

# At-Large WHOIS Briefing Session 2013-02-20 Adobe Connect chat

Ron Sherwood:Good morning all  
Holly Raiche:Good morning  
Sergio Salinas Porto:good morning all!  
Gordon Chillcott:Good Morning, everyone.  
Carlton Samuels:Hello everybody  
Matt Ashtiani:good morning, everyone!  
Holly Raiche:Who is Y  
Y:Hello Everyone  
Allan Skuce:Good morning.  
Y:Will change it right now. I am Yaovi  
Holly Raiche:Thanks  
Fatima Cambronerello:hello everyone  
Dev Anand Teelucksingh:Hello everyone  
Rinalia Abdul Rahim:Lost your audio GG  
Dev Anand Teelucksingh:lost the audio in the AC room  
Jordi Iparraguirre:Hi everyone , I was listeing fine but I lost soubnd now.  
Dick Kalkman (isoc.nl):Audio is now OK  
Rinalia Abdul Rahim:OK now  
Natalia Enciso:Hello everyone!  
Dev Anand Teelucksingh:hearing you now  
Jordi Iparraguirre:audio is ok for me  
Avri Doria:ok  
Michele Neylon:/me waves  
Evan Leibovitch:I'm not using the audio bridge but I can hear fine on the call  
Silvia Vivanco:Hello everyone  
Sivasubramanian M:hello  
Heidi Ullrich:Welcome, everyone!  
Michele Neylon:i'm in  
Michele Neylon:sorry  
Michele Neylon:couldn't see the numbers  
Michele Neylon:)  
Olivier Crepin-Leblond:thanks for the document!  
Heidi Ullrich:All ALAC statements, including on the topic of WHOIS, are available here: <http://www.atlarge.icann.org/correspondence>  
Matt Ashtiani:Affirmation of Commitments - <http://www.icann.org/en/about/agreements/aoc>  
Heidi Ullrich:WHOIS Expert Working Group: <http://www.icann.org/en/news/announcements/announcement-14feb13-en.htm>  
Evan Leibovitch:still hearaiing ya  
Yaovi Atohoun:we can hear you  
Dev Anand Teelucksingh:Carlton, we are hearing you  
Michele Neylon:I can hear him  
Gordon Chillcott:I hear you, Carleton.  
Sivasubramanian M:we can hear you very clearly  
Lutz Donnerhacke:We here you ... Hallo  
Allan Skuce:Yes. yuo are heard.  
Sergio Salinas Porto:yes ncarlton  
Gisella Gruber-White:@ Carlton - we can hear you  
Silvia Vivanco:Yes  
Volker Greimann:I can hear you  
Patrick Vande Walle:I can hear Carlton  
Holly Raiche:I can hear you  
Evan Leibovitch:So how did Alan escape mute? :-)  
Alan Greenberg:Star 7  
Michele Neylon:oh funky  
Michele Neylon:I just use the mute on my phone  
Alan Greenberg:\*6 to mute yourself, \*7 to unmute  
Gisella Gruber-White:\*6 to mute and \*7 to unmute  
Michele Neylon:is Jim Galvin there?  
Evan Leibovitch:Jim?  
Michele Neylon:he is  
Jim Galvin:I am speaking  
Michele Neylon:grand  
Jim Galvin:Can you hear me?  
Olivier Crepin-Leblond:no  
Michele Neylon:yes  
Evan Leibovitch:Yesd  
Olivier Crepin-Leblond:yesnow  
Holly Raiche:Yes  
Heidi Ullrich:Yes  
Patrick Vande Walle:yes  
Michele Neylon:I can  
Sergio Salinas Porto:yes jim  
Rinalia Abdul Rahim:Yes can hear you  
Lutz Donnerhacke:Yes, we can!  
Dev Anand Teelucksingh:Yes, can hear you Jim  
Avri Doria:i hear

Allan Skuce:Yes you are broken up.

Jordi Iparraguirre (isoc.cat):now i can hear you all again

Alan Greenberg:@michele, so do I, which is why it took me a bit of time to unmute - mine and adigo's

Gisella Gruber-White:REMINDER - Please speak at a reasonable pace for the interpreters

Matt Ashtiani:SSAC054 - <http://www.icann.org/en/groups/ssac/documents/sac-054-en>

Heidi Ullrich:SSAC 51 - <http://www.icann.org/en/groups/ssac/documents/sac-051-en.pdf>

Matt Ashtiani:SSAC 55 - <http://www.icann.org/en/groups/ssac/documents/sac-055-en>

Garth Bruen:Back, browser crash

Michele Neylon:who is next?

