
HYDERABAD – Thick WHOIS Implementation Review Team Meeting
Tuesday, November 08, 2016 – 17:00 to 18:15 IST
ICANN57 | Hyderabad, India

DENNIS CHANG: Come on in, everyone. We'll get started here shortly. Settle down.

Welcome everyone. Let's get started. It is 17:03. We have our recording started already, I see. Welcome to the thick WHOIS implementation review team meeting, on 8th of November 2016, and this is a meeting at Hyderabad, ICANN 57.

So today, what we will do is to very quickly tell you what we're going to do here today, section objective, provide you a brief project background, give you a little status. And we're going to be talking about this emerging privacy issue, and that is really going to be the core content of this review meeting.

We'll see if there is any community feedback, and then we'll talk about next steps.

So today's objective session content is pretty simple. As I said, I'm going to give you the overview and status, and give you an opportunity to ask any questions. This is an opportunity that is unique, perhaps, because as you will see, we have just published a couple of things for public comment, and the IRT is here with

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us today, where you can address your questions directly to the IRT, as well as the implementation team.

And when I say the implementation team, I start using IPT, Implementation Project Team, that is meant to reflect the ICANN staff who is doing the work behind the scene, mostly. And then we'll talk about the, as I said, next steps now. Before I go further, I'd like to maybe take an opportunity to see who is here.

So, we're going to do some self-introduction very quickly, all the way down at the end with Steve.

STEVE CHAN: Steve Chan, ICANN staff.

MARY WONG: Mary Wong, ICANN staff. And Dennis, I know you just did this, to make sure we're paying attention over here.

UNKNOWN SPEAKER: [Inaudible] stakeholder group.

JORDYN BUCHANAN: Jordyn Buchanan, also registry stakeholder group, and also from Google.

UNKNOWN SPEAKER: [Inaudible] core hub, as a registrar.

JONATHAN ZUCK: Jonathan Zuck, IPC.

TOM: Tom [inaudible], ICANN staff, registrar services.

UNKNOWN SPEAKER: [Inaudible], ICANN staff, registry services.

DENNIS CHANG: Again, this is Dennis Chang, ICANN staff. I am the [inaudible] services and engagement program director, and managing this implementation project.

JODY: Jody [inaudible], Go Daddy.

ROGER [CARNEY]: Roger [Carney], Go Daddy.

JOE WALDRON: Joe Waldron, VeriSign.

HOLLY RAICHE: Holly Raiche, ALAC.

STEVE METALITZ: Steve Metalitz, IPC.

UNKNOWN SPEAKER: [Inaudible], ICANN.

VALERY: Valery, ICANN staff.

GREG: Greg [inaudible], Amazon, registrar.

HEATH: Heath [inaudible], Amazon registrar.

UNKNOWN SPEAKER: [Inaudible], Malawi dot M dot [inaudible] ccTLD.

UNKNOWN SPEAKER: I'm [inaudible] from Japan.

MARK: Mark from Microsoft.

DAVID HUGHES: David Hughes, IPC.

UNKNOWN SPEAKER: [Inaudible], ICANN staff.

UNKNOWN SPEAKER: [Inaudible] ICANN staff.

UNKNOWN SPEAKER: [Inaudible] from India.

UNKNOWN SPEAKER: [Inaudible] from India.

UNKNOWN SPEAKER: [Inaudible] advanced registrar.

UNKNOWN SPEAKER: [Inaudible]

UNKNOWN SPEAKER: [Inaudible] JPR.

UNKNOWN SPEAKER: [Inaudible] for Endurance.

ED: Ed [inaudible] for Endurance.

UNKNOWN SPEAKER: [Inaudible] for Amazon registrar.

UNKNOWN SPEAKER: [Inaudible], ICANN staff.

JENNIFER SCOTT: Jennifer Scott, ICANN contractual compliance.

SARAH: Sarah [inaudible] with Go Daddy.

DENNIS CHANG: I think that's everyone. Again, welcome. It seems that there are some of us here, who I haven't seen before, so it's probably maybe the first time that you are attending a thick WHOIS session. And this is not, this is kind of complicated. So, let me try this, and this one page slide is meant to make it digestible.

So, registries and registrars, right, satisfy there WHOIS obligation using different services model, thin and thick, WHOIS registries.

The think registry only stores and manages information associated with domain name, while thick registry includes the information about registrants and contacts.

ICANN Board adopted a recommendation from the GNSO to make all gTLDs, WHOIS data thick and consistent. And therefore, GDD policy implementation team, initiated two policy implementation projects. So, this is a case where we had one policy recommendation, but the implementation team devised a mechanism, where we split it into two projects, and you will see maybe, later on, why we did that.

