

ICANN

**Moderator: Nathalie Peregrine
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10:00 am CT**

Coordinator: The recording has started. Speakers, you may begin.

Fabien Betremieux: Thank you very much, (Anna). Good morning, good afternoon, good evening everyone. Welcome to our Thick Whois Implementation IRT meeting on Thursday 4 August, 2015.

On the call today we have Frederic Guillermo, Mike O'Connor, Jordan Carter, Joe Waldron, Mark Anderson, Sara Bockey, Roger Carney. I also saw - (unintelligible) joining. We have received no apology for today. As far as staff is concerned we have Steve Chan, (unintelligible), Berry Cobb, Nathalie Peregrine, (unintelligible) and myself, Fabien Betremieux.

So I'm just checking that we have everybody on the record. I see that we also have Carlton Samuels joining. And I think I've mentioned - and Steve Metalitz as well. So if I have - and I see that Don Blumenthal is joining as well.

So before we jump into our agenda and discussion today I just would like to remind you to please mute your line if you're not speaking. The meeting is

recorded and will be transcribed. For the purpose of the transcript please don't forget to state your name when you speak. And if at any time during our meeting you would like to get into the queue to speak please do so by either raising your hand or mentioning a question in the chat room.

I see that we also have Krista Papac who joined with me from ICANN staff.

So the goal - the objective of our meeting today is to initiate the discussion of the implementation details of the transition. So in terms of our agenda, we will go through a few obligatory topics then we'll delve into our discussion of - (unintelligible) discussion of implementation details for the transition from thin to thick. And finally we will take a bit of time to talk about next steps including the frequency of our meetings going forward.

So you may recall in terms of status of the implementation this is what we presented in our last IRT meeting during the ICANN 53 meeting in Buenos Aires. And this diagram shows the overall timeline assumptions so far. We have at the bottom of this diagram or this timeline two main rectangles, the thick Whois (unintelligible) and transition from thin to thick for the (unintelligible).

Those who are the main work stream of our implementation. As you may recall. And we have displayed the (unintelligible) timeline here as well because you may also recall that we are synchronizing the implementation of (unintelligible) the rollout of (unintelligible).

So in terms of where we are on this timeline, right now we are working against assumption, so we (unintelligible) as far as the - I think we've consistently (unintelligible) confirmed we are currently working on drafting the implementation time and we have some dependencies on the RDAP work

so once we cross those dependencies and we will be able to share with you some more information.

In terms of the transition from thin to thick, you may be aware that we have now released a memorandum that we called the legal (unintelligible) memo. We haven't received any feedback on the mailing list over the last few weeks.

So right now what we're doing is that we are moving into the actual working out of implementation details considering the conclusion of this legal review memo. And this is why the focus of our call today is on initiating the discussion and working out those details.

With respect to this focused discussion on the implementation details of the transition from thin to thick, you may remember that the final report of the working group specifically called out for the work to be conducted with a team of experts from parties that were most - that are most affected by this transition.

You may also recall that we've conducted a call for experts back in December of last year. And then 12 volunteers joined the effort from (unintelligible) 10 registrars. From the attendance today I think we only have a few of those volunteers. I see (unintelligible), Roger Carney and Sara Bockey. I'm not sure that we have any other volunteers from this team. If you are one of these volunteers on the call and I haven't mentioned your name please let us know.

I'll be just pausing a second here to see in the chat if anybody reacts. So in any event you see the background against which we will be working on discussing those implementation details.

We have proposed that the role of the experts on the affected parties be to share their analysis, contribute proposal and ideally representing the diversity of registrar (unintelligible) models that there may be.

I'm adding here just a quick reminder of the role of IRT members. This is probably not new to anybody. But this is just to mention that we have two types of members. We decided early this year or late last year that we would only, for now, incorporate those experts into the IRT. There is no reason to change that principle for now.

So what we will do is we will leave it to new IRT members and experts from affected parties to let us know if we need (unintelligible) to reconsider this idea of this merging the two groups into the IRT.

And approaching the discussion of the implementation details of the transition with the (unintelligible) from the IRT and (unintelligible) experts from affected parties joining the discussion.

In terms of target timeline for this working out the implementation details of the transition, we are hoping that by September we will have a first draft to be discussed in the relevant constituency committees. We - and that's obviously an event of ICANN 54. Hopefully we'll be able to revise this draft and submit to for public comment after ICANN 54. And, again, hopefully by early next we'd have a finalized implementation plan against which we could start implementing.

Let me stop here a second. Are there any questions or comments from this few introductory topics?

