Transcription ICANN61 San Juan
GNSO: RrSG Meeting Part 2
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Graeme Bunton: Are we recording again at the back of the room? Let's go with yes. Great, so for those remote we're – there's still a bit of a queue at the snacks and coffee line so we'll give them another minute or two to get back to their seats.

Chris Pelling asked in the chat a question about ServerHold domains. We sent a letter to verifying about this. I've had some back-channel conversations with Verisign about that issue. There's a recognition that it has not been followed up on yet. The intent is to do so. I think much of that work has sort of been on hold as everybody's still focused pretty much on TDPR.

So it hasn't been forgotten about. I will try and set up a time to chat with Verisign again while we're here and see if we can move that one forward.

So as people begin to take their seats, we are going to dig into – so we've had – and this is Graeme again for the transcript. Actually if you're a registrant in the room and I haven't met you, you should come and say hello

because there's a couple faces I don't recognize and so it's nice to see some new ones. We're all very friendly, so don't be shy.

So we already had a bit of an update on GDD stuff from Jenn Gore, thank you. We're now going to dig into the Naming Services portal with Chris Gift who's joining us to update us on that.

So to put this in context in theory there is a portal for registrars, we've been hearing about its existence for a very long period of time. My understanding is an email went out this week although I haven't actually seen that. So it may actually, for real, potentially maybe being materializing.

This is the intro you were looking for, right? And so there's been, I guess, considerable skepticism about this project within our stakeholder group but I'm sure staff is going to update us on exciting new developments. So with that, I'm going to pass it over.

Chris Gift: Good morning, everyone this is Chris Gift. Yes, I'm here to talk about the hypothetical NSP for registrar. We did send out an announcement on March 8 just a couple of days ago. There is a pre-recorded about when we're due to launch with it along with a pre-recorded demo showing you some of the functionalities within the portal.

The launch date is March 26, we'll be sending out activation emails for people for them to then be able to login into the portal. Note that this is for the primary contact alone for the time-being all right? So it's limited in functionality. It is a first version only and has we had discussed in previous meetings, you know, we're going to release this incrementally rather than wait for a big bang which is what we had done for the registries.

So we're doing so - VI has limited functionality which you see here. It's actually a subset of the function it has a few more things that are on there. And I can go into some detail in this or we can – there's also another session

tomorrow - evening maybe early evening with the registrar roundtable that, I think, Jenn Gore is leading. We're going to go into more detail; we can go into more detail then as well.

So you'd just be able to create an account, you know, of Two-Factor Authentication to login to the account – if, manage your password, manage other information if you are a Vertically Integrated Registry-Registrar you'll get access to the same – you'll be able to access both activities within the same portal. You'll just have to switch – you'll have to switch modes but you'll, nonetheless see everything within the same login.

There'd be a centralized document library as well for documents relevant to you and you'll also be able to see a list of open compliance tickets, your compliance tickets. Again, note that you won't be able to interact with them, all right? We're still working on that next which we promised was just going to be a simple report for now.

You can look at it, it will be updated, it's - the compliance tickets are updated on a weekly basis so the report will change on a weekly basis. You'll have to continue to interact with the ticket via email but any updates to that ticket, either your updates or compliance updates, will show up in the report. So you will see that history of that dialogue in a report.

So that's it for the basic functionality of what we're launching with. I do have the roadmap which I want to show next and then maybe we can go into questions after that. So next slide please.

So keep in mind we have one team working on this, a relatively small team and that's something we can discuss. So we've broken this out into seven releases with the totality of functionality we've defined and that – we've defined by working with internal teams, as well as, the user group in terms of what functionality was required.

And so we've broken it out into a number of needs so we tried to have a measured approach to delivering the functionality. Again, we wanted to – we had a number of criteria for defining how we would – how we could bundle this stuff together, you know, we wanted to deliver something meaningful to the registrars in every release.

We also have to look at the operations side internally since it does – one of the reasons for this is to help us manage the services internally. And we wanted to balance the external needs and, obviously, we have constrained resources internally so we want to see how we can maximize those.

What we ended up with is this so we have R1 which is releasing now or shortly at the end of the month. The team is pivoting and looking at CZDS. I know you guys had questions around who, you know, the prioritization of this and how does that happen, so we can discuss that.

Follow – the team will then pivot back to registrars in the middle of the year so that's around the August timeframe and start working on accounts contacts so finishing up the rest – the contacts allowing to self-manage.

We need to do that first before we can move on to compliance tickets because compliance are related to contacts, right? Tickets are related to contacts so we need to add all the rest of the people in.

And then R2 - that release basically gets rid of RADAR for you externally and it sort of replaces that. So that'll be one less system for you to log into.

Immediately after that we turn and work on the integrating the compliance tickets so that you can have full interaction with the compliance tickets that's what that release number 3 is, completely focused on that.

Release number 4 is cases so what that means is – it's processed cases, right? So that's being able to see status on a case that you request, being

able to see the SLT around that, some of the stuff that the registries have so it's we're entering those process cases for the registrars.

Finally, release 5 is documents, DocuSign, so being able to sign contracts electronically doing the same – there's more to it as well. I think a lot of that stuff is operationally focused, has the big chunk of it internally, followed by some reports, as well as, invoices and statements so you'll be able to see your invoices and statements on line.

And lastly, finishing up dashboards for everyone and online payments. So that's the basic release and then the following roadmap. I think I'll stop there for any, for any questions.

Graeme Bunton: This is Graeme. Thank you, Chris, for the update. I don't know if you could see the – hear the groan, sigh that sort of rippled around the room when we saw the timeline because this is like for real like a six year project to get a portal up and running and so there is still continued frustration in the room on this.

You know, we're still another year out at best it feels like to actually interact with compliance tickets which I think is the functionality that most of us are looking for and that is still very frustrating.

I have Jeff Neuman in the queue and then I've got Neal. Jeff, please.

Jeff Neuman: Thanks, Jeff Neuman with Com Laude. So I just wanted to kind of update you, the registrars, on something that we also were working with the registries which is coming up with – and it's not on here – but as a condition of signing into this portal, you have to sign a new terms and conditions and it's presented as a click-wrap agreement. So, you know, most people might just go in, they kind of sign it.

There are a number of troubling things at least in the form that was initially presented to the registries. There were a number of extremely one-sided terms that no one would ever sign in their right mind if they were actually printed out and read it with lots of potential for waiving certain rights that you have under the Registrar Accreditation Agreement.

things that by virtue of putting data into the portal, you're now subjecting that new data to whatever ICANN wants to do with it which is not necessarily what's in the Registrar Accreditation Agreement. So even if their accreditation agreement says, "Yes, we'll protect your information as confidential", the additional terms and conditions said nothing about that. So you're almost waiving all your confidentiality rights by putting your data into the portal.

So all that said the good news is that the registries and ICANN have come to a bunch of revised terms and conditions. We're down to one issue but this one issue seems to be sort of an impasse.

So the good things that were added were certain protections of the data, making sure that nothing is meant – nothing in this terms and conditions are meant to override the protections that are in the Registrar Accreditation Agreement. That's all the good stuff but at the – at this one provision in the agreement that says that you basically waive all your rights to bring any action in any court or any legal tribunal to, against, you waive your right to bring any action at all.

So, it's just, you know, a pretty good agreement with some decent protections just you can't really enforce it. So one of things that I can propose was – I guess for the legal people in the room, something called the right to go after specific performance, which means you can try to force ICANN to do. What it says it'll do but you can't go back and seek any kind of form of damages or anything.

