

ICANN Transcription – Abu Dhabi
Registry Stakeholder Group (RySG) / Non-Commercial Stakeholder Group (NCSG)
Open Meeting
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Rafik Dammak: Okay, thanks everyone. We'll start the Registries and Commercial Stakeholder Group Meeting. And so I ask our member to come to this table. Okay, so we, I think - so maybe pass to (Paul)?

Paul Diaz: Thank you, Rafik. It's Paul Diaz from Registrar Stakeholder Group. This is the regularly scheduled session we have. Tenants is pretty thin this time, so we're not going to go the full time if we don't need it. I'll probably just dive right in.

We've created a quick agenda with items that we've identified. Some of these go back a ways, so we might have to remind ourselves what exactly or particularly we want to discuss.

But if you don't mind, we'll start with the two and three -- and it actually should probably three and two -- the RDAP pilot and how we see it feeding into the RDS initiative. And I asked (Mark Anderson) from Verisign to join us because he's got a lot more technical background than I do.

But just to make sure that the non commercial colleagues understand what it is we're engaged in now via the RDAP pilot and where we think we see it going for RDS, which I know many folks are involved in that working group.

So let me turn it over to (Mark).

(Mark Anderson): Thanks Paul, appreciate the introduction. Those that don't know me, I'm (Mark Anderson) from Verisign and I've been very involved in the registries effort on the RDAP pilot initiative. And so Paul asked me to give sort of a brief overview of what's been going on and where we are with the RDAP pilot initiative.

So I'll sort of take it all the way back and the RDAP pilot initiative probably really started with SSAC 51 report that identified shortcomings with WHOIS and called for WHOIS replacement. That WHOIS replacement eventually was developed by ITF in the form of RDAP. RDAP is a replacement protocol for WHOIS. But in and of itself it is just a protocol. It's just a tool. It doesn't solve anything by itself.

And so ICANN staff took the initiative of developing what they called a profile. And that profile specified how registries should implement RDAP. Registries were concerned with the profile approach that ICANN staff took, however, because the profile in our view simply recreated WHOIS using the RDAP protocol.

And registries agreed to implement RDAP as a solution to the shortcomings as WHOIS, not as a tool to recreate the problems of WHOIS. And so we pushed back on ICANN staff and they agreed and we've had constructive dialog with them that ultimately led to a proposal to implement a pilot. The pilot will run until July 2018 and the goal or purpose of that pilot is to produce a new profile that registries will agree to implement.

We submitted that proposal with the support of our registrars and the purpose of that is for registries, registrars and ICANN staff to work together on a new profile that hopefully addresses some of the shortcomings of WHOIS and makes sense to implement from a feasibility perspective.

Bear in mind, though, this is a technical implementation and doesn't delve into the policy questions. Of course, you know, you've all been attending sessions for this whole week, so I'm sure you're aware of what those policy questions are. The next gen RDS PDP is of course the policy development body looking at those questions.

So this is not in any way an initiative to, you know, replace or circumvent the policymaking process. This is looking at the technical implementations of RDAP.

We had a session here yesterday in fact. We solicited an input from the community, had an excellent discussion on it. But we're still in the early phases of figuring out how we're going to go about developing a new profile that registries will agree to implement.

So that, I think, is sort of a high level summary of what happened and how we got to where we are. I'll throw it out to anybody if they have anything they want to add or any questions to ask. Thank you.

Rafik Dammak: We have the queue ready, so (Stephanie), (Milton) and (Jeff).

Stephanie Perrin: Thanks very much. As you're aware -- Stephanie Perrin for the record -- the focus when it comes to data protection compliance has almost always been right on the registrars and not on you folks.

I'm not even sure how many data protection authorities actually understand how the ecosystem works and the role that you play. And I'm also sure that

there's some confusion in some data protection offices between the concept of the CCGLDs and the GTLDs.