Joe Waldron: Fabien, this is Joe Waldron. So I just want - just to clarify because I think there may be some confusion when you talk about the implementation plan. Because I think when we first started this IRT there was a - probably a very different schedule that's evolved over time.

So we're really talking here about having one consolidated implementation plan that the whole IRT puts forward for public comment, is that correct?

Fabien Betremieux: Thank you, Joe. Yes, this is correct. And I think we, you know, apart from the fact that we are conducting the two work stream in parallel, the (unintelligible) one side and the transition from thin to thick on the other side, I do think that with respect to the transition we want to have one implementation plan that's agreed upon with the IRT that has gone through public comment and that can be implemented. Does that answer your - does that clarify, Joe?

Joe Waldron: Yes, thank you. Sorry for not raising my hand.

Fabien Betremieux: No problem. Thanks. Would anybody else like to comment or ask a question? Okay. I'm not seeing any hands raised or any mention in the chat room so we'll move on.

So in our invitation we sent a draft outline of what we consider could be a conversation starter for - as details in terms of the discussion of those details of an implementation plan for the transition. I'm going to go through the diagram here just to kind of summarize the draft outlined we shared and based on this transition then we'll move on to our substantive discussion.

So the approach we are proposing in this draft outline which again is only a conversation starter, it's not meant to be what we'd like to become the implementation plan; this is really for discussion.

So we propose that as a starter we would be looking into the status of consent and conflict, (unintelligible) conflict registrar for registrar and to determine what would be the situation of registration.

Where current registrations are based on consent for the transfer of the registration data to the registry and where there would be more (unintelligible) we would be able to move on to transitioning the data from thin to thick. So this would be our simplest path.

Right, let me move on. Where consent would determine to be - to need to be renewed because it would not be broad enough as it stands, and where there would be no obstacle then what would need to happen is the renewal of that consent.

Where the consent - the consent would be given this would allow to move on to transitioning the data from thin to thick for those given registrations. If consent was not given there may be an opportunity for proposing the use of privacy proxy services and then implementing the transition of that registration data from thin to thick.

Another possibility that we are putting forward for discussion is whether a registration can be terminated if no consent was - the consent was not provided and if privacy proxy was not an option for a given registrant or registration.

A third possibility out of the verification of the state of consent and conflict is if we are running to the conflict jurisdiction or a legal (unintelligible) then we would move on to managing the conflict from a contractual perspective where as we mentioned in our document we would be looking at the procedure for handling this conflict with privacy laws or considering amendment or waiver to contractual obligation.

And if we allow to potentially move on to implementing a mitigation to that conflict that we list it as (unintelligible) use of the RDAP (unintelligible) future or a regionalized Whois service which was mentioned in the legal region (MO).

And finally all this process would be supported by the necessary measures that we would identify and (unintelligible) to serve the stakeholders in this process to be the registry, the registrars or the registrants or potentially any third party involved.

So this is the summary of the draft outline we shared. I will stop here for comments and questions before we potentially delve into the document and look at it section by section. Would anybody like to join the queue, comment, ask a question?

Amr, would you please go ahead?

Amr Elsadr: Yes thanks, Fabien. This is Amr. Can you hear me?

Fabien Betremieux: Very well. Thank you.

Amr Elsadr: All right great. I was just wondering a question I put in the chat. You have - where consent is an option there is the question of whether it is given or not. If

it not given then you have the option to provide the - or to sort of indicate that privacy proxy services are a possible alternative . And if the answer to that is no then the next step is termination of the domain name registration.

I was just wondering if - whether it was taken into consideration here that there are some registrars that actually don't offer proxy privacy services. And I've seen at least a couple in the EU for example and in Norway perhaps. I was just wondering whether that was taken into consideration or not? And if it was couldn't there be an additional sort of option to transfer the domain name to a registrar that does offer privacy proxy services just sort of fitting that all into the flow of the process here? Thanks.

Fabien Betremieux: Thank you, Amr. No, I think this is - sound like a valid discussion to have (unintelligible) and potentially in addition to this process outline. So I'm, you know, I'm all for considering it and revising the document and work flow and have this as an option to discuss further. Thank you, Amr. And I'm sorry I missed your comments.

Steve, would you like to go ahead?

Steve Metalitz: Yes, thank you. This is Steve Metalitz. And thank you for walking through this document. This chart is quite helpful. My main reaction was that - is really just more of a presentation question. If you look at the legal review document and if you take into account the discussion that we had at the last face to face meeting, it seems pretty clear that the 1(a) - the 1(a) path here is the likeliest - by far the likeliest to occur.

I think we've had the legal review focuses on this consent issue and the - and there was also, as I understand it, a review by ICANN and its outside counsel

of the registration agreements of many of the major registrars; I don't know how many.

