

Whois Briefing call 05-03-2012 AC Chat transcript

Gisella Gruber-White:Welcome to the WHOIS At-Large Briefing Call on WHOIS issue, Monday 5th March 2012 at 18:00 UTC

Dev Anand Teelucksingh:Hello everyone

Nathalie Peregrine:Please mute your speaker phones on the computer if you have joined the audio bridge, thank you!

Fatima Cambronero:hi everyone

Eduardo Diaz:Saludos everyone

Wolf Ludwig:Hello or good evening (for some of you ;-)

Cheryl Langdon-Orr:In fact Please mute your phones if you are on the Audio Bridge regardless *unless you are speaking to the group at the time* *6 to MUTE *7 to UNmute

Carlton Samuels:hello everyone

Sivasubramanian M:hello

Olivier Crepin-Leblond:someone is shuffling a lot of things & we can hear it on the line

Cheryl Langdon-Orr:thus my PLEASE MUTE plea

Olivier Crepin-Leblond:Adigo can do this, can't it?

Heidi Ullrich:We've asked Adigo to mute everyone except the Chair and presenters.

Cheryl Langdon-Orr:YES Please Heidi

Wolf Ludwig:What are "LE requests"?

Evan Leibovitch:law enforcement

Adela:LE = law enforcement

Wolf Ludwig:Thanks!

Evan Leibovitch:More often abbreviated as LEA - Law Enforcement Agencies

Steve Sheng:Hi Wolf, here is the summary of the RAA negotiation, including each of the LEA requests: <http://www.icann.org/en/resources/registrars/raa/raa-negotiations-progress-report-01mar12-en.pdf>

Evan Leibovitch:I

Evan Leibovitch:I must say that the role of "LEA" is very poorly defined within ICANN. It's not an AC, SO, or defined constituency. Yet it wields enormous influence.

Wolf Ludwig:Thanks for this, Steve!

Beau Brendler:One of the main US DOJ/FBI liaisons is Bobby Flaim. Perhaps we should invite him to present to the at-large in Costa Rica and discuss that and other issues

Carlton Samuels:@Evan: I really don't much care that they're not admitted as an 'official' constituency. I'm open to acknowledge their interests in context of the AoC and as only ONE interest and NOT first among equals.

Evan Leibovitch:Agreed. But then that place has to be acknowledged and defined, no?Question: WHOIS is in use by all TLDs. Why is this just a GNSO issue. This

Evan Leibovitch:should also be an issue for ccTLDs.

Holly Raiche:Agree with Evan - it isn't just gNSO - but the actual requirement is in the RAA so that's where to start. But yes, at some point ccNSO has to be included

SivasubramanianM:+1 Evan

Heidi Ullrich:Francisco is available to speak to At-Large on the roadmap in Costa Rica.

SivasubramanianM:Within ICANN, we tend to consider all domain issues as confined to the gTLDs simply because ccTLDs are not fully part of the ICANN process

Carlton Samuels:@Evan: Which is but ONE reason for this webinar. I will not concede that WHOIS policy is the sole province of GNSO. So our community needs to be educated and understand the issues and why the At-Large must be involved; from data elements to access policy and the global implications.

Heidi Ullrich:@Beau, Bobby Flaim is being invited to speak on Whois during the RAA Progress Report and WHOIS Data Validation Workshop scheduled for Monday in Costa Rica: <http://costarica43.icann.org/node/29531>

Cheryl Langdon-Orr:Excellent thanks for that Heidi. and THANKS for thr Review Liz :-)

Olivier Crepin-Leblond:73 percent resolution

Olivier Crepin-Leblond:so that's three quarters

Cheryl Langdon-Orr:not too shabby considering !

Olivier Crepin-Leblond:one quarter remains unresolved

Garth Bruen:73 % is not a good rate, it's a C-

Carlton Samuels:@Heidi: Excellent news on WHOIS Data Validation: The ALAC position is ICANN must get into vliadiation of WHOIS data

Olivier Crepin-Leblond:A C- student can improve. :-)

Carlton Samuels:@Garth: You may want to give a little more on why you thin 73% is not good enough!

SivasubramanianM:Why don't we at At Large explore the possibilites of making a beginning for ICANN to establish direct contact with Registrants? A simple step could be that of a once in 6 months newsletter from ICANN to all Registrants

Garth Bruen:Please read carefully, this makes the entire WHOIS innacuracy program pointless. There is NO WAY TO COMPEL A REGISTRAR TO CORRECT OR DELETE.

