Jeff Neuman: Yes, I withdraw my - yes, I thought I was opposing to the notion of getting a small group together to see if we can work it out before Thursday. So sorry. I misunderstood.

Stéphane van Gelder: So I have J. Scott and then Brian.

J. Scott Evans: Well I'm a little confused as why you can't say you have rough consensus on the ones where you've got a majority. I mean, that's how we've done it in every working group I've been on. I don't understand why somebody just won't be a leader here and say on these points we have rough consensus.

There is a process whereby you can file a minority position on anything I think in the working group. If you don't agree you can say we voted no or we are against this and we believe this and you can submit that along. But not doing anything that's what this whole problem is. You've got to - somebody has to be a leader. You have here - you look here and you say yes and no and you've got - you can see that's rough consensus.

So you say we have rough consensus on boom, boom, boom and then it is an affirmative obligation of those groups that aren't agreeing to the consensus to file their minority report. You have to offer them that opportunity to do that. That's your obligation as the manager of the process.

But just to say that we're just going to derail the whole process ignores all the work that Avri and Cheryl Langdon-Orr and myself did on putting out guidelines on how to get this stuff off the table and moving through the pipeline.

So I think that you - somebody has to fish or cut bait here. Somebody has to be an adult. Somebody has to be a leader and somebody needs to make a call and then let the other groups react as the process allows them to.

Stéphane van Gelder: Please don't ever ask me to be an adult. Brian, do you want to fish and cut bait?

Brian Winterfeldt: Okay well I just want to clarify two points. Number one, I did sort of offer two alternatives. I offered one alternative of sending the chart and then I did also suggest the potential of getting together and trying to negotiate points where we could at least give a little more guidance to the Board.

And I guess we almost have a third alternative with J. Scot where we could send the full chart. But we could put a cover communication on that gives the Board the guidance that we have rough consensus on the following points. And then we could give them the full chart so they can see actually what all the different constituencies said.

J. Scott Evans: The more information the better.

Stéphane van Gelder: I - my personal opinion is, you know, what I've just said earlier on that we should find a way forward. And I think one has been proposed. And we've done what we said to ourselves we'd do that I can't preempt your, as team leader, idea of whether this is ready or not.

Brian Winterfeldt: I mean, would feel very comfortable drafting that cover communication to the Board attaching the chart, giving everyone a chance to then look at the cover communication and the chart one more time before it goes to the Board.

Stéphane van Gelder: So is there any opposition to us proceeding in that way? Please show of hands if there is. And if there is can you just explain why so that we can try and find...

((Crosstalk))

William Drake: Well just I don't - if you document where we are that's fine. If you call it rough consensus when 3/4 of the group has agreed and 1/4 has not that's redefining the word in a way I don't quite feel comfortable.

Stéphane van Gelder: So if we define where we are, as Brian has suggested, put together a cover note explaining how we got here and where we are...

William Drake: That's perfectly fine to document where we are and where we disagree just don't call something rough consensus...

((Crosstalk))

Stéphane van Gelder: And this, once again, hang on - hang on - this once again will be sent to the Council list by Brian once he's drafted it.

((Crosstalk))

Stéphane van Gelder: So all we're committing to here is having a look at Brian's document or the group's document and expressing final approval or not. Alan then Jeff.

Alan Greenberg: Thanks. I just want to disagree with one thing J. Scott said. This is not derailing. The Board has said they're going to make a decision on Thursday. They need to have a little bit of time to talk about it. What we're doing, if we

don't do anything, is saying we don't care; it's your decision. We're out of the process. It's going to happen anyway. Do we really want to send that message at the same time as we're saying we want everything bottom up?

J. Scott Evans: That's what I meant by derail. What I meant was not taking responsibility for what we're supposed to do and falling right into the hole that creates a situation where the Board shoves things down on the community and then everyone complains and says this is a broken process because nobody will do what they're supposed to do.