And a - the impression I got from that meeting was that it seemed clear that the existing consent that is required to be obtained under the RAA would cover this and therefore we would be on the 1(a) path in the vast majority of cases.

Maybe - is that your understanding as well? And you might think about how to present that in the outline because most of this document is taken up with these edge cases of 1(b) and 1(c). And I think 1(a) is going to be predominant case so you might think about how to present that. Thank you.

Fabien Betremieux: Thank you very much, Steve. And actually the (unintelligible) the hope that indeed we can have most of the registration go through this (unintelligible) path of 1(a). And this is why you have green for the transition from thin to thick hoping that this is where the bulk of the work would be.

And then the yellow and red are certainly to indicate that these are definitely corner cases, as you mentioned that we would hope and endeavor to minimize as applicable. Does that address your point, Steve?

Steve Metalitz: Yes, thank you.

Fabien Betremieux: But thank you. And I think we surely need to be careful when we will be communicating (unintelligible) the outcome of our discussion with a larger audience. And in a sense I think it may be useful during the - our discussion to maybe have a sense of if we can have an estimate at, you know, what could be the amount of work we'd have in each of these channels or paths that is different and that's why I have a little (unintelligible) on the right here to

throw in numbers or percentages if we can. I think that would be helpful if anybody has indicated yes or (unintelligible) it may be interesting to discuss.

I think I've lost the queue but I think that Joe had raised his hand and I saw maybe Frederic as well. Joe, do you want to go ahead?

Joe Waldron: Yeah, thanks Fabien. So I appreciate the flow chart that you put in here. I do think that it might be helpful though, if we think about this process from two perspectives. One is back-filling legacy data for existing registrations and the other one is accepting and passing data with new registrations.

Because, well, there certainly are issues with consent in both of those cases. I think the analysis that needs to be done may be slightly different where you're talking about an existing registration agreement that a registrant has versus a new one going forward.

So I think that we may need to just look at those from two different perspectives. And I've kind of thought of the implementation that will go through in those two - those two components is, you know, when do we start collecting? And then ultimately requiring the data to be passed versus back-filling. I think those are two distinct tasks.

But I think that's also two separate considerations as we look at the legal issues related to consent. Does that make sense?

Fabien Betremieux: Thank you, Joe. Absolutely makes sense. And I was actually wondering whether in your view this would warrant that we have two different flow charts. Because so this is what your comments makes me think. So far, I was - I think we were thinking about having the distinction as part of the

implementation of 5, so transition from thin to thick where we would indeed have two very different cases, existing registration and new registration.

But what I'm understanding from your comment is that we may need to look or make this distinction earlier in our process at the one stage, at the first stage, so, you know, I'd be interested - if you could share, you know, some elements as to that difference you're mentioning I think it would be helpful.

Joe Waldron: Sure. I mean, so from the perspective of accepting a new registration if a registrar - and again I'm - I don't want to speak for the registrar so I know we have several representatives from Go Daddy on and hopefully we can solicit some renewed interest from some of the others.

So I don't want to speak for them but at least in my mind if a registrar includes the term in a new registration agreement for any new data it really follows what they're already doing and have been doing in many cases going all the way back to the new gTLDs that were introduced all the way back into the early 2000s and certainly with the new gTLDs that are being deployed today.

So that, to me, maybe something that the registrars have already done that analysis and, you know, there may be some updates to that or some considerations that they need to go through. But that is potentially a very different analysis from the perspective of back-filling data where you have in some cases, you know, registrants that have been on very long term registrations with a single registrar.

You know, you could potentially have a registration that was originally done almost 10 years ago, you know, that would have had original terms and then whatever the requirements are for updating registration agreement terms that

may have happened in the interim. I just think that may be a very different consideration so probably - and also a different path just from a practical sense in terms of how to complete the transition so that you're accepting the new thick data at some point as an optional phase for some period of time to allow registrars to update their systems and move to that. And then at some point that becomes required.

And I just look at the back-filling of data as a separate task and probably a separate process or potentially a separate process for how we actually complete that.

Fabien Betremieux: Yeah, thank you Joe. And so I think, you know, we should make this a discussion topic that we should, you know, reflect in our document or in a version of the document and start putting details around how we would include that in our planning process.

So thank you for sharing that thought. And I suggest that we take it on to develop it, you know, into more details and to potential measures to be implemented in this process.

Joe Waldron: Yeah, thanks. And I think it's incumbent on us as the primary registry impacted by this to, you know, to reach out to the other registrars, you know, the ones that are on the call as well as the others that had expressed interest and really work with them on what that, you know, what that path looks like from their perspective. Again, I don't want to speak for them, I want to let them, you know, provide that input as well.