So have you folks done any outreach to them to explain what you do? And then I guess my next question is, with the whole thick, thin business -- and I'm looking at the Verisign folks in particular -- you do have a bit of an issue. And I have been telling the registrars that just because they're transferring the data to you, it doesn't get them off the hook on two thirds of the data protection problem. But we seem to, in the discourse, not focus on that. So just further thoughts on that please.

Paul Diaz: Thank you, Stephanie. I see (Keith). I'll let him respond.

(Keith): Thank you and thanks, Stephanie, it's a great question. Sorry, hot mic. So a couple of things there. So the question of have we been doing -- and I'll speak for Verisign, I can't speak for the other registries or I guess I can say the registry stakeholder group -- we haven't been doing any outreach to DPAs directly.

I know that ICANN has been doing that. We all know that ICANN - that (Yorin) has sort of undertaken that. But no, we have not been doing any direct outreach DPAs.

We have certainly our legal team looking at this issue and assessing, you know, implications and risk and everything as we work to develop our own plans.

On the thin to thick question, currently, I mean, today Verisign doesn't have any PII as far as registrar data as it relates to common - the thin registries.

So certainly -- and you probably saw this week that the ICANN board passed a resolution extending the dates out for the enforcement of the Thick WHOIS

policy -- which essentially pushes off the dates where the data - the registrar data would be transferred from all of our registrar customers.

And I think, frankly, and the process there is, we have been, you know, we presented, developed language in the common net RRAs -- basically amended language -- we sent that to ICANN as is required through the process. ICANN shared it with the registrars. Registrars had some concerns. And essentially, we're at a situation where because of GDPR -- and I think all three parties, you know, Verisign, ICANN and the registrars -- collectively recognized that this is a major obstacle.

GDPR, the uncertainty at this time, is a major obstacle to being able to complete the thin to thick transition, or even begin it.

I do need to say that Verisign has done all of the operational development work, implementation testing -- everything. We are ready to go once this GDPR issue is solved as far as the transition is concerned -- the transfer.

I hope that helps, happy to answer any follow up questions.

Stephanie Perrin: If I could respond to that, I mean, this is - the reason I giggled a minute ago is, this reminds me of that card game we used to play, you know, where you pass the queen of spades and you either go for control or you - or you're in trouble -- I guess it's hearts.

It strikes me that the registrars are very anxious for you guys to take their data off their hands, right? Would that be accurate.

(Keith): Actually I think it's probably the opposite, in that the registrars, even if they transfer the data to us, they still retain the data themselves. In a thick model, the registry is essentially acting as a centralized database of all of the registrant data for that TLD.

We're not in that - we wouldn't be the escrow agent. That's a whole other question. But we are essentially the centralized clearing house for registrant data.

But we are not authoritative for that data. We don't have the direct relationship with the registrant. So registrars would still have their own data. They may display it or make it available differently, but it's not a question of, you know, they're giving the data to us and we're holding it for them. It's basically a duplication, which raises questions as it relates to GDPRs. What is the purpose of the registry having that data, right?

If we're talking about purposes and, you know, use cases and all of these different terms, what is the purpose of a thick registry holding registrant data when the registrar still has it and still displays it? And, you know, why would that data need to be transferred across jurisdictional minds?

Stephanie Perrin: And what's the answer to that? Because I've been wondering about that myself.

(Keith): That's a good question. I think that's something that needs to be looked at through, you know, these ongoing conversations in the interim solution and ongoing conversations in the RDS PDP working group maybe.

Man: Okay, thanks.

(Keith): I actually do want to see if (Mark) has anything to add to anything that I said, or correct anything I said.

(Mark Anderson): Thanks (Keith). Nothing to correct, but I would add, Stephanie, you pointed out at the top of your question that, you know, RDAP just deals with the display of the information, right? So, you know, that doesn't address other questions around the collection, retention, you know, and processing of that

data. You know, it's really looking at just the display, which, you know, has, I think, you know, we're both well aware is only part of the puzzle, if you will.

So I thought that was a good point. I wanted to just highlight that.

Rafik Dammak: Okay, thanks. (Milton)?