Cheryl Langdon-Orr:and notable as the tools improve so woll the outcomes

Holly Raiche:I don't think we want to go down the path of haaving ICANN cdeal with Registrants. What we do want is to have the RAA requirement - understanding what reasonable steps mean - mean something

Cheryl Langdon-Orr:@ Garth thst is where the use of another Z"thong" to replace ehais discussion comes into play

Carlton Samuels:@CLO: Indeed. But some changes in philosophical approach might also improve the outcomes for compliance.

Garth Bruen:Process: Registrar ignores, does not correct, domain remains online, end of the cycle. Illicit domainers win.

Cheryl Langdon-Orr:+++ to that ZHolly

Olivier Crepin-Leblond:Thanks for picking this up, Maguy. And thanks Kahlil, this is much clearer!

Holly Raiche:Thanks Garth - the issue is what the contractual requirementactually means - and is it a requirement that needs changing

Cheryl Langdon-Orr:Implortant clarification Khalil (and Maguy) Thanks

Carlton Samuels:@Holly: I agree. So the RAA requirements pertaining to WHOIS must be enforced

Carlton Samuels:OK. So let's have at least a framework definition of 'reasonable steps' and we done!

Holly Raiche:So the issue is what constitutes 'reasonable steps' and what then is required if the data is shown to be inaccurate

Cheryl Langdon-Orr 2:Hi Pam :-)

Evan Leibovitch:The main answer to Gath's question is to identify the "or else" component of the language. If there is no "or else" to a compliance regulation, then (as Garth suggests) the regulation is unenforceable.

Holly Raiche:There are two issues here. The first is what is reasonable - and what is done if the steps aren't reasonable. But the second issue is what must (or must not) be done if the data is inaccurate. Is there any onus on the registrar to correct the data - if not that is a biggap that the RAA should be amended to deal with

Carlton Samuels:@Pam: Thanks very much for that. And welcome!

Evan Leibovitch:It's useful, but still not answering Garth's question.

Beau Brendler:@pam: So it's time to clean up the language gaps. If registrars are not telling you what they are doing, what contractual initiative binds them to do so and how can that be enforced?

Wolf Ludwig:Good point, Beau!

Beau Brendler:So the analysis of "reasonable steps" is nine years old? Did I hear that correctly? What good is a nine-year-old document?

Carlton Samuels:CAAn I ask these advisories be posted?

Carlton Samuels:Here, maybe?

khalil:<http://www.icann.org/en/news/announcements/advisory-03apr03-en.htm>

Carlton Samuels:@Khalil: Many thanks

Beau Brendler:If the advisories are that old, and we don't know who participated in putting them together, they need to be redrafted with multistakeholder input.

khalil:<http://www.icann.org/en/news/announcements/advisory-10may02-en.htm>

Garth Bruen:Amen Olivier

Evan Leibovitch:+1

Evan Leibovitch:But watch out, you may get a lump of coal come December.

Carlton Samuels:@Maguy: Proof...then sanctions!!

Beau Brendler:Excuse me, I made a factual error. The advisory <http://www.icann.org/en/news/announcements/advisory-10may02-en.htm> (which is an interesting document) is, in fact, 10 years old.

Evan Leibovitch:Is the problem with the policy or with the execution (and enforcement)

Garth Bruen:how can they think out of the box when the contract defines the box?

Beau Brendler:Take a simple action and publish how many domains are registered to Mickey Mouse.

Carlton Samuels:@Evan: Everything I've seen so far says mostly execution and, enforcement

Alan Greenberg:If Father Christmas' address is a monestery, it may well be a valid registration! ;-)

Carlton Samuels:Staff resources impacting execution; the philosophy of compliance ditto...and inexact enforcement!

Olivier Crepin-Leblond:At what point do you cut off Father Xmas?

Cheryl Langdon-Orr 2:@ Alan yup thus the need for Case by Case AND for better *autmated* tools

Beau Brendler:Mickey Mouse would be a better example as you could defend it as a trademark issue

Holly Raiche:Again what is missing is the last step - a requirement to terminate the registration if there is inaccuracy

Olivier Crepin-Leblond:because unless a Registrar is compelled to cut him off, there will be hundreds of thousands of Father Xmas'es out there and we'll never see any improvement in whois accuracy

Evan Leibovitch:"In a world where WHOIS is accurate..." needs to be said in that movie-trailer voice.