Fabien Betremieux: Yeah, thanks Joe. And so I think first of all we, as staff, would be very interested to hear what you find out in those conversation so that we can

integrate this into the - into the thinking and the drafting of this process and implementation time.

And I would certainly, as you mention, hope that registrars in this - in the IRT and in the team of experts contribute on that for sure. And I see that Roger is in the queue. I may have seen Frederic Guillermo but maybe he dropped from the list. So, Frederic, please come back to the queue if you would like to speak out (unintelligible). Roger, do you want to go ahead? Roger, can you hear me? If you can the floor is yours.

Oh I see that we have an audio issue. So if you'd like to maybe type (unintelligible) your question and we'll pick it up. So if - we'll wait until we have Roger's question. And then I suggest that we potentially move on to looking at our document into some of the details we've proposed.

Okay so while Roger is typing in his question we will - I will load our document. We have about 20 minutes left in our - in the agenda today to discuss (unintelligible) in more details. Hopefully this will be helpful. Here is the document.

Okay so again the document we shared is a draft outline. It's meant to be a conversation starter so we hope that (unintelligible) strike as mentioned especially started right now. And you can please feel free to edit - make any (unintelligible) and share them on the mailing list.

So I'm still monitoring the chat for Roger's question. And until I see it I will just start the discussion of our document. Here is the question. "So just wanted to clarify Joe's approach instead of starting with the consent you are suggesting to start with the new registration and then moving to the consent question."

Joe, would you like to address the question?

Joe Waldron: No, I think my hand is down. I didn't have a question.

Fabien Betremieux: No, actually I was - so I understand that Roger is asking you a question...

((Crosstalk))

Joe Waldron: Oh, oh I see. Okay, I wasn't reading...

((Crosstalk))

Fabien Betremieux: Thanks.

Joe Waldron: Instead of - all right so let me read it. "So just wanted to clarify Joe's approach instead of starting with the consent you are suggesting to start with the new current registration and then moving to the consent question."

I don't think that's exactly what I was thinking but I'm open to, you know, anybody else's comments. I was thinking that the question about consent is going to be perhaps different for moving forward with new registrations. So I think that there still is a question about consent. And I think that, you know, you can look at some of the, you know, the exceptions that have been granted for registrars or registries and some of the considerations that have gone in.

And the legal memo referenced a couple of those even including some analysis that was done years ago by the global name registry for dotName. So there are consent issues that registrars are already aware of, and have had to

address for any of the registries that they're supporting today that have a requirement for thick data. So I think that's one question.

And then a separate question about gaining consent and any updates that need to be made to registration agreements or getting consent from registrants to transfer that data it's a separate question when you look at existing registrations that may have been made under a different agreement with the registrant. So hopefully that answers the question.

Fabien Betremieux: Thank you, Joe. I think it does. And so I suggest we keep the discussion going after this meeting and we'll talk about how we can do that in our next - the discussion of our next steps. But thank you, Joe and Roger for discussing this issue.

So I've put up the document. What I suggest we do is that I slowly scroll down into each of our section of the document. And if anybody would like to raise any specific comments about what's in the document, you know, I think this would be a useful starting point for our - the continuation of our discussion.

So what you see here in Section 1 is the three main options we talked about around the consent and potential legal obstacles. We have A(b), A(c), R(1), A(1), B(1), C. But determine the type of path we're taking in implementation potentially.

And so, yes I see Steve, do you want to go ahead?

Steve Metalitz: Yes, Steve Metalitz. Just - I have a couple of drafting issues here. And I don't know, maybe it's better to just do this online. But in 1(a) where it says, "and relevant jurisdictions do not oppose such transfer," that - some people could

read that as saying you're going to go to all these jurisdictions and ask them if they oppose the transfer. I don't think that's what's intended. I think you're trying to differentiate this case from the 1(c) case. But...

((Crosstalk))

Steve Metalitz: ...think about whether to - you might need that phrase. And it might be somewhat - again I'm thinking forward to when this goes out for public comment people that don't have the familiarity with this issue and that haven't had the benefit of the legal review might misinterpret that. Thank you.

Fabien Betremieux: Yeah, thank you for flagging this, Steve. We'll certainly look into it. To your point on the drafting, can you clarify - I'm not sure I understand did you mean that we should use another method in a Word document to match edits, is that what you meant?

Steve Metalitz: This is Steve. No, I was just saying that if we have, you know, just drafting changes, it probably doesn't make sense to go through and say go to the third line, strike this comma, and do this. It's easier just to do that in writing, so I can do that after this meeting.