(Milton): This may be a totally outlandish question, but is there any chance to roll the clock back on Thick WHOIS and just say we don't want to do it? Because we kind of - or been studying it and we think we kind of don't like it.

(Keith): So are you talking, -- (Milton), clarifying question -- are you talking about Thick WHOIS in general? So obviously Verisign, ComNet and the jobs which we...

(Milton): I mean put it into the registries that were thin, requiring them to run Thick WHOIS. That's what I'm talking about.

(Keith): I think that's a question for the community. You know, there are - there is an ongoing conversation at the implementation review team level for Thick WHOIS. I know there was a meeting here this week that was very lightly attended.

You know, so there is, you know, still an implementation team active, but the policy is the policy. It was approved by the board. So the question would have to be -- and I think that goes back to 2014 -- it would have to be essentially a reopening of the policy process. So I mean, I think that's really a question for the community.

You know, the question then would be, so we have this policy around thin to thick transition that requires all TLDs to be Thick, the question is, you know, what about the currently thick registries? And I think there's questions about,

you know, equal treatment and, you know, and all of that that would be wrapped up in that.

(Milton): One of the questions around (unintelligible) what's the purpose of it, would I be correct in saying that the purpose is to make it easier for - basically for trademark owners to do centralized searching for matching domains?

(Keith): I think that's an accurate statement, assuming they didn't want to use any of the third party services that are out there that do that anyway.

(Milton): They didn't want to pay for it? Is that it?

(Keith): Or just found it easier to go to the registry.

(Milton): They made you pay for it.

(Mark Anderson): (Milton), I will point out, one of the recommendations of the WHOIS One review team was that ICANN created a centralized location for WHOIS. If you go to whois.icann.org, it has all that information. You don't have to pay for it. You can get all of that in one search location.

So, you know, I don't know how I could answer yes to that question, considering that it is freely available already at the icann.org website.

Man: Stephanie?

Stephanie Perrin: Not to beat this dead horse into the ground, but (Yorin) did state today that what he was anxious to rectify was legal compliance. Now, under the 95 directive nobody was required to do a privacy impact assessment explicitly.

However, if you were reviewing for legal compliance now, you would do a privacy impact assessment. That has not been done, to the best of my knowledge, on Thick WHOIS. That started before my time here and I was

horrified when I found out about it. We had bandwidth problems, you know? There's only so much you can follow at one time.

But I don't think it would pass. I don't think it makes any sense from a data protection perspective for several years. And one of them of course is transporter data flow in the, you know, an additional, unnecessary transport of data flow in the context of the fact that we have a higher court case coming on the adequacy of the patriot - whatever the new one is called, I always forget.

Man: Privacy shield.

Stephanie Perrin: Privacy shield, right. So I don't expect you to tell us what your legal opinion has told you. But are we on the same bandwidth here in terms of thinking?

(Keith): So I'll have to take that question and get back to you in terms of, you know, I think our legal team is still conducting its assessment. The question that you raised, though, about has a privacy impact assessment been done on Thick WHOIS specifically, I think the answer is no. And, you know, is that something that could be done or should be done? Or, you know, again, that's a question for the community, I think.

Stephanie Perrin: Well perhaps I should, full disclosure, say that number one, I'm working on a common statement for NCSG. Don't hold your breath waiting for us to get total agreement on it. I promised Rafik it would be two pages and it's now more like 20. That proves I'm turning into an academic as opposed to a government policy (unintelligible), so I consider that progress.

But it - going through all of the things that need to be done to ensure legal compliance I think is useful, and I did promise we would get some more questions to (Hamilton) through in that question seeking activity, so I'm trying to come up with those in the next couple of days. So that's what I'm up to. Thanks.

Paul Diaz: Thanks Stephanie. Wanted to note, Rubens Kuhl couldn't be here but he did post an adobe - a comment. Let me read it out, as it relates to RDAP and RDS.

He notes that RDAP allows for a query to be referred from the registry to the registrar, so it's possible it could make a thin system that works transparently for RDS users, thereby making a needs to transition thin to thick limited to registries with eligibility criteria -- in the adobe chat for this session.