Some of the registries have just said, "No, we can't agree to that" and so it's kind of at this little bit of a standstill. My assumption is that it'll probably be the same terms and conditions that'll be for the registrars so at this point, there's, I'm not – you know, ICANNs trying to decide what it's going to do whether it's just release the next version or not and have half the registries sign on and half the registries not because they're not comfortable.

So I think there's still a little bit of work that needs to happen but the other day – I just want to make you aware of it, and to I mean you're free to sign into the portal when they provide it to you but just you've been forewarned that there's a legal agreement with it and you may not like it.

Graeme Bunton: This is Graeme. Thank you, Jeff, that's helpful. Do we have a response from staff on that particular piece are we going to see the same terms and conditions that the registries see?

Jeff Neuman: Yes, it'd be one terms and conditions for our - for this service. I think – have you distributed to the – Jenn, I'm speaking to you, have you distributed that to the group yet?

Jennifer Gore: We have not distributed that to the group we were waiting for the – to close up with the registries side on the changes and then share that on the Registrar's Stakeholder Group's side. I mean on the registrar's side.

Jeff Neuman: Yes, so and I think at least as far as I know at this point I think we're pretty much done. There's one provision that if I – at least according to some of the registries – if ICANN just takes out the waiver of the right to sue anywhere for anything, then we're fine and we're agreed and everyone can live happily ever after. But ICANN is – has not agreed to do that so we're kind of stuck so I'm not sure if this is March – it had a date on there - getting people to sign in March 20 or 28 or whatever that day was. I don't believe we're going to be done by then.

Graeme Bunton: Thanks Jeff. Beth Bacon does it help you guys move that along any further if registrars all pile on and take as we need to fix this? So let's, rather than force us to have to do that, can we just – we're doing that. Thanks.

Beth Bacon: Doing that from the standpoint of you're agreeing to Jeff's recommended - for the registries recommended changes.

Graeme Bunton: Yes, we're aligned on this that we need to make sure that the terms and services tent.

Cyrus Namazi: Thank you, good morning everybody, Cyrus Namazi here with GDD. So two things here, one is I think – I don't want us to get sort of stuck on this issue of terms of use because our interpretation, at least my understanding of our interpretation is not aligned with what Jeff described here. It's not my understanding that anyone is giving up any rights that we have in the RAA or the Registry Agreement.

                 But I think that's something that we should let the lawyers run offsite and I feel is one team on the registry side that is raising this as an issue from what I understand. So we want to give it one more shot to make sure that if there's misalignment in understanding of what we have proposed and how it's to be interpreted by that one party, which is a part of this small discussion group from the registries and hopefully we'll be able to close that.

                 Ultimately what I encourage you to keep in mind is that we're developing this tool to make your life easier, to make our life easier, to be able to provide better services to you. There's no intention here to slide in something that would actually compromise your rights or anything like that.

                 You can choose to pilot on I suppose as Graeme puts it or we can have a civilized discussion to see how we can close any areas of discussion, any areas of disconnect so that we can actually go put our energy and focuses on

moving this portal – development forward and, you know, doing more meaningful services for you. Thanks.

Graeme Bunton: Thank you, Cyrus, just as a brief response I'd say that our agreement with those concerns is still civilized and we're still happy to continue that conversation in a civilized fashion. I had Neal in the queue and then I think I have Beth Bacon and Susan and MIchele, okay.

Neal McPherson: Hi, Neal from 1&1 Internet. R2 is that kind of the part where the, you can assign different users for different user rights? Is that (unintelligible).

Chris Gift: This is Chris, that's correct.

Neal McPherson: Okay, and the other question I had was with regards to maybe a timing of the (unintelligible) maybe R5 with the documents DocuSign that's signing contracts with ICANN is that correct or…

Chris Gift: That's correct.

Neal McPherson: With ICANN. I mean, yes, I usually sign one contract five to ten years with ICANN where we get invoices and statements once per quarter, based on the frequency and need I would maybe, if possible, think about swapping those two features around.

Chris Gift: This is Chris. Yes, absolutely.   We can definitely look at that, yes. Any feedback on this and again, you know, we can share more detail about it either now or tomorrow and the roundtable session. But absolutely, any feedback on how to rearrange this is absolutely something we can take into account and come back to you with a different version of it.

Ben Anderson: Yes, hi this is Ben. I think my first point was about whether or not we can have input to the priority orders this and the second thing is thanks for the continued work that is there any way that we can accelerate this development

as the second largest revenue-bearing customer of ICANN, it would be nice to have a priority put on this to make everyone's lives easier.

Chris Gift: This is Chris Gift. So I was - I have quite a bit of trepidation when coming into this room and sharing this lengthy roadmap. I understood quite well that nobody would be pleased with this. So there is only one way to change this roadmap. There are two ways to change this timeline. One way is obviously to take features out - to take things out all right - which, for now, I don't recommend. We did – we do think that this is a reasonable set of features that you want and that we need and want internally as well.

The second way is get more resources assigned to this project right? I'll be quite frank, the team is small, the development team is small that's associated to this. So I think that is a conversation – that is not something I can change, right? So that is a conversation that needs to happen at the senior executive level (unintelligible) on the board right? To say, "Hey, you know, let's get a different set of resources assigned to this or more attention paid to this."

It's not a question of attention. I shouldn't say that, it's just a question of resources. We are spread thin across a number of development projects that we have and so we end up with this.

To me that is the only way to change this timeline that's reasonable otherwise we'll get a – well you're stuck with this timeline and we'll get a portal that nobody likes.

Graeme Bunton: Thank you. So I've got two from MIchele and Jeff in the queue but briefly, we've brought this up to the board in Abu Dhabi I think? Was there any change for questions out of that interaction we had at that senior level?

Chris Gift: This is Chris, no there was no change in terms for the resources.

Graeme Bunton: Good to know, thank you.   Susan please.

Susan Jang: Thanks, Graeme, this is Susan. Back to the terms and conditions, because from legal standpoint I would be very concerned and so are there any repercussions of me advising my registrars contact not to use this dashboard until that is resolved? I noticed the long timeline but then feeling how long it's taken to resolve the registry terms and conditions, I kind of want to know about that. Are we forced to use this dashboard?

Cyrus Namazi: I'm going to go out on a limb, this is Cyrus, and caution you not to overact to these (unintelligible) to statements that Jeff has made until you've made your own investigation. I do take issue with the way Jeff presented the situation we're in and the stage we're in. I'm actually quite optimistic we can close it and I will repeat that there's no intention on the part of ICANN work to do anything as Jeff implied, I think, in his statements that, you know, you waive your rights in the Registry Agreement or on the RAA or anything like that.

So I would hold off until you actually can do your own investigation, obviously talk to Jeff and others and come talk to us if there's anything we can help with you.

I'm mindful that this might actually sort of torpedo itself into an issue based on very sort of loose foundation of some statements that somebody makes.

Susan Jang: Okay, fair enough. So during the pilot, are we not asked to accept a terms and condition?

Chris Gift: You will be asked to sign – to accept a terms and conditions when you initially sign in, yes, and that'll be on the 26th. But you don't have to register right away you can choose to delay it as long as you'd like to register.

But perhaps we can circulate the – we can circulate those as soon as possible and that way people can start reading them and…

Graeme Bunton: So, thank you, yes if we can get those circulated shortly then maybe we – if we have some time this afternoon we can throw them up on the screen and take a look and get a real sense of how strongly we feel about this.