Fabien Betremieux: Yes definitely please. That would be certainly very helpful. You know, I think whatever you think is the best way for you to contribute your comment edits, please feel free. A red line will certainly be very helpful for us, and if you have any other ideas, please let us know. So thank you again, Steve, for your comment and we'll be looking forward to your proposal.

Did I see another hand raised? Okay. I'm not sure if anybody would like to speak, please let me know. So unless anybody would like to stick to this section, I'm going to move onto section two, which is our first exceptional

case or alternative case to the (unintelligible), which is sort of section three is about managing consent when we're currently not broad enough to cover the needs of the transition from thin to thick.

So in this case, we've identified the scenarios where there may be a need to renew consent under potentially new terms that need to be written. So here we've pointed to the - some guidelines that are in the 2013 RA (unintelligible). There is a - an open question here, which is section 2a2, which is about when the timing of the collection of the consent.

For instance, it sounds fairly easy for renewing your registration, a registration that gives you a new URLs but it may prove more challenging for multi registration, for which at the moment is the renewal may be far away in the future and which could currently be an issue for our implementation.

So we think is this is something that would need to be further discussed in our proposals of one-offs and to check whether the consensus policy could be a trigger for those registrars to amend the registration agreement with the registrant.

So this is for our first case. So that's 2a, about implementing new consent terms to these where we are not able to obtain consent. And in this case we mentioned the opportunity to use the privacy and proxy service being offered in the termination, and Amr mentioned they would possibly transfer the registration to a registrar that offered these type of services.

Are there any questions on section two? Comments? I'm not hearing any. I'm trying to check in the comments here. Okay.

So section three, section three is part of our - one of our exceptional tasks and the work of the (unintelligible) the one that deals with a jurisdiction conflict or a legal (unintelligible). So here we're mentioned the two potential instruments we have to deal with such conflict. As I mentioned at the legal review conclusions, we are considering privacy laws and the amendment or waiver to CC contractual requirements.

You are maybe aware that 3a, the ICANN (unintelligible) privacy laws under review by the implementation of the RA group. So and - sorry and still this group is about to put forward recommendations that are adopted by the GNSO Council and eventually go down the path for implementation. The issue will remain as it currently is and the issue (unintelligible) taken into account at implementation. That would take a decent amount into consideration.

And as far as the amendment or waiver to contractual requirements, there would certainly need to be a set of guidance identifying what would be the constituency requirements and certainly a reference to the process for doing so.

Steve, would you like to proceed?

Steve Metalitz: Yes this is Steve Metalitz, and just to say, as someone who was involved in the drafting of this Whois conflict policy and participating in the implementation advisory group now, it's not clear to me what the 3b situation would add to the use of the procedure.

I mean there had been three instances in which Whois obligations to registries have been adjusted under - without necessarily going through the existing procedure for Whois conflict. But this issue came up each time as to why

weren't they using the procedure. So all I'm saying is this may not be actually be as separate path, maybe collapsed into the Whois conflict procedure.

The conflict - the procedure is not - has not been considered mandatory. Let's put it that way. But one issue is whether there should be - whether these cases should be channeled into that procedure, because that kind of sets out a whole process. So I just wanted to flag that that the 3b case may be a very small - you say as for a process to be documented or referred to in this plan. There is a process, which is the process for handling Whois conflict with privacy laws. So it may not be necessary to have kind of a second process.

Fabien Betremieux: Thank you for your comments, Steve. Thank you for citing this. We'll certainly consider this and get back to you. Unless anybody from staff on the call would like to talk to this point, I suggest we take this back and get back to you. Thank you, Steve.

So unless there is other comments or questions on section three, I'm moving onto section four. Section four is about the actually litigation of the conflict once we've managed it from a contractual perspective with the contracted parties. So it more of a technical implementation area. And here are the two options that have been discussed - that were discussed in the legal review memo are the RDAP, the implementation of RDAP to ensure the direction and future.

You may recall our discussion of this is our last face-to-face meeting where we presented the benefit of this with our actions featuring the case where registration data would be prevented from being transferred from thin to thick. Essentially what RDAP provides for is a say a representation as thick instead of an actual storage of the data as thick.

And so I think - so basically a user or an end user who'd like to obtain the registration data of a given domain name where the data would still be seen through RDAP, the data would appear as it thick, because RDAP would take care of gathering the data from the registry and the data from the registrar to be displayed a unified form without the user having to do anything more or see any of these operations.