So one of them was focused on consistent labeling and display of RDDS, who is output for all gTLDs. And the other one, is thick RDDS WHOIS translation policy for dot com, dot net, and dot jobs. Now, fortunate for us, both policies are published for public comments, October 2016. So, just last month, both policies went up, they're online, and we're waiting for your public comments.

So, the title of these two policies, you'll refer to... You will hear us refer to CLND policy, or transition policy, for short. But when you look for it, you will find them as revised, proposed implementation of GNSO thick WHOIS consistent policy requiring consistent labeling and display of RDDS output for all gTLD.

And on the slide, the faded blue, that is actually a hyperlink, to the website on ICANN. Now, all public comments are found under the public comment tab, in the ICANN dot org. It's very easy to find. And that public comment closes on 12 December 2016. And the transition policy is titled proposed implementation of GNSO thick RDDS WHOIS transition policy for dot com, dot net, and dot jobs.

Again, with a link and that policy, public comment is to 16 December. Both in December. So, lucky for [inaudible] here, who is primarily responsible for summary and analysis report, is going to have a wonderful Christmas.

So, timeline. SLND implementation path looks like this. Policy effective date will be announced 1 February, and we'll have six months of policy implementation, and the policy effective date will be 1 August 2017. Now, this is all assuming the public comment that we receive is favorable, and there is nothing big there, where we would have to go back into further implementation mode.

The transition policy is a little more complicated. Here, again, we took this policy and split it into two streams. Why did we do that? It is to see if we can make faster progress, of course.

Let me talk about the one at the bottom. There are millions and millions of data in the existing registration. And for it to be all

transitioned, it takes a long time. And you will see that when we do the policy announcement in 1 February, actually the same day, we can't really finish it until 1 February of 2019. And that's the timeline where all of it will be transitioned from thin to thick.

However, for new registration, we don't need to wait until 1 February 2019. The team devised a way where we can start taking thick registration on May 2018. So those blue boxes are the key milestones, and some of these bars are basically our implementation team's work. Go ahead. Do you have a comment?

UNKNOWN SPEAKER: Yeah, I may have heard you wrong, so I just want to make sure we get this right. For the new registrations, the optional period will open where we begin accepting thick data, and that's the August 1st date. And then at the end of that 12 month period is when registrars should have all transitioned by that point, and the date, I can't read what that date that is.

May of 2018 is when it will be required. Just wanted to clarify that point.

DENNIS CHANG: Thank you, that is an important clarify. Yeah, I'm not going into that level of detail, but he is absolutely right. You can take,

based on this milestone, and this is all in the public comment document that we published, in detail you can read about that.

Okay, before I go to the next topic, do we have any question from the attendee about this?

No? Okay. Let's move on to our next topic. And we called it the privacy, emerging privacy issues, that could potentially affect our project. So there is a, in our policy recommendation, the GNSO Council requested that IRT to advise them, and if, and in such an event, that there is something that occurs in the real estate of privacy, where it could potentially have an effect on the data transition, and privacy.

So, on 30 June 2016 in Helsinki meeting, an issue was brought up. At that time, IRT at the same meeting, nearly agreed that we will prioritize the progress of the implementation work, and work this memo in parallel. Now that implementation work has been done in terms of we actually met our objective, to publish those documents for public comment in October, the IRT has now ample time to discuss this matter here.

Go ahead.

[SPEAKER OFF MICROPHONE]

So, we will switch over to the document, but let me turn it over to either Joe or Steve, maybe Joe, maybe you can provide more

background on this, because Joe is actually the one who brought it up.

JOE:

Thanks Dennis. And I think, hopefully, Steve and I can tag team on this. Since we're both the primary culprits, although Mark Anderson, back in our office, is also online, so he can keep us honest as well. So, the purpose of this letter, as Dennis said, was to address the statement, and I'm not going to cite it verbatim, but there was a statement in the tasks that were given to the IRT, that if anything related to privacy had been identified, that hadn't been previously considered by the working group, that we should notify, and I think that word notify to me is important, just notify the GNSO.

And it really doesn't go into a whole lot more detail than that. So, when I raised this in Helsinki, I looked at this as one of the obligations of the group, and I thought we should put together a letter just explaining what we thought was important to call to attention within the GNSO.

I don't think that there is anything in here that should be too surprising. These types of issues are being discussed in other working groups that the GNSO has ongoing. So, I don't know that if everybody has had a chance to read this, the original letter Mark sent out, as was on the previous slide, back in

August, we had a number of discussions in the conference calls that we had for the IRT, but as Dennis said, we haven't really made a lot of progress on that.