And with regards to Bill's comment it's either we say it's rough consensus or we start having votes and it's majority rules. Now I put those working group guidelines together and there's strong consensus, there are levels of consensus. And one of them, in a model where there are hugely divergent views, is that you may push through with a very limited group of consensus going in a loud voice saying no but majority of people feel this is the way forward. And that was rough consensus with a minority report.

And so I do think you have to label it. We're the ones that - we - this group - everybody in this room that's been involved - voted on those guidelines and decided that that's what we would do so it's now time to do what you said you were going to do. You asked. We gave you an answer. They've asked. They gave you an answer. Now somebody has to be the big boy or girl here and put that label on there and send it to the Board.

Stéphane van Gelder: Okay. I have Jeff and Jonathan. But before that can we just clarify - and Chuck afterwards - can we just clarify because there's - we're getting confused with the definitions of consensus. We don't have rough consensus.

Marika Konings: What we actually have, in the working group Guidelines, we have full consensus, then we have consensus, which is a position where only a small minority disagrees but most agree. And then there is strong support but significant opposition; a position where while most of the group supports the

recommendation there are a significant number of those who do not support it.

Jeff Neuman: So I think - this is Jeff. Bill actually brings up a point. And it's actually something that I wish we could have discussed or maybe we could discuss during the wrap-up session.

But there seems to be a belief - putting aside the definitions - I don't think people disagree with the definitions. I think what Bill is saying - and Bill can say it if he disagrees with me but I think it's important to kind of lay out the subtlety here - is that if you have the entire NCSG or any one stakeholder group against something you can never call that consensus. Whatever type of consensus whether that's strong, rough, whatever it is, whatever terms we use.

I don't necessarily agree with that. But I think that's something that the Council needs to kind of talk about because the way the rules were structured it was such that not one stakeholder group should be able - or constituency should be able to block the rest - and that includes the Registries so if the Registries oppose something vehemently but everybody else said was in favor of it then the Registries, unfortunately, would be on the losing side of what is consensus.

That's a fundamental discussion that we need to have because it came up in the IOC Red Cross drafting team and it's coming up now again. So I would like to actually take Bill's statement and make that a discussion item in the wrap up session because we need to have a common understanding here otherwise we're going to have this debate forever.

J. Scott Evans: Well, Jeff, I think that may be answered by what Marika said. Because when you get down to there it's strong support. There's - the word consensus isn't used at one level.

Stéphane van Gelder: We have Jonathan next please then Chuck and then I'm going to close it off.

Jonathan Robinson: What I thought I heard J. Scott proposing was for what I would describe as an executive summary on top of what we have already - the table we have already. I like that idea. I think it's clear. It's potentially crisp. But it provides the underlying rationale should the Board want to dig deeper.

So it's actually - in many ways it's what I would think a Board would expect. It's a summary document on which they can act and get the principle from. Yet if any of them want to dig deeper they can.

What slightly concerned me about what Bill said was, yes, that's okay provided they see all - provided - what I think I heard Bill saying was actually really what we want to show is just the full table without the executive summary. So I'm not sure if, Bill, you supported the executive summary concept on top of the provision of all of the underlying information as well. If you did then that's great because then we - then I think we have agreement as to a way forward.

Stéphane van Gelder: Chuck.

Chuck Gomes: Thanks. Yes, I think at a minimum you need to send the data to the Board now. Where you're having trouble right now is what terms do we apply to that? What do we say in the executive summary? And if can't come to agreement with that given the data they're all intelligent. They can look at the data.

Now I wouldn't only give this format; I would give the other format because in some cases there were some good comments not only the Registries but others made some comments that should be available to the Board if they want it. They're intelligent.

They can take this - putting a term on it, rough consensus or a consensus or strong consensus or whatever that's nice if we could easily agree on that; I think that's not going to be easy. Give them the data. Let them take it for what it is and make their own decisions.

Stéphane van Gelder: Thanks. So can I close it off here...

((Crosstalk))

Jonathan Robinson: ...clarify, Chuck, you mean the tabulated data as opposed to in this form?