So one of the questions here that we raised or the motion that we raised in our last meeting was that this would not likely need some kind of formal consideration from the IRT as to whether such a litigation would be consistent with the intent of the policy recommendation. So I just want to make sure that I highlight this again so that people are aware that in the discussions option we'll certainly expect the IRT to provide guidance in this area.

And I'll check in the litigation measure here is also mentioned in the legal review memo and the concept of potentially having regions where a lot of registration if it was obtained in a region where there would be a lot of registration data that could not be transferred to the registry, we could explore a way of ferrying that registration data from that region.

And so here again this is for exploration as part of our discussion, and we'd certainly welcome the feedback you may have on conception as well as the previous condition with RDAP direction.

So let me stop here a second and see if anybody has comments or questions on section four. Joe would you like to add to this?

Joe Waldron: Yes. Thanks, Fabien. Just a clarification point, and this just may be outside my expertise, but when we're talking about conflicts in relevant jurisdictions, are you talking about - let me just ask two specific use cases. Is it registrar by

registrar or it registrant by registrant? So could a registrar have, you know, part of their customer base where they're going to have consent and that's going to move forward and then some other jurisdiction or, you know, group of registrants in other jurisdictions would have these conflicts that have to be implemented?

So I'm just trying to understand, is it something that would be looked at from the registry's perspective as a registrar by registrar or an almost a domain name by domain name implementation? I'm just not clear on that.

Fabien Betremieux: Thank you, Joe. I certainly invite anybody from staff who'd like to peek in on the discussion. You know, from my perspective I think that we certainly rely on the experiences of the registrars in this area. When there's potentially a concern that indeed the jurisdiction of registrants may be at prey; however, we're also aware that in some circumstances registrars are going by - maybe going by their jurisdiction of (unintelligible). So here we would really rely on input, feedback, and, you know, extensive expertise from the registrar.

Joe Waldron: Okay thanks.

Fabien Betremieux: Thank you, Joe. Steve, would you like to go ahead?

Steve Metalitz: Yes, just to add to this. Steve Metalitz. I think ordinarily, as Amr said in the chat, it's likely to be the registrar because if you're looking at the European situation, they would be considered the data controller, I would think, even if some of their registrants are from outside their jurisdiction.

But one reason why this is such a difficult question to answer is the point I raised earlier, this is a case that has never occurred and therefore, you know, we have a bit of a - it's like we have a bit of a problem getting a realistic view

of what would be involved because it hasn't happened so - and may not happen. Thanks.

Fabien Betremieux: Thank you, Steve. (Roger)? (Roger), can you hear me? (Roger), we can hear some background noise, it seems, but we can't hear you. Sorry, (Roger), would you mind typing in your question in the chat? We're sorry about this. Okay, so (Roger) we'll wait for your - please type in your question and we'll try to keep moving.

So our next set is section five, process for transitioning registration data. So that - so let track back, as Steve has already asked this question, who will implement the original Whois data store. I think that's a very valid and open question. We would certainly welcome any discussion of this. I think this is definitely a topic for consideration of all affected parties. So, you know, there's no preconceived idea on our side. This is really an option to explore. I hope this answers your question on this.

So I see your question now, (Roger). The 2013 RA says that you can stop providing Whois for office registries. How do we account for that? Thank you very much. I think this is a very valid question. I will not venture in an answer at this point. I think we will definitely take this issue and discuss it further in our next steps, if that's okay with you, (Roger). And if anybody would like to comment on this question.

So let me keep moving. We're nearing the end of our meeting session. So I mentioned section five our document of our draft outline, which is meant to hear - cover a fairly large amount of work which is processing the actual transfer of data. So during the discussion we had included here the distinction of releasing registration and future registration.

In each case you channeled a requirement for transferring the data. It would certainly be different as well as timeline and process. So this is where we hope you can provide some - and incorporate what registries and registrars to your point Joe proposed as a draft.

And finally we've added here in section five the consideration of this other part of recommendation number one, which is the - maybe inconsistent within (unintelligible) which only have to be synchronized with RDAP and with the other part of our work in this implementation, which is consistent with (unintelligible).

And finally to our document, section six, (unintelligible) measures mentioned in the overview which would be there to assist stakeholders in other ways as deemed appropriate. And that applies to all stakeholders involved. And what we're suggesting here is that during our discussion we catch whatever is submitted from ICANN to implement in order to support this process.

So unless there is any comment or question, I think we've covered the entire document. I see Mike. Would you like to go ahead, please?

Mike O'Connor: Hi, all. This is Mike O'Connor. Just to sort of - I waited till the end because I - this is sort of a high-level question. As a member of an IRT, I'm assuming that I'm sitting here making sure that we're not conflicting with the policy that the working group came up with. And I don't really anticipate getting involved in the detailed drafting of this outline.