I've got MIchele and then Jeff.

Michele Neylon: Thanks, Graeme. MIchele for the record, you know, I totally agree with the comments around let's (weed) the damn terms and conditions before we decide that they are the end of days so the sooner we can do that but then the sooner we can agree with Cyrus or totally disagree with him.

Two things that do concern me, the assignment of resources to the project because this is something that has been dragging for four, five, I don't know how many years. And this seems a little bit strange that we would have to go to the board to kind of raise this again or (unintelligible) it just seems like a rather odd way of prioritizing projects. I just don't understand that.

And in terms of the actual roadmap I would tend to agree as well – invoices and statements, a couple of things on that. One, obviously we all (unintelligible) with them; two, ICANN finance sending me an invoice for $2 to make an adjustment on billing costs ICANN weigh more than the $2 and it costs me huge amounts of money to pay just seems a bit ridiculous.

Yes, if that was to follow – be followed through to its logical conclusion I could end up on a contract breach because of it so anything that improves the communication around the invoices and statements is something that we would like to see.

And the other thing just at a practical level, some of us have been discussing some stuff around implementing TDPR and access to WHOIS - I mean the current RADAR system there is the IP whitelist – however, there's no way for

us to know when a registrar has either added new IPs, removed them, updated them or changed them.

So having some kind of functionality within this so that we could, I don't know, subscribe to updates or get a feed or even a notification would be helpful. I don't know if others agree or disagree with me but that would be something kind of practical and useful. Thanks.

Graeme Bunton: Thanks, MIchele. I've got Jeff Neuman, we've got about five more minutes on this topic before we need to move on.

Jeff Neuman: Thanks. So I just forwarded to the registrars the latest version with the redline changes so that everyone can take a look. They're have not been any changes since last version so you'll notice some good provisions in there, again, I'm trying to be evenhanded although Cyrus kind of insulted me a couple of times in that last statement making me tell him I can overact to whatever – lunatic.

But, which could be true actually. But anyway, you'll – read it for yourself. Don't take my word for it, don't take Cyrus's word for it. I just would, you know, you probably should pay attention to Provision 7.2 and then 7.7 so it – Cyrus is right in one thing it explicitly states that it's not intended to waive any of your rights under the Registrar Accreditation Agreement. That's where he is right.

What I've tried to explain, and I'm not sure why it's not understood, is that when you put data into the portal, whatever data it is. If there's a breach of that data, and that data's released – confidential information, then ICANN could argue because of action of suing them for release of confidential information is not under your Registrar Accreditation Agreement, it's in fact, under your portal terms of use. And if they were to do that, you've then your waived your right.

I know it's intricate, those details, I'm not overacting here. You have the language, would love to talk more about it later on.

Graeme Bunton: Thanks Jeff. Do we have anyone else in the queue?

Christine Willett: Christine Willett here from ICANN ORG. Not going to weigh in on the terms of use at all, I wanted to provide a little more background on the roadmap. I manage the team of registrar service delivery folks, operations folks, who support you through RADAR, C-ticket and interact with you on a day-to-day basis.

We're very interested in getting you on to this portal as quickly as possible. It's going to be, not just as Cyrus said, "Make life easier", it's going to make it more efficient, it's going to make it more secure – our communication, and we're going to be able to manage all of your collective account contact information, contractual information along repository so it will give us efficiencies to ultimately not have to add head count and increase the level of service we're giving you without adding any head count and increasing costs.

So, that was plug to encourage adoption. But there is one thing, Chris, if I may? I don't see anybody from our compliance team here, but I think there's one item that's worthy of clarifying on this roadmap. The compliance tickets in Release 3 that is an integration, if I'm understanding correctly, an integration to our existing compliance system.

It is not building compliance management functionality into this system so that will – would have an impact on how we were able to interact and support you. I, so I would encourage you to give Chris feedback on this roadmap and through, I'm sure, our organization – the organization would tell you to give feedback to the board in whatever form you choose.

But also the public comments - I know - period is over but also input on the budget that is behind what's driving the resource allocation to this project.

Graeme Bunton: Thank you.

Christine Willett: Thank you.

Graeme Bunton: What was the comment that I was going to have on it? Nope, it's gone. Tom and was it Tim?

Tom Barrett: Hi, Tom Barrett from (unintelligible). I want to ask a dumb question. Will all the RADAR data be automatically be populated into this new portal? Because that is a compliance issue that we have to satisfy as part of our audit, or we will have to be forced to login to put in the same information that we've already put into RADAR?

Chris Gift: This is Chris Gift. That's a great question and that we are migrating the existing data as part of Release 2. You will not have to enter it in again.

Tim April: Tim to the record. I'm more a technical person than mostly policy but will be there any API sort of interactions with this new portal or is it all strictly web-based user interaction?

Chris Gift: This is Chris Gift. This portal is strictly web-based. We can talk about APIs to somethings it'd be a different team so it wouldn't necessarily impact this roadmap. But yes, if there are APIs, yes, more than happy to talk to you about it.

Tim April: Thank you. My suspicion is that APIs could to the whitelisted IPs is probably what most people are (unintelligible) so that we can pull that in and push that up on a regular basis and not have to be updating or checking, doing that every day because that causes some friction at the moment.

Graeme Bunton: Sure.

Chris Gift: This is Chris Gift. So two last comments about, you know, going to the board or so an escalation path for you, you know, it may be to Ash who's the SUP for and the CIO and then (Joran) I think that'd be more relevant if you, you know, my opinion is if you go to the board they'll just turn around and direct (Joran) again to assign resources. So I think that level of discussion may be the place to start.

And lastly this is a, you know, we have a lot of the high-level requirements and user journey and user stories for this, but we will need more up – we will need more detail on some of this when we get down to actual specifics about fields and so on.

And also more input about the things that we just discovered here, you know, APIs perhaps to IP whitelists. So we'd love – and I've had a few discussions with a few of you, but I would love over the coming days and weeks and months to have more discussions with you about what it is that you want exactly in the portal in terms of how we deliver this. So, please any feedback or – I'd love to engage in any depth with anybody on this – in this group. Thank you.

Graeme Bunton: Thank you, Chris, for joining us. Sorry, Cyrus, yes?

Cyrus Namazi: Thank you, Graeme. I just wanted to clarify to Jeff that I had no intention of insulting you, Jeff. And I didn't call you, "Over-reacting." I ask people not to over-react to alarming statement. But let's move on from that so I'm good if you're good.

On a more exciting note, issues related to GDCR which is very close to everybody's heart I'm sure. We've set aside an hour on Thursday for - it's Jenn and (Russ) sort of leading a discussion with you guys and the registry or counter-parts on the issue-side to essentially get into the what I call the technical depth of an implementation.

Issues like, you know, the transfer-related challenges that I think (Tom) from Tech Op had highlighted in the letter. Some of these things I think this would be a good forum for us to actually bring out so we can start, you know, doing a deep-dive to see if there is more that we can and should be planning for and thinking about up front.

You know the May deadline is coming and so I just wanted to plug this bug in your head to start thinking about this session on Thursday and encourage you to perhaps maybe even put a small team together to come forward with a more organized set of topics that we would like to discuss.

And again, thank you very much again for having us here, always appreciate the opportunity to be here with you. Thank you.

Graeme Bunton: Thank you, Cyrus. Thank you, Chris and thank you for taking the heat we understand that not all of this is directly your personal fault.