(Keith): Paul, can I just follow up on that?

Paul Diaz: Please, thank you.

(Keith): Thanks to Rubens for posting that. That was very helpful. You know, in our internal conversations we sort of have referred to that as sort of a virtual thick model, in that it appears and it feels thick. It sort of functions that way. But as Rubens noted, it removes the need for the transfer of registrant data from registrar to registry, and instead it sends the queries the other direction.

So I think as we - and this is important for the RDS PDP working group looking to develop the policies around RDAP, probably not, you know, so important for this interim phase that we're talking about leading up to, you know, up to the time where the new policies are developed. But you never know.

I mean, these are things that we as a community need to be talking about, comparing notes on, trying to figure out what makes sense. But this is a critical point that Rubens has raised as it relates to the RDS PDP working group.

Stephanie Perrin: I would just like to say, this whole little one can actually say in public about the EWG discussions, but I supported a centralized or aggregated model

because I was convinced that you could do exactly what Rubens has just described and that therefore that would reduce the transporter data flows -- the unnecessary transporter data flows -- which brings you all kinds of audit requirements too, you know, as you're well aware. So it would be good to get on with this, you know?

(Keith): Totally agree. And just another concept that I'll introduce on behalf of my colleague Scott Hollenbeck -- who's one of the authors of the RDAP protocol -- is the concept of data provenance -- the idea that the data ought to live as close to its source as possible. And if there's no need for duplication, why bother?

So data provenance and, you know, sort of Rubens - as Rubens described, this is what we're calling sort of a virtual thick model I think is something that needs serious consideration in the RDS PDP working group. Thank you.

Paul Diaz: Good. Thank you for all that, everyone. I mean, we combined two and three and started touching on four; we're good with this. Are there other GDPR topics that this group wants to discuss? Can we put it on the list knowing that it was going to be a major topic of discussion, but specifics that you'd like to share?

Stephanie Perrin: I can go on for hours but Rafik would choke me; I can tell. But yes, they want to get to GeoNames. But just can I say one more thing? That whole business of locus and provenance has a lot to do with your concept of controllership, right?

And one problem that I would see -- and we aren't data controllers except for our membership information and our travel funding information, but you folks are -- and those are, I would suggest, quite different from ICANN the organization's interest as a controller.

So there must be incredible tension, because these are key decisions that have to be made.

Paul Diaz: All right. I mean, with that then, why don't we shift to GeoNames? And here, Rafik, I hope you can help us, because we set this on the agenda so long ago. We weren't exactly sure, walking into the room, what, you know, wanted to discuss. So let me cede the floor and take us through it.

Robin Gross: Hi, this is Robin Gross for the record. Yes, on the issue of GeoNames, as many of you probably know, there's been a new Work Track 5 that's been created in the new GTLD subsequent procedures working group. And this is going to focus exclusively on GeoNames, or at least it's supposed to.

However, if anyone was in the meeting -- the first meeting yesterday -- we saw the laundry list come back of all the things that the governments want to have included in the -- what is it called -- GeoNames, that they can then control and regulate. And it's an - it's really an enormous number of items. We're talking about geographic names and languages and cultural sensitivities and economic references.

And so, you know, the list is just getting longer and longer in terms of the kinds of things that governments are wanting to use this work track in order to regulate what can be - what words can be used in domain names.

So our view, we're pretty much concerned about the freedom of expression aspect of this and wanting to make sure that people are - still have the right to exercise their free speech rights and be able to use these words even though governments might feel sensitive about them, or feel like they own them.

So I want to encourage the registry stakeholder group to get involved in this new Work Track 5. It just started yesterday, so now is the time, and try to help us to push back a little bit on the government power grab here to control the kinds of words that people can use in domain names. Thanks.

Paul Diaz: Thank you, Robin, that helps frame it. Yes, the Work Track 5 just started. Our previous bi weekly call was two weeks before coming here. Group was alerted that the request for volunteers is coming. And I know we've had some. For the life of me, I can't remember who, other than Martin Sutton, who chairs the BRG, the brands, but also a registry stakeholder group member. But we do have some. Yes (Sam)?