Carlton Samuels:@ALAN: The ALAC position is that RAA must be subject to MSM affirmation...which explains why the RAA negotiations in the shadows is troubling!

Holly Raiche:So this is a vital addition to RAA amendments

Eduardo Diaz:Will the WHOIS be treated different for the new gTLD's?

Evan Leibovitch:+1 Carlton

Garth Bruen:This point of the contract represents the core relationship between ICANN, the Registrar, the domainer, and the consumer - it is EVERYTHING, the center of the Internet policy universe and it is not enforceable.

Holly Raiche:Hi Garth - Precisely

Eduardo Diaz:@Garth: Will it be enforable for the new gTLDs?

Evan Leibovitch:Not unless it gets cooked into the RAA going forward.

Eduardo Diaz:@Evan: Too late now Right?

Cheryl Langdon-Orr 2:Matt can you put the link to the Wikis page with the Draft ALAC statement up in the chat, so participants here can now go visit and perhaps make comments post briefing call please?

Holly Raiche:No Eduardo - not too late

Evan Leibovitch:@Eduardo. Not really. Recent secret RAA amendment discussions have reached an impasse. There's actually a window still open.

Holly Raiche:Evan - details. - what failed and when?

Heidi Ullrich:Draft ALAC Statement on Whois: <https://community.icann.org/display/alacpolicydev/At-Large+WHOIS+Policy+Review+Team+Draft+Report+Workspace>

Cheryl Langdon-Orr 2:Thanks Heids

Heidi Ullrich:Whois RT Draft Report...

Cheryl Langdon-Orr 2:I just got disconnected

Heidi Ullrich:We'll call you back, Cheryl

Cheryl Langdon-Orr 2:NP I'll use the AC room audio to hear presentations and Q&A

Heidi Ullrich:Ok

Evan Leibovitch:@Holly: <http://news.dot-nxt.com/2012/03/05/raa-talks-collapse>

Carlton Samuels:@CLO: Let's give him a few mins to complete and then we will come to you. We have Steve Sheng on standby to talk about SAC 051.

Garth Bruen:To be clear, the only enforceable portion refers to the Registrar's obligation to follow up. There is no enforceable provision to actually correct or delete.

Cheryl Langdon-Orr 2:No I've removed my hand

Holly Raiche:Thanks Evan

Carlton Samuels:@CLO: OK

SivasubramanianM:Evan the dot next link pulls up a strange error - "error in source code"

Holly Raiche:Hi Evan - just read the link - rather depressing really, particularly on this issue

Cheryl Langdon-Orr 2:These RT recommendations are all a MUST DO in My opinion and ALAC and At-Large needs to also show its support for these Recs (or not) very publicly and clearly.

Cheryl Langdon-Orr 2:@ Siva works OK for me

Carlton Samuels:@CLO: The first line of the Statement does just that. AND went further with the ones relating to Data accuracy and Privacy services

Garth Bruen:While there is apparently an obligation to "investigate and correct", because there is no obligation to delete ("may"), there is no enforceable method to compel an actual correction, hence no real enforceable method for correction.

SivasubramanianM:CLO, sorry, my computer pulled up a program called amaya to load the link, it is actually a html editor, so the error is understandable,

SivasubramanianM:sorry

Cheryl Langdon-Orr 2:Yes I recognise that @ Carlton but this part P&P is still a diversion point (for some) in At-Large

Cheryl Langdon-Orr 2:ALAC needs to be VERY clear here

Cheryl Langdon-Orr 2:the ccTLDs inclusion here is important and our ALSes as (Significantly Interested Parties in these ccTLD Communities) can assist in encouraging the voluntary inclusion of 'their' ccTLD in this

Holly Raiche:Happy to attend the meeting in Costa Rica - I MUST leave at 6.10

Cheryl Langdon-Orr 2:THANKS Seth looking forward to the meeting in CR yes

Cheryl Langdon-Orr 2:Holly when do you fly out?

Wolf Ludwig:Have to leave now -- see you soon in CR -- Thanks for the briefing!