So we kind of picked that work back up. I think the conclusion from the last call that we had before coming here, was that we would, that Steve and I would work on some redlines to clean up some of the language and get something that was acceptable to the IRT.

So, I think this is our effort to do that, and I appreciate the work that Steve put into some significant redline, so if you only read the version in August, there are some significant redlines from what was there, so I would encourage you to read the version that he sent around to the IRT on, what's...? Sunday? No, I think Sunday.

Anyway, so within the last couple of days, you should have the note that went out, that I think he sent out both the redline and the clean version. So, I don't know if you want to talk about any of the specific edits, Steve.

STEVE METALITZ:

No, Joe, I think you've summarized it quite well. I think if you look at what's on the screen, which I know is probably kind of hard to read, from there, it's really intended to clarify, and I

think this is the main thrust of the redlines, and as Joe said, the redlines are extensive so you should look at those, but it is that, we're not necessarily telling the GNSO Council that we think they need to reopen this policy process that led us to here, and you know, based on the unanimous decision in the Council and the unanimous approval by the Board, but we are saying there are some implementation issues that registrars and registries will have to pay attention to.

Some of them help to give greater certainty to the privacy landscape in some jurisdictions, others may create a higher level of uncertainty, but in each case, this is something that the registrars and registries will have to look at. We don't see any of this as barring or even slowing the implementation of thick WHOIS, but that these are some factors that would have to be considered in implementation.

So that's kind of the thrust of how the letter now reads. Thanks.

JOE:

Yeah, this is Joe again. So I think, as Steve mentioned, there are some assertions in here that I think that it's important, you know, we're asserting certain conclusions that the IRT has made. I want to make sure that these aren't just the ones that Steve and I drafted, so I would ask that the IRT members pay

particular attention to those, you know, I think the one thing that you've just referenced is a good one.

The last sentence of that first paragraph, right? You know, the IRT, you know, I mean, we're asserting that the IRT believes, or is making a certain statement. And you know, I just wanted to ensure that we have, you know, the support or additional edits if necessary from the IRT on that type of edit that has been made.

And I guess I can ask if there are, I don't know if anybody has had a chance to read it, but if you have, and you have questions, or if you haven't and had questions, please feel free to ask now.

DENNIS CHANG:

Yeah, to make this clear. This is a letter from the IRT to the GNSO Council, so we would like the IRT members to speak up, and if anybody else has a question, of course, you can ask, but IRT members probably want to read it and support it because it's going to go as an IRT letter. Ruben, you have your hand up.

RUBEN:

Ruben [inaudible], member of GNSO Council, but now the Council is after the IRT, so just have a question of what impacts have been seen for this privacy issue, from Chinese regulations? I notice a lot of mentions to European regulations, but that some

similar issues might occur in China as well, so was there any thought on that?

JOE: Thanks Ruben. This is Joe. I'm not sure that I'm qualified to interpret Chinese regulations, without a lawyer sitting here that has a lot of experience in that arena. I think the letter is really identifying that there are jurisdictional issues, you know, that need to be addressed. I don't think we went in and obviously, if you go back and look at the legal analysis that was done, what? A year and a half ago?

By the ICANN staff, you know, it focused primarily on the EU, but it did reference that there were other jurisdictions that may also have similar issues, so I'll just, go ahead, if you want. I'll pass to Steve.

STEVE METALITZ: Thank you. Yeah, Steve Metalitz. That's right, the legal review did make a reference to Russian law. As I understand it, the issue with Russian law is not so much a data protection law, as their requirement for data localization. I don't think it referenced any other particular jurisdictions.

There is a paragraph on the third page of this letter that says, while there other, you know, there are other jurisdictions that

may be relevant to a particular registrar or registry, and they should attend to that too. But it doesn't call out the Chinese regulations in particular.

HOLLY RAICHE:

Holly Raiche, ALAC. I haven't been [inaudible]... I apologize for the question, but I wouldn't... I think I'm coming from a position where I understand that the existing WHOIS does raise privacy issues, and that's the whole issue with RDS and all of the related groups. So, I'm interested in this sentence that suggests that continuing along the same path as the implementation, you're doing that with privacy.

I'd like to understand that sentence.

The one... Well, we can go back down. Yeah, yeah.

STEVE METALITZ:

Okay, Holly clarified to me that she is talking about that last sentence in the first paragraph, that we mentioned earlier. And yeah, this is what John and I are proposing for an IRT statement, that we don't, the IRT is not saying that we're not going to be able to implement thick WHOIS because of these issues.