(Sam): As far as I know, the call for signups is still going on, so I don't think it's been published yet. But we do have some Subpro leaders in the room if they want to talk to us. But yes, I mean, there are registries, I'm sure, who are going to step up and be part of this work track.

Robin Gross: And the last - I looked at the list yesterday, we had about a half dozen registries that had already signed up -- me, her. So yes, we've got a good number and we're still beating the bushes.

Paul Diaz: Robin, just your guess, since the list keeps getting longer and longer of issues, this Work Track 5, the way it was structured, is its output a requirement for Subpro to continue to move forward? Or is this sort of like a parallel process that if work track five takes longer but the other pieces are ready, it can move kind of in separate stages?

Robin Gross: Yes, I think that's exactly the way it'll go. They'll both be going forward now, but Work Tracks 1 through 4 are expected to finish up sooner. It's possible that Work Track 5 could as well, but I don't think that's particularly realistic, given how contentious the issues are.

So I think that'll go a little bit longer on and then we'll - the rest of us and the other work tracks will just sort of have to wait until some of that work gets done.

(Karen): If you want some more detail, I just pulled up our pictures from this morning. Robin and I were drawing diagrams this morning. Work Tracks 1 through 4 we're going to hopefully do our preliminary report in March, April timeframe. Work Track 5, its goal is, like, to have its preliminary port, like, the end of the summer. But then we'd all - because once we do the preliminary port, that'll bring back community input and all that.

Eventually it'll all dovetail back into one so that we all come out with one final report that goes to council at the same time. So we're going to be on different tracks for a little while, but it eventually will all go to council at the same time.

Paul Diaz: That's 2018, right, (Karen)?

(Karen): Let me bring up my big picture here.

Paul Diaz: I'm being a smart aleck. It better be 2018 or...

(Karen): It's 2018. And then, yes, but then the approval process is where...

Paul Diaz: Another year.

(Karen): ...the pages on the calendar start flipping.

Robin Gross: And if I could just also add, we're just now beginning to discuss sort of the scope of the work track. So in terms of what issues get in from this laundry list, now is really the time to get engaged and try to help narrow the scope a little bit so it doesn't become, you know, everything under the sun and take forever and really become more contentious. Thanks.

Rafik Dammak: Thanks Robin. Just I don't want to put any pressure, but what are the views in the registry stakeholder group about this issue? So if you already discussed or...

Paul Diaz: Fair question, Rafik, but we haven't really discussed in detail. The ongoing tracks have been - we get updates, but not in great detail, I think, as we get closer to draft recommendations. I mean, that's the way we typically work. We don't have official delegates, but those who - members who are participating provide updates on our bi weeklies.

And then when it gets closer to time, people are holding at pens and committing ideas to paper. That's when we get more involved, but we're not there yet.

(Karen): This (Karen) for the record. There is a subset of the registry stakeholder group that's the brand registry group, and as its own separate registry the brand registry group has a position paper that's very much aligned with your position. These words should be free for registries to use as - to represent our brand.

Man: Thanks.

Robin Gross: If I could just add onto that, I think, you know, sometimes our stakeholder groups come at it from kind of different perspectives. We're coming at it from the perspective of protecting free speech rights and brands and the IPC and some registries are coming at it from the perspective of protecting intellectual property rights.

And I think on this issue we're really the same. We're talking about existing legal rights and wanting to keep those to be the legal rights that we respect here and not inventing new rights -- new geographic rights -- that can supersede our free expression rights and the trademark rights. So I think we should work together on this.

Rafik Dammak: Okay, I just was going to ask, is it possible to share the paper?

Woman: Yes, it's on the brand registry website but I can get it and circulate it.

Paul Diaz: I was only going to note, going back to the adobe chat that Rubens again weighed in and just reminded when I asked about the Work Track 5 and its impact on the timeline, his comment was that the RPM review is the likely showstopper for subsequent procedures, not Work Track 5.