Evan Leibovitch:Carlton?

Holly Raiche:What about the DNRD model in the agenda?

Heidi Ullrich:Carlton, we're unmuting you?

Evan Leibovitch:avri first

Volker Greimann:no avri

Dev Anand Teelucksingh:hears you avri

Rinalia Abdul Rahim:yes

Volker Greimann:cannot hear you at all

Michele Neylon:we can

Rinalia Abdul Rahim:can hear you

Volker Greimann:;-)

Yaovi Atohou:Please who is speaking? Avri?

Gisella Gruber-White:Avri Doria speaking

Yaovi Atohou:Thanks

Gisella Gruber-White:Evan Leibovitch is our next speaker

Michele Neylon:Carlton - so she's been using my time??

Michele Neylon:\*sigh\*

Michele Neylon:me smacks head off desk

Avri Doria:sorry i lost track of time

Avri Doria:and i was speaking slowly, it was onl 5 minutes worth of content

Michele Neylon:lol

Michele Neylon:nice come back :)

Garth Bruen 2:Back, Adobe connection only working on OLD laptop that has had NO updates to Adobe or browser

Carlos Dionisio Aguirre:mmm

Garth Bruen 2:Per Avri, not all registrants are created equal. If we are going to apply protections to endangered folks (and I agree we should somehow) we must also acknowledge that commercial entities with industry regulations on disclosure do NOT have a choice masking or lying in WHOIS records.

Gisella Gruber-White:Michele Neylon is our next speaker

Avri Doria:.nl has a great model as well. lots of good models out there.

Rinalia Abdul Rahim:silence

Olivier Crepin-Leblond:Michele, you need to unmute

Michele Neylon:I am

Michele Neylon:trying to unmute

Evan Leibovitch:\*7 to unmute

Patrick Vande Walle:yes

Jordi Iparraguirre (isoc.cat):in .cat we managed to negotiate a change in contrat to provide privacy in our whois. System similar to .fr but .cat is a gTLD

Rudi Vansnick:sorry being late, was in another conf call

Garth Bruen 2:"Accurate-ish"

Jordi Iparraguirre (isoc.cat):whois data for personal websotes (no business) are public. For private uses or individuals, they may opt-out and hide private data. Law enforcement , registrars, icann, ... have acces to full whois data

Garth Bruen 2:@Jordi, not true. ICANN for one does not have access to all the WHOIS data

Gisella Gruber-White:Alan Greenberg is our next speaker

Garth Bruen 2:Recent breach notices have shown WHOIS data being wholly controlled by a reseller

Rudi Vansnick:@Jordi : WHOIS data is not public if registration is private !

Don Blumenthal - Public Interest Registry:Define "private." Is something "private" if it can be reached by law enforcement subpoena?

Jordi Iparraguirre (isoc.cat):there is a process to ask for full access if youare really legitimate

Garth Bruen 2:And Law Enforcement only has access through due process(as expected) it's not automatic

Jordi Iparraguirre (isoc.cat):if u use port 43 or web, data of who has opt put won't be shown.

Michele Neylon:Alan - each registry has a contract with ICANN which is different, so they have an "option" - ask the guys in .cat - and they'll tell you how much pain they had

Rudi Vansnick:for instance in .be : you can define you don't want to make your identity public, of course LEA will always have access

Michele Neylon:Rudi - same for .eu and other ccTLDs

Garth Bruen 2:But then who decides who is "legitimate" and can get access

Luc Seuffer:@Rudi local LEA i.e. those having jurisdiction

Garth Bruen 2:This assumption that law enforcement should have speedy access in ALL cases violates the purposes of hiding registrant identifications in the cases layed out by Avri.

Gisella Gruber-White:Holly Raiche is our next speaker

Michele Neylon:Holly sounds a bit muffled

Garth Bruen 2:You have people who, for good reasons, are hiding from their governments. Openning the records automatically for "Law Enforcement" would include every thuggish "police force"

Luc Seuffer:not all cases, those for which LEA have a court order to gain access to the details

Michele Neylon:Garth - local LEA only.