Chuck Gomes: I don't have any trouble with this. I'm saying in addition to - this is a nice little summary too. It's briefer; some of them will probably just look at this. But if somebody wants to see some of the comments that were made they should have access to that as well because those are useful.

Stéphane van Gelder: Thanks. So, Brian, there are some guidelines there. I do suggest that you put together something as a pack that we can send to the Board, send it to the Council list for final approval or disapproval; we'll see. But let's work towards that objective so that we can make sure - try and make sure that we send something.

I believe that should be our objective and I'm sure we can iron out any small discrepancies in getting there. Thanks very much. Thanks to you all for this.

Let's go back to staff for update - two more updates - and then we'll try and close. Sorry for cutting your update time short but I think that was a discussion we needed to have.

Barbara Roseman: Hi, I'm Barbara Roseman. Some of you know that I've been working with ICANN for a while. And in fact the very first thing I worked on with ICANN was Whois studies so I'm back. Next slide.

Most of you know the background to these studies. Just put in the slide for people who are new to the GNSO. Basically these studies were approved a few years ago. They've been underway for the past several months, some of them for a bit longer. And a couple of them are anticipated to go into 2013 for their work. Next.

Study 1 was the Whois Misuse Study. This study has been moving forward. They have gotten their survey approved through the university (IRD). And they are now working on Survey B and the experiment that goes along with that.

Study 2 is the - sorry - Study 2 is the Registrant Identification Study being done by (Nork). They are actually going to be here on Wednesday for the Whois update to present some findings but their report won't be posted until post-Toronto. It wasn't conceded in enough time to actually make it available to the Council before then.

The key findings of this are pretty interesting. And they've - some of the data has statistical value, you know, statistical significance and some if it doesn't. But I think they've done a really good job so I think you'll find the findings pretty interesting. Next.

Study 3 is the Privacy and Proxy Abuse Study. And this is currently entering Phase 2 of their work. They've completed the first phase, which was a - basically a test of whether the methodology that they were using was going to be successful. And they have refined that and they're now studying Phase 2, which would be the more advanced study.

Next. And Study 4 is the Proxy and Privacy Relay and Reveal Study. And this study, you know, was determined not to - when they first started work on it Interisle was the company that began it - they found that they really couldn't do it the way that it was anticipated in the charter. And so they reframed their

project as looking at the feasibility of the study to determine if they could even gather the data that was being requested.

Their lack of responses in the first instance they said that they would not be able to - that the availability of data wasn't there from the participants. There was not a strong willingness to participate and that there would be no really good strategy for validity and verifiability of the results; it would just basically be accepting the word of whoever you were working with.

The final study has now been published. And they said that there could be a full study of Whois privacy and proxy reveal and relay if it was defined in specific ways to resolve certain identified barriers.

The next steps that would be needed for this would be for the GNSO Council to determine whether they want to go ahead and restructure the study the way that Interisle identifies or choose not to pursue it further so that's really the only two options for this particular area.

Next slide. So these are some links that you can go and look at. The final version of Interisle's report has not been posted yet. I've been a little delayed on that. But it should be up shortly. There are only very, very minor changes from what the draft report is so that if you wanted to look at their conclusions the draft report would be sufficient to give you that.

There will also be a Whois update session on Wednesday from 11:00 to 12:30. And we will have updates from work that's being done on the restful Whois protocol as well as on the two Whois studies that have achieved results so far. So any questions?

Stéphane van Gelder: No questions. Thank you, Barbara. And we have Steve I believe with a...

Steve Sheng: Thank you, Stéphane. I'm going to provide a quick update on the recent IETF Whois activities. My name is Steve Sheng. I'm a technical analyst for the policy department.

Next slide. So I want to begin by constraining the scope of the discussion. So the word Whois has been - is overloaded. It could mean the registration data. It could also mean the access protocol or the directory service.