It's saying that these are issues that will have to be taken into account as registries and registrars do the things they're

required to do, to implement thick WHOIS. So, it isn't necessarily, you know, keep doing what you're doing, I mean, I think the example we give, one example that's mentioned in here anyway, is consent.

Consent is an important factor here, and as the law changes, or will change in 2018 in the European Union, there may be changes in how registries or registrars, in the first instance, obtain consent from the registrants for the processing of their data.

So, you know, it's not going to affect all of their activities, because lot of domain name registrants are not individual persons anyway, so you may not have some of these issues, but for some of their registrations, it may change how they obtain and document that they've obtained consent. So, that's an example that's given.

So, it's not, we're not saying registrars and registries don't need to change any of their practices, they may well have to, but we think that that shouldn't, especially on the time table that's been given, that shouldn't impede the ability to implement thick WHOIS.

I think that's the thrust of the letter, as we've proposed to modify it.

DENNIS CHANG: Jordyn, do you have a...?

JORDYN BUCHANAN: Yes. I think Steve, sorry. It's Jordyn Buchanan from Google, also not a member of the IRT, but as you guys, all members are aware of ICANN meeting agitator pretty consistently on this topic. So, Steve, when I think about sort of what we can get out of this letter, it's one of three things.

I guess I'm trying to hone in on which of the three it is, and maybe you can help me understand that. So the first, which I gather you're not doing, is the IRT could say there is an open policy issue that we don't quite understand, and we think that the policy process needs to fix in order for us to proceed with implementation.

It sounds like you're saying, that's not the goal. Is that correct?

STEVE METALITZ: That is correct. That is not...

JORDYN BUCHANAN: Okay. So, the second, the third things you could be communicating are either number one, that the entirety itself, intends to accommodate these issues in its recommended

implementation, or the last should be, the individual registries and registrars will need to accommodate these factors in their implementation.

So, could you help me understand which of the last two it is?

STEVE METALITZ:

It's the last one. And I, you know, we've approved, the IRT has approved, an implementation plan. I mean, obviously, it's out for public comment. But so, we're not planning to make any, at this point, to make any changes in that implementation plan, so we're saying these are simply other elements that the registries and registrars will have to take into account as they implement.

JORDYN BUCHANAN:

Thanks, that's helpful.

KATHY:

Kathy [inaudible]. Is there any way to refresh to get the whole sentence? That's [inaudible] sentence, you can't see all of the letters.

Wonderful, thank you. Okay, so just a few questions. While we have no reason to think that the implementation issues that these registries and registrars will impede the timetable... So, it

sounds like you're holding registries and registrars to the timetable that the IRT is setting.

And, I wanted to raise the question, I don't know if it was in the privacy memo that you received, but there are a lot of transitions coming up and a lot of interpretation. So, the privacy shield is now under challenge, and also under interpretation, and the new laws coming in.

So, registries and registrars may not be able to keep to the timetable, because interpretation is in progress as well. It's not just black letter law being implemented, it's black letter law being implemented and understood and interpreted, and that process may be ongoing for a little bit.

And have people raised the costs and the concerns, and kind of the whole gray area, and then it may be better for them to wait until the dust has settled.

STEVE METALITZ:

Thanks Kathy. This is Steve Metalitz for the record. Yeah, the, we can't predict the future, in that we don't know... There are some things we do know, which is, at least as of now, the general data protection directive, is a known thing, and it will take effect in May of 2018. So, registries and registrars that are affected by that, can plan around that in their implementation.

You mentioned the privacy shield, that is mentioned and discussed in here. It's not really clear to what extent, if any, registries and registrars are relying on the privacy shield. Certainly, it seems that very few, if any of them, relied on safe harbor before it was struck down. And of course, the privacy shield, yes, is going to be challenged in the European Courts, so we don't know how that will come out.

So, yeah, there could be things down the road that would change this, what we have here as our recommended conclusion that we don't think there is any need to change the timetable, but basically taking a snapshot of where we are now, that's what we recommend the IRT say.

JOE:

Just to add to that. I think that, you also have to look at this in the context of all gTLDs, and what is specific here about com, net, and jobs that are doing the transition? So I think some of the things that you're talking about are not unique to this transition, they're probably more far reaching across all the gTLDs.

So, the analysis that registries and registrars have to do, the mechanisms that are in place for waivers and those types of things, are still consistent, but not unique to the transition piece of this.

DENNIS CHANG: Any other comments, questions?