Michele Neylon:Local to the registrar or registry

Michele Neylon:(depending on who holds the data obviously)

Rudi Vansnick:@Luc : correct local LEA

Garth Bruen 2:@Michele, I;m talking about that too!

Michele Neylon:I won't act on a notice from a non-Irish LEA

Rudi Vansnick:one LEA can ask to another to have access

Alan Greenberg:I think that Holly needs a round of applause when she is finished. It is 3 am in Australia.

Michele Neylon:Rudi - yes

Don Blumenthal - Public Interest Registry:Rudi, cross border requests generally involved a lot of red tape.

Luc Seuffer: if there is a cooperation treaty between the countries of those 2 LEAs

Gisella Gruber-White: Our next speaker is Patrick Vande Walle

Evan Leibovitch: It would surprise me if bad actors were not jurisdiction-shopping for domains, as is already done for incorporation and banking

Sergio Salinas Porto: hello patrick!!!!

Avri Doria: I think we do have problems with the Thug countries of Autocracy 1 and perhaps even Nice Thugs of Autocracy 2.0. This problem is larger than anything ICANN can deal with. Adhering to a Rule of Law standard of due process for Reveals works in the non autocratic places.

Holly Raiche: Thanks Alan - what one does for WHOIS!

Evan Leibovitch: Of course, no matter what ICANN does, ccTLDs on their own may choose to enable -- or even encourage -- contact obfuscation in order to increase sales.

Michele Neylon: Evan - most ccTLDs aren't commercial entities

Luc Seuffer: @Evan what do you mean?

Garth Bruen 2: @Michele, some are completely. How do you feel about a ccTLD which has been wholly sold to foreign company?

Lutz Donnerhacke: Luc: Evan is pointing out, that most ccTLDs are free to choose their own rules.

Don Blumenthal - Public Interest Registry: Non-public whois in ccTLDs is a long-standing problem for LE. .nu was a porn domain haven when I was working cases.

Luc Seuffer: The .FR Registry did not choose to hide individual details in the whois. It was a binding recommendation from the French DPA. Not a commercial choice from the Registry

Holly Raiche: @Evan - in Australia, most of the names ARE commercial - using .com.au

Evan Leibovitch: @Michele ... it doesn't take many. It may take only one, in fact. But we already know of a number of ccTLDs that act as gTLDs even though they hide behind the ccTLD sovereignty rationale

Garth Bruen 2: @Don, .nu run from Massachusetts in the U.S.! Where's the sovereignty?

Evan Leibovitch: @Luc. I mean that a ccTLD may choose to ignore reasonable practice imposed (and supposedly enforced) upon gTLDs by ICANN

Evan Leibovitch: It is good that many follow -- and in some cases exceed -- ICANN standards.

Gisella Gruber-White: Garth Bruen is our next speaker

Holly Raiche: @Evan - Oz certainly exceeds what is done in the gTLD space

Don Blumenthal - Public Interest Registry: Garth, good question on jurisdiction. I raised that at the time but I don't know that anyone has formally made the legal argument that jurisdiction attaches where a registry is administered. I think that .nu was managed by a Seattle company at the time.

Evan Leibovitch: From the At-Large PoV, end-users don't have any idea what jurisdictions are in play for most TLDs.

Volker Greimann: should 99% of registrants suffer the loss of privacy and freedom due to the acts of 1% of miscreants?

Evan Leibovitch: Look at the sales pages for .co ... look how far you need to go for any reference to Colombia

Don Blumenthal - Public Interest Registry: But some have vested interests, good or bad, in knowing.

Don Blumenthal - Public Interest Registry: Good or bad (obviously)

Evan Leibovitch: @Volker -- you have to demonstrate a loss of freedom. I don't accept it as an article of faith

Volker Greimann: registrars are victims of bad registrants as well

Garth Bruen 2: @Volker it is clearly a problem if the "1%'ers" are 90% of a portfolio

Gisella Gruber-White: @ Yaovi - difficult to hear you

Heidi Ullrich: Much better, Yaovi.

Volker Greimann: I can only speak from our perspective and for us it is 1%. Not 90% of any portfolio.