So for the purpose of our discussion we only going to focus on the access protocol which is in the remit of the IETF where versus the registration data and the directory service both requires policy set by ICANN or the ccTLD Registries.

So here's a slide on the need for a new protocol. Obviously one of the key reason is the original Whois protocol, as defined by RC 3912, has never been internationalized. It has no mechanism to indicate the character in coding in transmission. So the support for internationalized registration data or internationalized domain names will be very limited.

So this is one of the key motivations why a new protocol is needed. There are other problems. The Whois has no data framework. It also does not support - have support - have capabilities to support potential differentiated access.
Next slide.

So recently the IETF chartered a working group called the WEIRDS Working Group. It's called the What Extensible Internet Registration Data Servers Working Group. It has a couple (goes) so the first go is to standardize a data framework and also deliver the objects encapsulated in that framework over restful service - over http.

The working group generally follows the requirements from the (CRSP) working group. This was a working group in 2005, the last time that IETF

worked on the Whois replacement, that resulted in the (IRIS) protocol. Next slide.

But this time the IETF is looking to produce a simple, easy to implement protocol, supporting internationalized registration data. So one of the - some of the technical complaints of the (IRIS) protocol is too complicated, requires both specialized server and clients, which impede its adoption by the Registries. So this kind of redo trying to learn from that and it's aimed to produce a simple and easy to implement protocol.

We also add the possibility of providing differential service based on client authentication. And finally I think is an important point try to address the need for both number and name registries so not only the domain name registries offer Whois but the member registries and regional Internet registries also offer Whois. Next slide.

So we talk about the word restful a lot, you know, what exactly is restful and what is not restful? So it's really a fancy word but it's actually very common. The word restful is really the - a set of architect principles that design the http protocol and hence the modern Internet.

So very simple two things, the resources in a restful environment are represented by URIs the Uniform Resource Indicators, the locators. And you have a set of operations with those resources so one of those operations is Get, Put, Post and Delete. Those are actually standard http operations.

So I put here, as an example, how you - how in a restful environment a query to the Whois would look like. So you'd begin with actually the resource are indicated by URLs. So you have http:// followed by the domain part that tells you where the data is. And you have a slash tells you what type of data is in this point - in this one is looking for a point of contact. And then after that you'd indicate the ID of the data.

So this is just give you one example how you would signal - indicate a resource. And since this is a http query, you know, the default method is the Get method in the http protocol. And after that you get information.

So it's important to point out the restful service of Whois is already deployed today my number registries. They already have run in code. So one of the tenets of the IETF principle is rough consensus and running code and to this extent there is already running code. And for some registries they already see more queries to the restful Web servers than Port 43 so this is becoming a very popular service. Next slide.

So the IETF Working Group was chartered in April this year followed by the IETF Paris meeting. It's currently working on four core IFCs with the scheduled completion date is August 2013. Here I've included a URL where you can find more information about how to participate, what the Internet drafts are and, you know, other good things. So that's my quick update.

Stéphane van Gelder: Thank you very much, Steve. A question from Jeff.

Jeff Neuman: Yes, just a pretty easy one. When you say completed is that completed out of the WEIRDS group or is that through the (IED) and through everything it needs to go through in order to become the standard?

Steve Sheng: So by complete means the - these draft RFCs will be sent to the IESG to be approved as proposed standard.

Jeff Neuman: Sorry so then it could take - I mean, just for everyone's edification after it gets submitted to the IESG how long after that until like we could say this is a standard and it becomes that thing in the ICANN agreement that we have to implement things like that. When can we actually see this in your estimation?

Steve Sheng: That really depends on the - so I actually don't know actually so the short answer. I can find out for you how long will take from the proposed - once it gets to the IESG queue and when it's - have assigned an RFC number.

Stéphane van Gelder: Thanks. Any further questions? Seeing none thanks to all staff for those updates and to you for the discussion. We'll now break then for five minutes and reconvene at half past with John Berard's session on consumer metrics.

Operator, please end this session. Thank you.

END