If there are no more discussion points, then we will go ahead and move to the next topic, which is basically talking about next steps, I think. If you can switch back to PowerPoint. Hold on. Yes, go ahead.

JOE: So, just to wrap up this letter then, what are the next steps? Is it ready to go as is? Or, are we...? What's the mechanism, because I'm not familiar with how we get that concluded.

DENNIS CHANG: Well, what I would like to see is this reply to Steve's call for comments online, right? There is, let's see, we can capture Joe's supports, and which... Let's see, who else is here from IRT? Physically. Jodi, Jim, do you support the letter as is? Have you had a chance to read it?

ROGER: Hi, this is Roger. Besides some, I guess typos and things like that, absolutely support this in moving forward.

UNKNOWN SPEAKER: I agree with Roger.

DENNIS CHANG: Okay. Anybody... Any IRT members online?

KATHY: Can I ask a question? Kathy [inaudible] again. Are there are IRT members that are not from the United States?

DENNIS CHANG: Yes, Theo is a major active member of the IRT. Unfortunately, he's not here. But that's what I mean by the process. I think Theo deserves a chance to review it and voice his support as well. And I will follow a similar process as we did for the policy document. I will call up for your support and capture your support in some sort of an email or document, so we all know whose had a chance to review and voice it.

I've got four names here, so that's good.

UNKNOWN SPEAKER: So, I'll make a proposal. So, I don't know if we have the next meeting scheduled yet. I don't know what your plan is for how far out that may be, but I think it would be reasonable for the IRT members to have a chance to review, correct any typos, and

then perhaps we can go through that process at the next IRT call. If that is reasonable for everybody.

DENNIS CHANG: Quite reasonable.

By the way, who wants to hold the pen on typo correction? Steve had his chance.

STEVE METALITZ: Please do let me know of typos and other things. I'm sure there are quite a few. I'll fix those.

DENNIS CHANG: We're really making it work. Okay, let's see. We have...

Anyway, it's hard for me to see. Can I check your screen? Okay, it's coming up. Let's see.

So basically, it's the next steps for the IRT. All we do, staff wise, is to do our summary and analysis report in December, after the window is closed. Now, we haven't scheduled the IRT meeting yet, and I'm still thinking about this.

And I'm thinking it's probably good to have it after the window closed, because most comments just rush in. So even if we don't have, and it actually goes really fast, even if we don't have the

report ready, we will know what we get. And you used it to kind of discuss it. So, I'm thinking maybe after the 15th when the, both windows close, is when we have our next meeting, and maybe another meeting in January to finalize the documents that we announce.

And, let's see, and other than that, there are some items I think I actively like pushed away, or aside from the agenda, because I felt that it did not require resolution to get to the public comment, but think about what items there may be before we make the public, before we make the announcement.

And those are two different things in my mind. We can go to public comment without having some elements, but before we make the announcement, we shouldn't forget anything, especially in the implementation terms. So, implementation team, obviously we'll be thinking about this, but IRT may be want to consider that too.

And we'll be communicating online as well, but that's what I had envisioned in terms of our future activity. Any questions on that?

JOE: Joe from VeriSign. So, I guess I wasn't expecting that it would be, what? Almost six weeks out, or whatever, before we would

get back together again. So, if you're trying to schedule a meeting, mid to late December, and you're going to have both comments and this letter, I think that's an awful lot to kind of chew off at once.

So, perhaps we ought to have another, and it probably would be a fairly short meeting, I'm hoping, to get this out of the way. And then I don't even know if you want to do two separate meetings for the two separate comment periods, or try to combine them into one.

But, we may need to adjust that based on the amount of public comments.

DENNIS CHANG:

Absolutely right. We just don't know what we are going to get. We may all get favorable thumbs up, and it will be a very short meeting. So, what were you thinking in terms of timeframe? Like end of November or early December for our next IRT meeting?

JOE:

We'll do it on Thanksgiving, because only Americans celebrate Thanksgiving. I don't, I haven't looked at the calendar.

DENNIS CHANG: Okay. No, no, I'm talking about approximately. Two or three weeks. I'll give you a little rest too.

So, I will schedule our next IRT meeting two or three weeks, and our agenda there will be focused on finishing this letter for the GNSO Council. Now, procedure wise, I think Ruben said that he's now the newly designated liaison. No? Oh, you're not, okay.

So, we'll go ahead and make sure that he gets routed through the right channel. Are there any other business with the IRT?

Anybody from the visitors, guests, questions? Otherwise, we will close this meeting. Thank you everyone for attending, and thank you for your support, by the way. Bye-bye.

[END OF TRANSCRIPTION]