Okay, so let's move on from that. (Zoe) is waving a hand. (Unintelligible) this stuff in the chat?

Zoe Bonython: Yes, this (unintelligible).

Graeme Bunton: That's the international hand wave signal for stuff in the chat. Chris Pelling was asking how many DEVs are actually working on this from the registrar side? Two admins, one developer is the answer to that. Chris, was there anything else in there?

Okay, carrying on. Where is our agenda, thank you, gentlemen for your input. We are now onto GDPR and thick who is – we've got an hour for this. What fun we're all having in GDPR.

So I'm going to start with a thick who is migration-piece first because that's maybe a little bit more constrained so, right. Almost a year ago now Verisign

filed an RRA amendment for a Common.net. It included a bunch of language that they felt they needed to move to being a thick-registry with GDPR coming.

The process for approving RRA amendments has the RRSG in the middle of it. While ICANN can technically approve an RRA without our consent, that would obviously be very problematic for them to do so especially for an agreement as important as Common.net.

And so we took issue with the language that Verisign had in there because we didn't feel like we knew about GDPR at the time, it was consent-based language and so that raised some red flags for us and we said, "We can't approve this at this time."

There was some back and forth with the – we have a small team, I think, (Lindsay) who was here is on their (unintelligible) couple others at (TO) and so we had a couple meetings back and forth with ICANN and Verisign to see if there was a way to move forward on this. And the short answer was that we just didn't know enough at the time and haven't known enough at the time about TDPR to approve this contract language.

As a brief aside it – this is a super weird process. It's very strange to have the RRSG as a structure in front of a contract as, you know, non-legal entity - it's weird to be providing contract advice.

So for the most part this has been on hold, we haven't actually dealt with it in a few months. ICANN decided it was timely to raise this again about three weeks ago, two weeks ago – so we had another conversation with ICANN staff.

What we decided that we could do on that call was to now that we all know more about that COMNET or so we now – know more about TDPR, and the problems that the COMNET amendment language has inside it, we can

provide probably some more granular detailed objection to that. So we can say, "Here are the specific problems we now see related to GDPR in this com.net amendment."

And I think our goal was to try and get that documentation back ICANN by the end of this month was where we were at and so the little small team we have is going to work on that. (Unintelligible) and (Brett Fawcett) from (unintelligible) is our general counsel to help with that as well.

And so a few what then comes out of those discussions where we can take that back and say, "Here ICANN, these are specific issues now with this COMNET amendment."

And to be fair to Verisign, they wrote that amendment, you know, long before most of – before they knew a lot as much about GDPR. And so I suspect that they – if we provide them with some specific pieces then they're going to have to take that back and we'll go through this whole process again. And that's going to take some time.

So that's where the COMNET thick WHOIS migration is at which is – we still need to go back and forth with ICANN and (unintelligible).

I see Tom?

Thomas Keller: Tom Keller for the record. I just want to bring up the question whether (unintelligible) is a there was a (unintelligible) process to move them to a thick or there's contractual obligation on the GDPR. There's absolutely no good reason why we should now give data to someone that never had that data before.

So whatever is in those contracts for me it's completely bonkers because why on a what legal argumentation will we ever pass on that data? It goes against anything we're currently having to do with (unintelligible) at GDPR.

So the question is, "Are we flagging this issue with the board, you know, for new inspection."

This really goes into a completely wrong direction somewhere.

Graeme Bunton: Thanks, Tom, this is Graeme. You raise a very good point that moving to thick is contrary to GDPR in many ways. We would need robust legal rationale from ICANN on why it's important that we do that. I personally, speaking as a myself, think it's hard to justify that thick is required because we can go look at common.net, the largest TLDs, and they appear to be working just fine as they are without being thick. And so how do you build that rationale that it's necessary because it clearly doesn't appear to be.

That's a big challenge and that is all part of the discussions around GDPR. I got (Tom) and then Susan so, before I get to you guys so let's keep this little bit on the COMNET thick bit and then we'll have a sort of larger conversation about GDPR and the rest of its impact too.

So, Tom? (Mike), and who are you?

Tom Barrett: Help, no. Tom Barrett from (Zirca). So there is a third (unintelligible) who is dot.jobs. So just – it's a special case. Verisign's not a registered operator so they really don't care what happens with dot.jobs right? It's just run by a company called Employ Media.

It came out - when it first came out if you want to have like 30 registrars today. When it first came out it had two interfaces for validation, they collapsed (unintelligible). And so that happened several years ago which meant that the WHOIS going forward that point had a single contact in it. So it's a partial thick WHOIS with the registrar to contact.

So you have some thin, some partial thick. With the dot.jobs or the thick WHOIS migration, Verisign came out with some new rules last summer. If

you want to update that single contact in the WHOIS you're forced to go fully thick. And now it has four contacts in WHOIS. So you have three types of WHOIS records currently in dot.jobs.

Graeme Bunton: Thanks, Tom. I don't think any of us have been thinking about dot.jobs because I don't think many sell dot.jobs. All right. I mean we might I have no idea but I don't – we haven't seen an RA amendment from them yet to adjust for going to thick so I – it's hard to fold that in.

Tom Barrett: My point is you're forced to go thick.

Graeme Bunton: Right.

Tom Barrett: If you want to update your registrar.

Graeme Bunton: Okay. Good to know. Susan?

Susan Jang: This is Susan. So I wanted to get back to Tim's point though because I think it's really important instead of roping in your own legal counsel and going in very granular about why Verisign's amendment that we take issue with. I think we need to get some on our side and go back to ICANN and really ask why are we – why are they requiring us to do this because I think we need to align with Verisign. And together put it together up front because I don't think Verisign necessarily wants this information. It just puts them more at risk so, you know, even starting to criticize the amendment on a consent-base rationale, like, if we need to go back to ICANN and ask why we need to do this. Thanks.

Graeme Bunton: Thanks, Susan, so I would just – yes. Good point and you're right, you know, my impression from Verisign is they do not want this data, it's a big risk for them. They're sort of parallel tracked for having that overall larger discussion about GDPR around thick.

This same discussion, you know, we've – we keep trying to park it. I think this next round is another mechanism to buy us more time to figure that out in the larger communities so I don't, it's not a one or other, it's kind of a both and this sort of amount of work we need to do looks like we need to do, sort of that we've trying to do by the end of the month is like a two-pager. I don't think it's going to be an outrageous piece of work.

I think I saw (Fred) in the queue on this? Is that right?

Frédéric Guillemaut: Hi, Frédéric Guillemaut. I was part of the IRT at some point for Quiz and for the also PDP, it took a long, long time and, you're right, Verisign wasn't very keen on moving forward fast. And I guess they didn't want really to move and they delayed somethings and now GDPR is also delaying the thing. But at that point at the origin, was a good idea to go thick but then some point you would may be able to remove RDE. You could remove a few things that we have to do because once all the registries are thick, we can, you know, get rid of some obligations.

So that was a good idea five years ago, now it's not a good idea because of GDPR.

Graeme Bunton: Thanks, Fred.

Jody Kolker: This is Jody from GoDaddy, Jody Kolker, sorry. You know, we're all pretty concentrated on GDPR and I think all of our development groups and all registrars are pretty stacked, busy, full, roadmaps, et cetera, to get this out in May. As soon as that's done, if we haven't started working on the thick WHOIS we're going to have to start working on that to start uploading data and I believe in November, we have to start sending in full contact data to them.

If we're still working on it, is that right Tom?