And as (Christine) down there can - as she regularly updates us, the challenging issues faced in the RPM work group are significant and are taking a long time to work through. So the thinking about Subpro is - and its timeline is probably more aspirational at this point. But we shall see.

Other questions or comments? (Sam)?

Farzaneh Badii: No, I just have a comment and AOB, so can I ask now?

Paul Diaz: That's good. Anything else on this one? Please go ahead.

Farzaneh Badii: I wanted to talk to you about two character domain names that correspond - new GTLDs that correspond to (unintelligible) domain names. So we know that GAC said that these two letters that correspond with my CCTLD is mine and I'm going to reserve it.

I was wondering - and then some of them were really (unintelligible). I was wondering if there's any update on that, if these two letter characters are still, like, not being allocated to the registrants or if they have been released already.

(Sam): I'll let anyone, and jump in and correct me if I'm incorrect about this. But I believe you're referring to two character domain names at the second level, so, right? So at the end of last year, end of 2016, I believe, that ICANN org put a process in place for registry operators to release them.

I haven't done a registry or registry review, but as far as I know, there are registry operators who are taking advantage of that and they are releasing them.

The GAC continues to discuss it, but as far as I know, there has been no changes to that process and no canceling of it, if you will.

Farzaneh Badii: So we are very critical of this, that GAC actually feels entitled to these two letter domain names at the second level. And is it possible to get some more information about the process and how it has actually affected registries.

(Sam): Yes, I believe the process itself is published somewhere on ICANN's site, so we can track that down for you. In terms of the impact on registry operators, various registry stakeholder group members have been very vocal about this one, especially when it was still in flux. So there's no shortage of people that we could put you guys in touch with. So if you want, we can chat about it afterwards. I'll give you some people to follow up with.

Paul Diaz: Thank you (Sam). Thank you Farzaneh. Any other AOB issues? Then we don't necessarily want to drag this out. So Rafik?

Rafik Dammak: Yes, I guess we should not keep more people here. But I was going to ask a question, how you think we can improve the joint meeting? I know it's challenging in terms of finding the topics just before the ICANN meetings and also the clash of schedules. But I was wondering if we can try to improve in the way how we can engage, even between the meetings, show we can share our position. Or I think we - even we can work maybe on common statement.

For example, we saw your joint statement with registrar stakeholder group on GDBR, I think there are area of (unintelligible) and we can agree and work together and not just waiting for ICANN meetings. We're all, you know, quite busy but...

Paul Diaz: I'm sure there would be interest in finding other ways. As I noted, we do bi weekly calls and we often have guests. You know, so we'll (unintelligible) off depending on the issue to discuss half a call, two hours, a half, an hour or half hour.

If we were working on an issue like the letter you cite, you know, that might be a good time to reach and say, Hey, would you like to," and we can make the time available, even just for more frequent updates between meetings. That's probably a very good idea. So just keep in touch and make that offer available when you want it.

Rafik Dammak: Thanks Paul. We take this offer, so yes. Okay, let's see, any further comment, question? I know that's almost end of the day, but yes, it doesn't look like. Okay.

Paul Diaz: Just a thought with the coordination, you know, we start communicating well in advance of the meetings -- the ICANN meetings -- to schedule this. As our secretary will attest, the challenge is with the scheduling. So many things get moved around and whatnot.

Since this is a recurring request, you know, we can put in early for it and one of the things we may want to consider is requesting the sessions earlier in the week. It seems that they usually come at the end and folks are burned out, folks are leaving early, etcetera.

Since most of us are here on the weekend, you know, even trying to go Monday, the first day of the week, might be something that we try -- we aspire to do -- just because I think you're going to get better input and presentation. Whatever we discuss, you can then take through the rest of the week.

Rafik Dammak: Okay, that looks good and I will - I mean, in term of scheduling meeting, that will be with you, Farzaneh, I guess, so okay. Yes, we are good, I guess.

Paul Diaz: All right. Well everyone, you know, that's great. You've got 37 minutes back and that means you won't miss any of the forum. So see you over there.
Thanks all.

END