So I think you may want to reconsider this merging of the IRT with the experts group, because it would be nice if somebody wrote a draft and hammered on it a bit to work out some of the detailed questions before it came to the IRT. If you're expecting an IRT type group to actually draft this, that

would scare me a bit, just from a personal commitment standpoint. I'm not prepared to sit through drafting on a detailed work plan.

So can you just calm me down and let me know that no I don't have to write and review details of a plan like this? Because I think that's going to be a big chunk of work for a lot of people that aren't really prepared to do it. Thanks.

Fabien Betremieux: Thank you very much, Mike. I certainly welcome your discussion and request for reconsideration of the merging. You know, we've merged so far as kind of a default approach to get the work started. If the group believes that this work would be better addressed through some kind of separation of the two roles, we would certainly be happy to review this.

And with respect to our expectations regarding the drafting, I think we see this is a collaborative drafting effort where we would certainly like to have expertise from the affected parties in the drafting instead of us, you know, from our offices or home offices or wherever in the world or for just, you know, one night. I don't know if that makes sense.

So I hope that this reassures you, Mike, and I frankly welcome anybody else's input on this idea of unmerging the work.

Mike O'Connor: This is Mike again. Before anybody - just to jump back in, I don't know about some of the other members of the old working group, but I would be a little bit surprised to find that folks like Steve and, you know, (Don), and Amr, and Joe, and all those folks have time or focus to actually develop this. So I don't want to beat this death, but I think maybe on the list we ought to have a little conversation about who's expected to do what, because drafting detailed work plans certainly wasn't in my future planning. Thanks.

Fabien Betremieux: Thank you, Mike. I see Krista joined the queue. Krista, would you like to go ahead?

Krista Papac: Thanks, Fabien. Hi, everybody. This is Krista Papac from ICANN staff. So just, Mikey, to make sure -- or Mike -- that we're communicating clearly, I think what I'm hearing you say is you're expecting that staff would do a lot of this drafting based on certainly input from these - the various experts that are on this call, including folks that were on the initial working group, including registrars and registries who have obviously this wealth of knowledge and expertise on how the technicalities of all this.

And yes, that's the vision. This implementation plan will work the same as implementation plans in the past where we sort of we get, you know, inputs and guidance from you guys and then we pull together the language and you help us refine it and make sure that it's in - that it makes sense and is something that's implementable. So I hope that answers your question and sort of addresses your concern.

Fabien Betremieux: Mike, go ahead.

Mike O'Connor: This is Mike again. I think then if that's really the role I'm going to kind of amplify what I heard from Steve, which is there are pieces of this that seem to be over-thinking this and to the extent that we can focus on use cases that are likely to happen and not spend a whole lot of time solving problems that have never happened before and are unlikely to happen in the future. That's my piece of feedback.

Because the way this reads, the main case, the, you know, the 99% case, gets a couple of lines and then the bulk of the document is all these edge cases. You

know, we could get everybody lost in the weeds on this if we're not careful on focus. Thanks.

Fabien Betremieux: Thank you, Mike. Thank you, Krista. Would anybody else like to address this topic? Joe?

Joe Waldron: Yes thanks, Fabien. And yes let me just respond to Mike, because I do recognize that while, you know, we're looking at, you know, how do you address the 99% and I think that is easy, but even 1%, you know, when you're talking right now between com and net alone, you know, that's going to be a million domain names that need to be individually addressed and managed, and we have to build to support those kinds of corner cases.

So you obviously want to have a minimum set of those types of cases, but we do have to, you know, handle that so that we're, you know, we've got all of those cases where, you know, there are consent issues or whatever those, you know, nonstandard cases are because I can't imagine trying to scale, you know, a manual review of, you know, millions, potentially millions of domain names, when you've got one registrar that has some issues with consent.

So it is something that we - I guess that's just kind of the nature of my world in running a registry is that, you know, we deal a lot of time in reviewing and understanding these corner cases, because that potentially has a significant impact when you get to scale. So I guess I'm apologizing for the level of detail on some of the corner cases and the over-thinking that we're doing on this.

Fabien Betremieux: Thank you, Joe. Mike, would you like to respond?

Mike O'Conner: Sure, this is Mike. And, Joe, I fully get it. I mean I understand that 1% is a lot out of 130 million or whatever the number is. And I guess what I'm saying is I

don't want to have to participate in the drafting of that. I want to make sure that I have enough cycles left so that once folks like you and other folks who, you know, for sure we need to handle that and I certainly want to participate in the review of that. But I don't want to write it, you know.