Cheryl Langdon-Orr 2:Bye Wolf

Holly Raiche:CLO - I fly out Saturday

Cheryl Langdon-Orr 2:Catch up in CR then SMS me when you arrive I'll let you know where I am then

Garth Bruen:Re: "Reasonable Steps" advisory states the Registrar must use "telephone, e-mail, and postal mail" to contact the registrant. Yes, all three. I cannot imagine that every registrar does this, their can't be any real proof of reasonable steps.

Seth Reiss:@ Cheryl - yes in CR

Cheryl Langdon-Orr 2::)

Holly Raiche:CLO - won't have my phone with me but will contact you by email - and I think we are all in the same hotel anyway

Cheryl Langdon-Orr 2:no phone?

Cheryl Langdon-Orr 2:local sim cards have real cheap rates there

Cheryl Langdon-Orr 2:SIM

Garth Bruen:@Eduardo, I am not sure

Holly Raiche:Roaming charges are ridiculous (where is the ACCC when we need them) So me and my new ipad will live by email

Olivier Crepin-Leblond:It is interesting to see that so many working groups point to improving/replacing the WHOIS protocol when there was an absolute uproar from contracted parties whenever the STI-WG Team thought of ways to suspend domains & add fields in WHOIS to mention this.

Cheryl Langdon-Orr 2:OK email can do then and download skype to the iPad if you have not already ;-)

Olivier Crepin-Leblond:STI-WG = Special Trademark Interests Working Group

Evan Leibovitch: This is the best way to proceed. This is not a GNSO issue, it's an ICANN-wide problem.

Sebastien: Alac will be missing in this PDP - need to be part

Carlton Samuels: @Seb: Yessir! SO noted. AND we intend to protest!!

Holly Raiche: Hi Olivier - do read SAC 051 - it is a positive next step and does fit in with the Review team report

Cheryl Langdon-Orr 2: re the roaming this the local SIM use... and even if your phone is locked we did win the right to unlock debate remember ;-)
OS travel is a just cause

Cheryl Langdon-Orr 2: Yes Holly the roadmap is a good one => replacement of WHOIOS

Evan Leibovitch: So what is necessary to be done to have ALAC participating in this PGP?

Evan Leibovitch: PDP

Alan Greenberg: ALAC/At-Large is free to participate in any PDP. All they need to do is show up.

Olivier Crepin-Leblond: Yes I have read it. STI-WG was a few years ago. I see, with much anticipated happiness, how things are progressing now.

Cheryl Langdon-Orr 2: YUP we need to remind people of that at times @Alan

Evan Leibovitch: Integral partner, not hanger-on

Holly Raiche: Sorry everyone but I do have to go - have a meeting downtown. See you all in CR

Cheryl Langdon-Orr 2: in both GNSO and ccNSO processes

Cheryl Langdon-Orr 2: Bye Holly think about the phone

Evan Leibovitch: Good stuff, Carlton. And thanks to all speakers. This was very necessary.

Sebastien: Well done all and Carlton

Alan Greenberg: At-large does not get to vote on the final product in the GNSO, but that does limit who large (or important) a part it plays in the process.

Cheryl Langdon-Orr 2: EXCELLENT briefing call thanks to all indeed and as it is recorded our ALSES and RALOs can access it for use any time

Evan Leibovitch: I still think this should not be a GNSO issue, and it is a mistake to frame it as such. this is an ICANN-wide problem.

Cheryl Langdon-Orr 2: PDP's are SO business @Evan

Cheryl Langdon-Orr 2: that is the delimiter here

Seth Reiss: Thank you Carleton and others

Evan Leibovitch: Then that form of silo is an impediment to good (and especially consistent) policy

Eduardo Diaz: @carlton - thanks

Cheryl Langdon-Orr 2: Bye all

Fatima Cambrero: thanks to all, bye

Alan Greenberg: That is a Bylaw issue, where the GNSO is given mandate to create GNSO policy. Since this is also possibly a ccNSO issue, it gets more interesting.

Dev Anand Teelucksingh: Thank you all, definitely a lot to think about

Carlton Samuels: Bye all!

SivasubramanianM: Thanks Carlton and everyone, Bye

Cheryl Langdon-Orr 2: @ Alan might we suggest a true CWG ;-)

Cheryl Langdon-Orr 2: like DSSA was