Volker Greimann: in our customer base at least

Garth Bruen 2: Ha, I can show you some with 90%, be careful what you wish for

Gisella Gruber-White: REMINDER - if you are on the ADIGO bridge and the ADOBE CONNECT, please mute your computer speakers to avoid interference

Gisella Gruber-White: Holly - please speak up

Jim Galvin: DNRD stands for Domain Name Registration Data

Jim Galvin: It is from SAC 054

Volker Greimann: please do. We have no interest in illegal activity under our accreditation.

Avri Doria: I use the term 'giggle test' if the claim makes you laugh then maybe it is not legitimate.

Avri Doria: Does a misspelling make Whois data inaccurate? How much of a misspelling?

Garth Bruen 2: @Michele, specifically in terms of 3.7.8. Where does it say the Registrar must/shall correct inaccuracy?

Avri Doria: If you can still reach someone through email, but their phone has been detached for non payment, is the data inaccurate.

Garth Bruen 2: Of course, you take notices from compliance seriously, but those notices are not about 3.7.8

Luc Seuffer: more importantly reachable doesn't mean the registrant is forced to reply to you either via email or to pick up the phone

Avri Doria: must someone have a phone to register a domain name? does the absence of a phone make a difference? How about if I use my skype contact number?

Yaovi Atchoun: OK. Thanks

Alan Greenberg: @Michele, issue is not with honorable registrars, but those who might be less so.

Michele Neylon: Avri - one of the questions we've been asking ICANN in the RAA negotiations I think

Heidi Ullrich: Fatima is speaking on the ES line

Heidi Ullrich: and will be interpreted

Garth Bruen 2: The enforcement is only to your investigation. You are speaking from your responsibility as businessman, I'm talking about the enforceability of the contract in a registrar's failure to correct or delete.

Olivier Crepin-Leblond: where is the interpreter?

Holly Raiche: @avri - the Final Report did distinguish between totally accurate, accurate where the registrant can be reached and totally inaccurate where the registrant cannot be reached

Matt Ashtiani: @Fatima - puede usted por favor escriba su pregunta en el chat.

Avri Doria: Holly, so we only care about totally inaccurate?

Fatima Cambronero: gracias @Matt

Garth Bruen 2: @Michele, the way you have described the situation is exactly as the situation is. The enforcement of WHOIS inaccuracy is at your discretion. While you may do a good job, the fact I'm speaking to is that ICANN has no contractual hold over registrars to correct or delete.

Michele Neylon: @Fatima algunos de nosotros entienden

Michele Neylon: Garth - if you worked with registrars you'd get less pushback

Michele Neylon: arguing with me over a single clause doesn't help your cause

Luc Seuffer: The number of inaccuracy notices we received in the past from "complainants" who in fact turned out to be prospective buyers of domain names irritated that the registrant did not reply to their buying inquiries.. So it is good to put some common sense when treating those

Michele Neylon: nor does it make it easy for me to push for certain things in industry

Michele Neylon: Luc - I hear Google get a LOT of those

Holly Raiche: The Issues Report on Whois said that a proxy service was, in fact just acting as an agent. A privacy service should be accredited as such - which was in the Final Report

Michele Neylon: or rather their registrar does

Garth Bruen 2: @Michele, you've told me I'm wrong but not how. Anything else is ad hominem

Gisella Gruber-White: @ Fatima - we are calling you again

Yaovi Atohoun: Thank you Alan

Gisella Gruber-White: Fatima is back

Olivier Crepin-Leblond: aargh - just dropped!!!

Olivier Crepin-Leblond: unbelievable

Evan Leibovitch: +1 Alan and Holly on proxies

Olivier Crepin-Leblond: sorry

Michele Neylon: cual es la pregunta?

Gisella Gruber-White: @ Fatima - please speak

Michele Neylon: I thought she was speaking via an interpreter

Heidi Ullrich: She is

Michele Neylon: she is?

Garth Bruen 2: @Michele, simple question: Does ICANN have the contractual authority to breach you for failing to correct an inaccurate WHOIS record or delete a domain with an uncorrected WHOIS?

Heidi Ullrich: The interpreter is speaking

Olivier Crepin-Leblond: I'm back on

Michele Neylon: Heidi - ah ok

Heidi Ullrich: Yes, we can hear you, Michele.