Tom Barrett: Yes.

Jody Kolker: But that's what we're supposed to be doing but if we don't have a contract, I take it we're not going to be doing that. I'm just wondering what is the roadmap to get to that? Are we looking at – are we going to have a contract by then? What happens if we don't have a contract are we required to start sending this data to them?

Graeme Bunton: I'm not 100% sure, this is Graeme. I'm not, and thank you for that question. I'm not sure I have this 100% straight in my head. But Verisign more or less has the ability to kind of unilaterally push that start date out. They can't start doing this until they have a new amendment in place with registrars.

We, however, the PDP had a deadline for when we have to do our work and we can't unilaterally move that out. So what we did previously we wrote a letter to ICANN saying, "We don't know when this is going to wrap up." We were to ask that for every time Verisign moves their start date out because they don't have a contract. We correspondingly move the date that we need to do that work out by that amount.

And I actually don't remember where that exactly lies whether that was agreed to by ICANN or not. I'd have to go back, I think it went to the board – something weird.

We're trying to go down that road so that we're not screwed so that this actually goes live and the next day we suddenly all have to push, you know, 120 million records up to Verisign overnight.

Anything else on just the thick component of it before we talk about GDPR in more general terms? Greg and I'm glad Thomas Rickert is in the room. Thank you again, Thomas, for your excellent work on that panel yesterday.

So what's going on and what's the process? ICANN has an interim model out. It has very large gaps in it a big one being something like thick WHOIS, data minimization, there's lots of holes in it that we don't have and this is I think Thomas's point and maybe you want to join us up here somewhere, Thomas.

On the panel was that there are lots of things that we could do. We just don't have the – and ICANN is saying these things need to happen. But we don't have the sort of legal meat on these bones to accept those risks at the moment.

There's "no like" and this is frustrating I find. There's no like meeting for us to get in a room with ICANN and have these discussions. And this is sort of what we've been asking for 18 months now which is – you have contracted parties, let's get in a room and discuss these bits of our contracts where we need to make these choices.

And ICANN has more or less refused to do that and consequently all of this is moving forward in a very public way where we – they put out a thing and then we write comments, overwrite letters, and movement happens that way and it's sort of weird and slow and non-concrete and still, you know, it's mid-March and we don't have – well what do we have?

Someone had the number of days, it's not a lot of days between now to actually do these things and from the rather unpleasant NTIA meeting yesterday, you know, and the show of hands we did for who's actually building code already, there's a lot of people in the room that they're still waiting for clarity and writing code in the next, whatever that is, number of days – two months – is not a lot of time to get that, you know, written and done and in. And it certainly doesn't feel like it's going to be tomorrow that we have this robust legal justification for what it is we need to do.

So one of the things that came out of the GDPR discussion group we had on Sunday? Time has no meaning here anymore. A day ICANN day x, was that we need to go back to ICANN and have a discussion with them about just how do you want feedback?

What is that mechanism that's going to be the most productive for us to take a look at this inter-model, and do you want another letter, do you want a public comment? What is the thing that you're looking for from registrars and contracted parties and we haven't had that discussion yet because there hasn't been an opportunity to have a meeting about this. It could be on Thursday. We'll all back-channel that conversation, something like that.

But the process is not clear and the gaps are still very fuzzy. And that's sort of where I'll park that for the moment and I bet you Thomas has some wonderful input.

Thomas Rickert: Well I have input whether it's wonderful that's for you to decide, but I think we need to discuss strategy and yesterday there's been a lot of talk about GDPR and I spoke, as you know, at this panel. I spoke at the Middle East forum in the afternoon after (Joran) and (Charine) spoke and John Jeffrey's been in the room as well.

And something that I heard and I hope, you know, I should be corrected if I misheard it but something that I've heard a couple of times from (Joran) is that pretty much I'm paraphrasing yes, we've gone as far as we could with the cookbook and now it's for the DPAs to get back to us with advice.

And I think that this expectation is going to be disappointed. I think there's no way for the DPAs to say, "Okay, I can send us something and now we're going to fill in the blanks." Because if you take a look at the cookbook which again, and I'm going to say this wherever I can which is, "Great improvement to what we had before." It's so patchy. I'll illustrate that for you with two examples.

ICANN wrote in the cookbook that the retention period of duration of the registration past two years is in line with European data protection laws. I'm not aware of any foundation for that to be based on. I mean that shifts that a statement which I think is not even correct.

I'm not saying that you can't do duration of the registration past two years, but you need to explain it. Why isn't it six months? Why isn't it five years? So if ICANN says that, you know, claims against the contracted parties will in most cases be brought by settle after two years, or that most are settled within a matter of two years, that's something that you can work with. But we don't have these explanations and, therefore, we don't have anything that we can assess for whether we want to accept it or not.

The other thing is collection of forensic data. We're not saying that you can't do it but just to say that you will leave it to the community process to work on further is not good enough of an explanation to – for a legal assessment, right?

So my thinking is that, you know, the completion status of this overall exercise is probably 3% and that's, you know, a lot of – a lot more detail is required and the question is, "Who is going to do the job and who is going to take the risk for not getting ready."

And my suggestion to you is and I've checked with a couple of individuals this yesterday about from the registries and the registrars and the feedback so far was quite positive is let's take the (unintelligible) model.

So let's basically take a stripped down model of everything that we had so far and populate the blanks ourself. That will likely be a quite restrictive approach to software but at least we have something that people can read and check and disagree with and we can get clarity for the contracted parties

and we can get clarity for the wider on – for the wider interest of audience until it is transparency as to what to expect come May 25.

I think we have most of the information in the written submissions that we've made so far. Let's be as brief as possible, that's my suggestion, let's put together a draft to do that and just say, "Okay, at the moment gated access can look like this only in the absence of further guidance." You know, that means that, you know, for UDRP or URS use cases you can do this for European law enforcement, you can do that for non-European law enforcement you can do that.

It will be rather restrictive but then even the governments in the Article 29 group have something that they can, you know, disagree with and say, "Okay you can loosen it up." And I think everyone's happily – happy to loosen it up a little bit if we get the blessing of the respective authorities.

But I think it's for us to put some flesh to the bones and that's my proposal for you guys to discuss today.

Graeme Bunton: Thank you, Thomas. And I am very appreciative that the people like yourself and others who have the time to pull up and think about this problem...

Thomas Rickert: Did I hear you say, "Have the time?"

Graeme Bunton: You know, we all suffer under this that we – we're very reactionary here we don't have the time to pull up and be strategic and, you know, respond in the best way. But I think that's a good solution or a good way to work forward is to take that interim model. We've identified a lot of these gaps already and let's fill them in ourselves, fill them in ways that mitigate our risks.

So, you know, Ben was muttering off mic about when can we start and, you know, the answer to that is end to that, you know, the end of constituency day because I need your full participation today but, immediately thereafter.

Do we think this is a good idea? Do we think this is the way forward? I am very interested in hearing opinions from others on other ways forward? How else can we begin to tackle this problem? What else do we need to think about strategically?

Anyone have thoughts? Anyone want to get in the queue? I've got Erica and then (Tom).

Erica Varlese: Yes, and I come and I'm talking in my personal capacity here. So I've been involved in similar processes in the European Union and globally many times. I just want to raise in addition to what Thomas said, I don't want to confuse your process but I just want to alert you maybe to three topics which you shouldn't forget.

So first of all, implementing the GDPR or making ensuring the choice in accordance with GDPR. Keep in mind wherever you're located you still have to respect your domestic laws.