And that's why I proposed the notion that we break apart the IRP from folks who have a lot more expertise, time, and need to get those details straight. I guess that's it.

Joe Waldron: Yes thanks, Mikey. I think you're right and I think it is a subset of the people on the IRT that'll do the lifting on the drafting. But I - and I think that others who are participating for, you know, will participate at the level that they have deemed relevant based on their particular interest in this. So I don't expect that every single person on the team is going to be involved in a lot of heavy lifting on drafting and implementation plan.

But, you know, for people like, you know, (Mark Anderson), me, and of course Fabien, we're, you know, we'll be doing a lot of that. You know, we'll be getting a lot from registrars, but then I look to the rest of IRT as part of the review process to ensure that we are staying consistent with the approved consensus policy.

Mike O'Conner: This is Mike again. Just to try and close this off real quick. You know, that sounds great and, you know, I think the thing that scared me a little bit is this noting that Fabien that sort of put out there that, you know, there's this staff sort of sprinkled around the world in their home offices, and they're sort of looking to us to pull the boat, you know.

I think that, at least if I were in your shoes, I would want somebody on staff to say no, no, I'm going to be the secretariat, I'm going to do the drafting. I may

interview some of you very intensely but, you know, that seems to me to be an appropriate staff role is to do the heavy lifting of drafting and allow you, Joe, and others in the direct impact role to be heavily involved in reviewing.

And then some of us who just want to make sure that the policy gets implemented, sort of take a less active role in all this. But the idea of the IRT plus the experts group plus staff sort of in a mush across the world jointly drafting a document scares me to death.

Fabien Betremieux: Krista, would you like to respond?

Krista Papac: Yes, thanks. Hey, Mikey, it's Krista again. So yes I just kind of want to reiterate what we're saying, and it's in line with what you're saying, so I think, you know, maybe there's a miscommunication or misunderstanding here. But the staff role on this IRT is the same as it is in all IRTs where we do do a lot of the heavy lifting.

You know, we have the group of experts for a reason to assist with, you know, making sure we have the right information to do that heavy lifting. We're certainly always happy if there are members of the IRT or the experts group that want to do some heavy lifting. We're happy to have that happen as well.

But, you know, we will be taking an extremely active role in that. And I want to like put your concerns to rest here, because it's - I think we just had a little misunderstanding here on this call about what the staff's role is. And it will continue to be the role that it always is where we do do that and facilitate these calls as well. But, you know, we will definitely be doing the heavy lifting. So I hope you're no longer concerned about that.

Mike O'Connor: I'm all cheerful now. Thanks, Krista.

Krista Papac: My job here is done. Thank you.

Fabien Betremieux: Thank you, Joe, Krista, and Mike for the discussion. So this - we're ten minutes past our time. I just want to be very quick here. I was hoping I would have time to get next steps, and that's actually what we might have done. It seems to me that we should have a discussion on the list indeed about how we proceed in the next weeks to get to a point where we can have a draft in September.

So what I suggest we do as an action item is that we take it up our staff to gather your feedback on how we can proceed and we'll put forward a proposal, and you'll tell us how that works for you. And based on that feedback we'll get from you, hopefully in the next week or so we'll be able to schedule our work on the call.

Mike, would you like to go ahead, please?

Mike O'Connor: Yes, I'm going to jump -- this is Mike again -- I'm going to jump in real quick. I don't want to show up on a call every week, I can tell you that, and I don't want to be involved in drafting a detailed document over August. I'd love to review one in a few weeks and I'm happy to participate in those reviews even in August, but that's where I think these tiers that Krista and I are trying to get at.

You know, there's got to be somebody working very hard during August every day writing on this stuff, there's got to be some people that are taking a look at that draft every few days, and then there's a group of us that don't look at it all the time but we're happy to contribute when you feel like you've got a draft that's worth taking a look at.

Fabien Betremieux: Thank you, Mike. We'll certainly include a role - I mean it definitely makes sense that there is - the roles you're describing are in the (unintelligible). Are there any other comments or questions on next steps in particular?

We would certainly - as to (Roger)'s question in the chat with respect to our meeting in ICANN 54, we would certainly need to be organized there as we've done at the last few ICANN meetings, actually before last minute since the IRT with (Philip).

Are there any questions, comments? If none, then I suggest we adjourn this meeting. I thank you very much - we thank you very much for your time today this morning or evening, and we will be of course in touch with you shortly through the mailing list. Thank you again for your time and have a nice end of your day or evening. Thank you.

Man: Thank you.

Man: Thank you.

Man: Thanks, all. Bye-bye.

Nathalie Peregrine: (Anna) you can stop the recordings. Have a good day. Bye-bye.

END