Fatima Cambronero: yes

Alan Greenberg: +1

Evan Leibovitch: +1 for the cage match between Garth and Michele?

Fatima Cambronero: thanks @Michele

Evan Leibovitch: It doesn't take a lawyer to determine if something exists in the RAA.

Evan Leibovitch: especially an authority to act

Volker Greimann: a lot of these issues will become non-issues under the new RAA anyway

Avri Doria: Evan, often it does take a lawyer, or even a court, to decide if an obligation exists in a contract.

Michele Neylon: Volker - yes

Garth Bruen 2: @Michele, you answered my question. Thank you.

Matt Ashtiani: At-Large Whois Registrant Identification Study, Draft Report Workspace - <https://community.icann.org/x/x4dwAg>

Holly Raiche: The problem is to determine what is practicable and reasonable - and we need to talk with each other to come up with a workable answer

Garth Bruen 2: @Michele, you're not a lawyer, but I'm sure you would have your lawyer read any breach notice relating to 3.7.8 and he/she would advise you to sue ICANN, and they would be right.

Avri Doria: I think the directory services work is essential for giving us the ability to develop reasonable policies.

Heidi Ullrich: All previous ALAC statements have been posted on the agenda page: <https://community.icann.org/x/koZwAg>

Avri Doria: we can talk all we want, but until we have new tools that allows levels of access and reveal, we are just all pounding our heads into the wall.

Garth Bruen 2: @Michele, my point was made in your answer. If a registrar had tens of thousands of ignored inaccuracies, they would have to dig up a different reason to breach them.

Heidi Ullrich: Announcement of Expert WG: <http://www.icann.org/en/news/announcements/announcement-14feb13-en.htm>

Matt Ashtiani: At-Large Expert gTLD Directory Services Working Group Workspace - <https://community.icann.org/x/K4lwAg>

Michele Neylon: FYI - as a member of the EWG - we have our first call tomorrow

Michele Neylon: and our first meeting next week

Michele Neylon: can't really say a whole lot until after we've had our first meeting etc

Garth Bruen 2: @Michele, this is less of an argument between us than you think.

Heidi Ullrich: There will be an At-Large WHOIS WG Meeting during the ICANN Meeting in Beijing - Wednesday, 10 April - 15:00-16:00.

Avri Doria: I believe it is NEVER too late to get involved in a PDPD

Avri Doria: i mean a PDP

Avri Doria: until it publishes its FINAL Report, perhaps.

Alan Greenberg: Quite correct Avri. Even after final report there is always a comment period...

Sergio Salinas Porto: bye dear colleagues! congratulations @carlton for the call! thanks for the Spanish and french interpretation!

Avri Doria: I.e. when a PDP is over, then and only then is it too late. But then there are still comment periods before the Board makes its decisions.

Heidi Ullrich: Thanks to all the speakers and participants. Thanks for chairing, Carlton.

Avri Doria: oops, should have looked to see Alan had already said what I was typing.

Olivier Crepin-Leblond: Agenda with all past ALAC Statements on WHOIS: <https://community.icann.org/display/atlarge/At-Large+Whois+Briefing+call+20+February+2013>

Matt Ashtiani:)

Garth Bruen 2: Thank you Carlton and staff

Heidi Ullrich: Goodbye

Evan Leibovitch: bye all

Lutz Donnerhacke: Thank you

Yaovi Atohoun: Bye

Michele Neylon: bye

Gisella Gruber-White: Thank you all!

Jordi Iparraguirre (isoc.cat): bye all

Nathalie Peregrine: Goodbye!

Fatima Cambronero: thanks to all! bye

Luc Seuffer: au revoir

Matt Ashtiani: thank you everyone!

Pascal Bekono: Thanks !

Dick Kalkman (isoc.nl): Thanks all, goodbye.

Silvia Vivanco: Thank you !

Dev Anand Teelucksingh: bye all

Avri Doria: bye y'all

Gisella Gruber-White: The recordings and transcripts will be posted on the meeting page: <https://community.icann.org/x/koZwAg>

Jim Galvin: Bye everyone! Thanks for the opportunity to speak.

Pascal Bekono: merci pour le rappel Gisella

Pascal Bekono: ciao

Sivasubramanian M: bye:-)