Because GDPR is only impacting the European Union plus the area – the economic areas where European Union signed agreement with, so Switzerland, et cetera, et cetera. Plus it might have an impact on some bilateral partners where you sign free-trade agreements with but this is still in negotiations.

So keep this in mind you still have to respond to your local laws which is not outfaced. So globalizing one law from one area doesn't mean, you know, automatically the law in your domestic area where you're headquartered or where you have to respond to is not something you have to consider anymore. Which makes it much more complicated that when ICANN probably is considering any moment.

The second point keep in mind GDPR is a – it's a living animal. So this board, this future the transposition from the Article 79 into the future board means they still have a lot time they need internally to sort this out to make the board really working to have enough stuff, people, et cetera, et cetera and not going into details.

They are and they are not allowed to respond – allowed – but they're not issuing guidelines with regard to, you know, typically not particular sector – industry sector.

So just keep those in mind, you can't expect them to come up as a uniform opinion and they will have different ones as well. This law, unfortunately, seems to be a uniform law but it still has many national loopholes.

So depending where you headquartered in the European Union, don't expect everything to be uniform across the European Union.

And my last point, I raised this yesterday as well, so giving access - tier access to law enforcement, I – I mean I work for Facebook and I have seen it and it costs the industry sector and the internet economies.

They're good examples how law enforcement, authorize law enforcement access can work and I'm pretty sure you are aware of this. Maybe that's a model you can look into and maybe can be, to some degree, the (unintelligible) for your industry.

Graeme Bunton: Thank you. One of the pieces – so yes, the jurisdictional piece of all of this is very complicated. Another point that is worth mentioning to all of you in case you're not thinking about it and you should, is that this is not just WHOIS only, this effects many other aspects of your business, your billing data and all the rest of that.

And so, you know, we're primarily focused in this space on WHOIS but it – you've got lots of other work to do if you haven't been considering that.

Tom, I think?

Thomas Keller: Thank you, (Tom) Keller for the record. Well I will make it short. Yes, let's do it, let's move forward with that suggestion. I don't think there is any other way how we can proceed, right? I don't think that ICANN both fill the blanks I don't think they can fill the blanks, I don't think anyone else will do it.

We are fortunately, unfortunately, working in the same environments and we need to have certain rules and I think a lot of things are still ambiguous in the law so if we come up with a rationale, that's at least something we can descent. If every one of us comes up with a rational for themselves, it will be much harder to defend.

Graeme Bunton: Thank you, Tom. I've got Greg in the queue. So I think what we'll do is we'll begin to tackle this inside of the GDPR discussion group that exists, it was open to all registrars and registries. If you're not in there and you would very much like to be, I think you can talk to (Zoe) and she can talk to (Sue) and we can get you in there.

What I will say about that whole process is we're not going to get this perfect and we don't have time, so be prepared to compromise and work quickly as we try and get this done. Greg.

Greg DiBiase: This is Greg and this might be a stupid question but I'm a little confused about is this new model mandatory like if we come up with a model and which is gated access from the accreditation program, does that become a new obligation like something in the RA? Or is this an optional way to get a waiver basically on the ICANN requirement that we publish who is.

Graeme Bunton: Thanks, Greg, someone else can correct me on this but I think what ICANN is trying to do is say, "This is the model that if you follow this compliance isn't going to smack you." At the same time, we all have our own, you know, internal legal processes that are looking at GDPR and informing the decisions that we all make and how we all individually interpret.

And of course all of our implementations are going to be unique in their own respects and almost certainly there's going to be divergence from whatever ICANN model ultimately gets there in the end.

I, you know, if compliance comes after you and you've got robust legal responses to why you've made the choices you've made, you know, I don't know what they're going to do. They can take you to arbitration and litigation and that'll be fun and I probably can guarantee we will some arbitration or litigation with ICANN around this at some point. I think it's not a matter of if but when.

Thomas, you've got…

Thomas Rickert: I guess the overarching idea behind my proposal is not to just inject this to the ICANN process as a proposal but rather to say the contracted parties have no illusions about ICANN getting all the information through the GAC in time. And therefore, this is what we're going to do, right? And if we get this critical mass of the big players accepting this proposal, then we've set a quality standard.

I mean this is not to impose undue pressure on ICANN but I've been sitting in with the GAC earlier today and they are waiting for ICANN to come up with an interim solution and responses as to what's going to happen as well. You know, that's – we will likely see that and GAC advised and at least they're discussing this.

And so I think we should present this as being forthcoming to shed some light on what's going to happen in the weeks to come and people might like it or not, but even if they don't like it, it will put those in a position who can change the model to come up with robust legal advice, be it the governments or the Article 29 group itself.

Graeme Bunton: Thanks, Thomas, I dig it. So Greg please.

Greg DiBiase: Just following - this is Greg. Just following up, you know, what you said makes sense to me but do we have confirmation from ICANN that this is an optional model to basically avoid compliance enforcement or is ICANN under the impression that this is a new requirement - whatever they come up with, a new requirement, and we're all going to have to follow it.

Graeme Bunton: So, this is Graeme, my impression is that it's not – they don't think it's going to be optional but consequently they're going to have to revise all sorts of contracts and signed stuff and, you know, even getting that in front of us is going to take more than the amount of time we have between now and when this goes live to actually negotiate those contractual changes.

So, yes, great times for everybody. Anybody else have thoughts on that I saw a couple of heads nodding. MIchele?

Michele Neylon: Yes, MIchele for the record, now I mean the way that (Yuron) and (Cole) have been framing this is they're not interested in negotiating, that this is the model, this is what you have to do.

But the question you raise about well am - I haven't personally seen any detail around any kind of contractual changes or anything like that. I don't know it's just going to be an advisory, I don't know what this is going to look like.

I think a few of us have had the sidebar conversations as well in light of, you know, which policies are impacted. And I know from speaking to at least one Asia registrar who happens to be sitting beside you, that for those who actually aren't in the scope because they don't have any clients in the European Union, it isn't clear as to what they're meant to do.

Graeme Bunton: Go ahead, Pam.

Pam Little: Pam Little from Alibaba. I, I really find it hard to – you mention ICANN will be able to impose this on all registrars unless they adopt or the board adopts a temporary policy or temporary specification whatever the term is, then I'll be finding out all registrars.

It's also difficult – imagine if you have a five-year contact with ICANN or RAA and that can be intellectually amended. So I guess just to your point I believe there was a call with a – between the contract parties and ICANN senior staff a couple weeks ago where this particular point was raised by John Nevett and I thought from that recording it is open to registrars who do not wish to do anything i.e. maintain status quo, so please correct me if my understanding is incorrect.

Graeme Bunton: I don't know. Kevin?

Kevin Kreuser: I don't know where I heard it or if it was just a bad channel chat but I thought they were looking at using temporary policies for as long as they could until it became a, you know, a full blown consensus policy and that it would be mandatory at all.

I mean but within, but within the framework there are rights and preems from registrars to what you can and can't – or need to do and don't need to do.

Pam Little: Okay, so this very quickly the temporary policy says you can only have it up to 12 months.

Kevin Kreuser: Yes, there's a lot of things I think that they're doing in this situation that is stretching the boundaries but, yes, they have a year.

Graeme Bunton: And, sorry this is Graeme again, so as we think about this they're going to try and do temporary policy until RDS is finished inside of 12 months?

Kevin Kreuser: I don't know that - their specifics - I just heard, you know, chatter about that.

Pam Little: Okay.

Graeme Bunton: Interesting. Does anybody have other way forward other than filling in at filling in the gaps in the interim model and saying, "Here's what we're going to do?" Any – no one's got a better idea then I think that's how we move forward and, yes?

Thomas Rickert: I have two more quick points. One, some of you have already thought about credentialing systems and gated access for their own companies. It would be hugely valuable if you could share that – share those plans on the GDPR discretion list so that we can incorporate as much as you guys have already done into the revised paper.

You know we still need to find a nice name for it but maybe Kizuna Plus or something like that that, you know, we don't want to interfere with your implementation work so far as much as we can.

And then the other thing is, you know, that might – that not for now – if we have to put together the original drafting team for the playbook again to do something new, you know, maybe you can find ways to get some sort of financial contribution for all these efforts from the registrars as well, you know, there's an awful lot of work in – going into this.

Graeme Bunton: Yes, thank you Thomas and that's a good point is that we need to think about how we're funding the support for all of this and I think that's for the ExCom to tackle and we'll have a chat about that – just there's been immense community effort and a lot from yourselves and none of our time is free, and so we'll address that.

Is there anybody else, okay, so I think we've got a path forward, we're going to work on the GDPR discussion group, we're going to share some plans, we're going to fill in these gaps, we're going to put that out to the – to ICANN and say, "You know, until something better comes through, this is what we're doing."

And that, I think, will give us at least something uniform and semi-concrete to start coding on, you know, we need to do that impossibly soon. We should've, you know, this should've been done six months ago might have been maybe an appropriate timeline but here we are.

And just as a last piece, we all still as there is to saying we are all still implementing these things in our own way and we all still need to abide by our own legal guidance and so we, you know, I think it's important we coordinate collectively as much as possible.

All of this - the internet is better, WHOIS is better, our businesses are better, the more we're coordinated.

And so let's try and do that in good faith as well as we can while we're all still trying to respond individually. It's a bit of a funny process but that's ICANN. Neal?

Neal McPherson: And I guess you eluded to it. Neal for the record, with regards to filling in the blanks, do we want to think about a timeline for when that needs to be done? Because I mean, yes, obviously it's already too late but if we can know that we were going to have a version, black and white in two weeks' time then

maybe we can still negotiate with our tech team to say, like, "Hey we're going to have something concrete in two weeks and they can start."?

Thomas Rickert: Can I respond to that? No, I guess there are a couple of things, talking about timelines, I think it would be hugely beneficial if let's say within the next 72 hours those who have implementation plans on particularly good gated access could share those on the GDPR discussion group list so that we have all the information there is.

Then we've discussed earlier on Saturday I guess it was in the GDPR, the contracted parties house discussion on GDPR that we want to take ownership of the issue of an anonymized email versus web forum, you know, one-fault registrar or another contact person for registry. I think (Stephanie) has made this point quite eloquently.

So I think this could be an initiative working in parallel so that we get more clarity on how this is going to be implemented at the technical level.

I guess in terms of data protection my preference would be a web forum because even an anonymized email address would be a good channel for spamming people particularly if you combine it with phone file access, right?

So we can still have this anonymized email addresses. And, you know, let's say by mid next week or so you could us a tendency of what you plan to implement we could then bake that into the revised model and my hope would be that we could get a draft ready by the end of next week.

I mean this week is totally out of question because everyone's so tied up. But I would hope that if we could come up with a strawman at least by the end of next week and then probably dispatch to ICANN in the next ten days or so.

Still ambitious but I guess we need to be setting us aggressive deadline. And, you know, maybe Graeme you can try to solicit volunteers for this

email/web forum subteam that's going to discuss this so that we can get that input.

Graeme Bunton: So that was the next thing I was going to do was to lob that over at (Tobias) to make sure that you understand and have a good sense, our tech ops people in the room have a good sense of what that ask is and if we can begin that discussion and then also essentially conclude that discussion instantaneously.

And so do you handle on it?

Man 1: We briefly discussed that during the tech ops meeting so but I think we came to the conclusion a direct forum would be the only option. But there was concerns regarding who is implementing "The What" forum and how we actually sit through that as the on the registry side or the registrar side. But yes, we have looked through it.

Graeme Bunton: Great, so I'm, this is Graeme again I'm pleased to hear that you guys have looked at that. It sounds like maybe there's a little room for a bit more conversation let's try and make that happen in the immediate future, sometime in the next ten days even. And I understand that these timelines are impossibly tight and I appreciate your aggressiveness on this, Thomas, and it's – but we need something, we need to start writing code.

I think I have Susan in the queue?

Susan Jang: Hey Graeme, I understand you mentioned earlier ICANNs refusal to meet with the contracted party and to engage and their engagement with Article 29 Working Group and I know that once, you know, at the end of the two weeks where Thomas gets a fill-in-the-blank meaty playbook explanation, what are paths forward because are we trying to engage the Article 29 through ICANN and somehow convince them to actually present this, you know, to who and

they've been working with? Or are we trying to engage through another avenue through our own contacts and other types of Article 29 group?

Graeme Bunton: That's a good question, Susan, and I don't know. So I think it's partially for ICANN and partially for the DPAs.   Thomas might have more input on that.

Thomas Rickert: I think (Joran) made it abundantly clear that he will not start a concentrated approach of ICANN passed the contracted parties talking to the Article 29 Group but he said during a webinar that everyone should do that for themselves.

I guess the most important thing for us is to get aligned on interim solution and I think once we have something that we are – that we have consensus on and the registry/registrar stakeholder group that I think it would make perfect sense for us to reach out to the Article 29 Group ourselves and I think we should be doing that.

I mean the DC and IPC – they've written their own letter to the Article 29 Group so they're lobbying their interest quite heavily and I think it would be just professional for the contracted parties to do the same.

And now that I have the microphone turned on I have one other point that I forgot so sorry for that, but I think it's unrealistic but I want to check with you guys that we can have a gated access system whereby credentials that have been issued by one contracted parties can be used with another contracted parties.

So I think to start with it will likely be something where, let's say, local law enforcement get access to the data with this specific contracted party and not at the global level.

But, you know, this is not that much a legal question but rather a technical question. Do you think it will be feasible for you to implement a system where

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credentials can be used globally or for specific classes of contracted parties? Or where - whereby access can be so nuance that requests for us are committed to the program can only get access to certain data elements for certain jurisdictions for example? I mean in simple words, how nuance you do it before May?

Graeme Bunton: Anyone want that?

Jody Kolker: Hell no, this is Jody Kolker. I don't think there's any way that that can be done with an army of programmers. (AV).

Thomas Rickert: I mean that's good that's in line with my thinking but I think that what we can offer for the interim would be you go to the registrar, you knock at their doors, they will check certain criteria and then you can get access to what that registrar is, right?

Jody Kolker: Absolutely I think, you know, the tech ops guys that are here I mean we all have full workloads already. I don't see how this could be completed in two months reliably.

Thomas Rickert: I mean that's good to know because I think, you know, whatever we come up with legally must be implementable with you guys, you know.

Graeme Bunton: Thanks, Thomas, and that's an interesting question and I think we would love to have something like that at some point whether it's an API that, you know, we can use and is centralized in some way or interoperable. But I think Jody is right that that's going to happen in between now and May for sure.

Jody Kolker: Well, I think there's two different points there. I mean there's one of the - developing the API and - but then there's the point of who is going to do that accreditation? And I think that's the biggest point of this is who's going to accredit the guy that's sitting in his basement saying I'm a security guy, I need two million lookups from WHOIS today?

Graeme Bunton: Yes. So MIchele has put his hand up, I think to volunteer to do that credentialing, is that what I understand?

Michele Neylon: If only Graeme, thanks. No, I mean the this thing around the accreditation is scary as hell and if you kind of – there are so many ways you can kind of string this one out.

And so it's MIchele for the record in case you haven't recognized the Irish accent. I just can think of so many ways that that could cause pain if you were to move to some kind of centralized marble.

We are in our – my company is a 100% Irish, we specifically do not have offices in certain parts of the world so that we aren't not going to fall under certain bits of legislation and foreign governments.

Other companies I know do and would have to respond and to give access to certain things because of various local laws. I just don't see how the hell to make that work.

But I think the question is probably not the one we should really be focusing on, we need to be – if we are cognizant of the importance of anti-abuse work, and if we can all accept that that is not a bad thing per say but that we are not particularly comfortable with of what they're doing now and how they're doing it.

And if maybe what we should be looking at is having a dialogue with the people in that community to see about ways for them to get to the same place but using other tools and other means but don't breach the privacy my clients or your clients, but only care about your clients obviously.

But I think that's not the conversation we're having. What we're getting is, "The sky is falling, oh my God, oh my God," and then now lobbying

government which is why we end up with incredibly uncomfortable meetings like the one we had yesterday. And I think that dialogue isn't helpful because even though I'm not subject to American law, I really hate having NTIAs screaming at me all the time.

Jothan Frakes: Hi, I'm Jothan Frakes, PLISK registrar. I was invited recently and for some of you, you've heard my story, I'll tell it very quickly. I had the opportunity to speak at the M3AAWG, which is a, you know, group of these anti-abuse, the MAAWG who are a group of people who are, you know, spam-combatants and people who are helping assist law enforcement and law enforcement, et cetera, et cetera.

The people who are working in that security space that (David Greadle) defined and I had the opportunity to represent registries and registrars on the panel or at least, you know, the perspective of them because they weren't in the room.

And, you know, I explained from the panel which included the FBI and other people from (ESAC) that, you know, we're faced with compliance with law and they understand the consequences of breaking law or that there are fines that we're going to face as registrars, many of our members – we're international.

And, you know, I just asked for a show of hands in the audience, "How many of you would like to WHOIS continue the way it is?" And, you know, 100% of the hands went up and then when I asked, "How many of you would be willing to indemnify us from the consequences of non-compliance with law?" Zero hands went up.

And I think though that was, I think, a very clear indication of the problem space the – they still want it. And I don't want to be in the way of law enforcement but I also don't want to get sued for, you know, some DPA or somebody suing the DPA over my ability to do this.

The suggestion that came from commerce last – yesterday in this session was that they could propose a law that required WHOIS to be presented by US registrars. And in my particular case I have US-based, however my technology is based in Germany so all that does is, you know, put me square between (Scylla and Charybdis) with respect to this really thorny matter.

So I didn't hear that as a real success factor. I'm very concerned about this whole process.

Graeme Bunton: Loud and clear but I have it as 11:54 which means you've got about six minutes between now and lunch, I'm going to make (Zoe) be the bad person and tell us about our site. Let me make sure I've closed that out.

We've got some actions with Thomas to move forward on TDPR. Tech ops has some discussion that they need to do we're going to try and do this in an aggressive timeline. Neal?

Neal McPherson: I guess - Neal again for the record. One question with regards to, again, we modified the model, we put it out there and we say to Icann, "This is what we are doing." And then do we say, "No more discussions until after we've lived with it." Or do we put some kind of break on the discussions? We don't want to be negotiating with someone that private. This is what we're doing, now we need to start coding.

Do we have some kind of - I'm not sure if it's politically clever or not but at some stage we have to say this is what we're doing and get it done.

Graeme Bunton: Good question. So what I think the answer to that is provide us with the legal rationale for the gaps that we've identified. But it's not a back and forth, it's come back to us and fill these gaps that we identified your own way, and then when they've done that, then we can have some discussion about it.

But if we don't – they don't piecemeal it forever, it's sort of like when you have a robust answer to this then let's discuss. Thomas might have…

Thomas Rickert: Yes, I guess this strategy would only work if the contracted parties stand as one, you know, and I think in order to get to that stage we need to see what we can put on paper and whether everyone is agreeing with it, you know, otherwise ICANN is going to have to pursue a divide and conquer strategy.

But if we find something that everyone in the contracted parties' house can agree with, then I think we should say, "This is it unless you come up with something that allows for the contracted parties to act differently at zero risk."

Graeme Bunton: Thanks, Thomas, and I think that's a good point and something we all need to really wrap our heads around in this room is that we're going to work very hard in a very short timeline to get something out there. It's going to have warts. It's not going to be perfect.

But if it's to work we all need to be behind it so be prepared to come into the room and look at this thing and compromise and try and be as constructive as possible.

And also just sort of a last piece on that which is we certainly don't have time as a Registrar Stakeholder Group to have a vote on this thing, to necessarily endorse it and so I don't have a mechanism to say, "This is what we are doing definitively." There's just no time to do that formally so we'll likely do what we do which is circulate a thing and ask for people to see if they have objections.

Be prepared to read that, you know, we have what we do typically if there are people – enough people, like I'd say more or less 10% of the people participating in the discussion. If we've got about 10% of people dissenting that this is wrong, then we move to a place where we're naming individual

members who support and leave the people who are dissenting elsewhere and it doesn't become SG guidance or advice or a letter.

I would hope that we can get to that place where it is an SG thing, we don't have that level of dissent but be prepared for all of that to happen and to happen very quickly.

If anyone has concerns about operating that way, we can talk about them here and now or soon or later. Feel free to come up to me privately and we can have that chat, too.

Right, it is lunchtime. There are rules and the rules are important and I was going to make (Zoe) be the bad cop but I'll do the bad copping. Right, If you have a dietary requirement including being vegetarian, you should go first.

One other thing, you can choose one sandwich/salad, plus one drink, plus one fruit, plus one chips. I see anyone with double chips out there, oh my God, hell to pay.

Yes. Oh and the other bit is we built this lunch stack based on the RSVPs so I think we've got 50, this is for members only. And so if there's something left after we've all of the RSG members have lunch, then you're welcome to it.

You have to thank us profusely and agree to everything we say, but thems the rules. And then I think Ben might have a bit on lunch cups after lunch at some point. But go eat some food, we're going to take 15 minutes to get some lunch, oh (Zoe).

Zoe Bonython: Sorry, I was coming from a - I have no idea what you just said but I assume it was that lunch is only for members of the Registered Stakeholder Group. Number 1.

Number 2 we've had a slight mix up so lunch includes you can choose a salad or a sandwich, plus a piece of fruit, plus it'll either be chips or cookies but they are out there, all there right now.

Sorry, Number 1 can I only ask people that have dietary requirements to please go and get their lunch first, that includes vegetarian. That includes me.

And then once those people that – Graeme go and get your lunch. But please if you just give a couple of minutes for the people that need actually specific things to go and grab them.

Graeme Bunton: Thanks Zoe.

Zoe Bonython: Then - and then everyone else can get there's and we're still waiting there's kind of chips and stuff coming but they're not in the room yet.

Graeme Bunton: And then we start back here in 15 minutes and then we're going to be eating and working.

END