

TRANSCRIPT

Framework of Interpretation Working Group Telephone Conference 24 May 2012

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Patricio Poblete, .cl (1 hour)
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Keith Davidson: I think it's four minutes after one. We should probably make a start. As noted, AI can only be with us until two PM. I think the agenda is sorted so that we'll get on to the main issue which is still revocation fairly quickly and then probably more administrative stuff later in the call. So, firstly, Kristina, can we have a note of who's present and who's apologized?

Kristina Nordström: Yes. I'd also like to note that Patricio will also be here for one hour and on the call from the ccNSO we have Ugo Akiri, Martin Boyle, Becky Burr, Keith Davidson, Stephen Deerhake, Eberhard Lisse, Patricio Poblete, Nigel Roberts, Bill Semich, and from staff support and special advisors we have Jaap Akkerhuis, Kim Davies, Kristina Nordström, and Bernard Turcotte and apologies from Desiree Milosevic and Bart Boswinkel.

Keith Davidson: Thanks, Kristina. Any further apologies? No one else on the call whose name wasn't called? If not, can we move on and consider the apologies accepted and move on? Any changes to the agenda? The agenda's been out for a week? We haven't seen anything on the list. Is everyone happy with that in its current order?

I'll take that as a yes. Item three on the agenda is the meeting notes for the May 17 meeting. We deliberately because of the very low number of participants on that call we deliberately didn't do anything with revocation and held it over for this meeting and attended mainly to the administrative tasks. I don't think there's anything really to report, Bernie?

Bernard Turcotte:

That's correct, sir.

Keith Davidson:

Does anyone have any -- I see Martin has his hand raised. Martin?

Martin Boyle:

Yes. Just a simple question under item four on the meeting notes. You've actually described it there as revocation and RFC -- shouldn't that actually be the normal definition against the document which is simply the revocation documents? Was this not specifically about 1591 even though 1591 is taking most of the discussion?

Eberhard Lisse:

That was a cut-n-paste there one my side, Martin. I'll correct it.

Keith Davidson:

Thanks, Martin. Anything else? If not we'll consider the item approved with the amendment. Okay. Revocation. Can we -- Martin, is your hand still up? Martin?

Martin Boyle:

Yes. That was whether there had been any follow-up action on item five. You've agreed the wording to be posted on the ccNSO website, has it actually been posted or is that what we were going to talk about on the item five today?

Keith Davidson:

Item five on the agenda today.

Martin Boyle:

Fine. I'm happy with that.

Keith Davidson:

Good. Okay. Can we move on to revocation, item four on the agenda -- sorry, Martin has his hand raised again? No?

Martin Boyle:

Sorry. Somebody obviously remotely removed it when I wasn't paying attention. I have no excuse.

Keith Davidson:

Okay. Can we put the revocation document online? Bernie? If you want to give us three of the changes?

Bernard Turcotte:

Sure. I'm bringing it up now. I think we've got the red line problem again.

Eberhard Lisse:

Nigel, you must mute your microphone. We can hear you typing.

Bernard Turcotte:

Sorry about that folks, the red line's not showing in the version I'm seeing on the screen anyways. I'm pulling it up on my local copy here and I'll walk you through it.

Kristina Nordström:

Bernie? If you open the document with the red line and share your screen, that's one option. You can open the document on your computer and then you can share your screen and everybody will see the red line document.

Bernard Turcotte:

I see. I will try that.

Kristina Nordström:

Click sharing and then it should share your screen.

Bernard Turcotte:

Let me try that and see if that will work. Okay. There. We have that. And where's the share screen thingy? Share my screen. Okay. Those are instructions. I don't find that very useful.

Kristina Nordström:

Did you find it?

Bernard Turcotte: Yes. But it's not doing anything. Possibly because I'm running Unix and it might not like me. Have you got a copy?

Eberhard Lisse: No. It's because it didn't attempt to send us lecture over connect.

Bernard Turcotte: True.

Kristina Nordström: It should be fairly easy. Can I ask who joined in the meantime?

Dotty Sparks de Blanc: This is Dotty. And this is the second time I've been on. I'm being bumped off the charge number and the 800 number's not working at all. They even say it's not available.

Kristina Nordström: Okay. Can you send me an email letting me know where you're calling from, what number you're calling from and to and I'll make sure it's investigate. Thanks.

Bernard Turcotte: Alright. The shared document seems to work. Is that up in other people's screen.

Eberhard Lisse: Sure is, Bernie.

Bernard Turcotte: Excellent. We are now on version 1.2 with the zero being struck off in the version number at the bottom of the page also. We will make this slightly bigger because I can't read it. Alright. Section two, no changes. Section three, no changes. Section four, I note that Nigel had the question that from this week in the email since they didn't touch directly on revocation these things were there and maybe we want to have a chat about that to my -- what I was trying to do by putting those in since I'm the guilty party here, I was really trying to show the only thing that is slightly relevant as a background and not necessarily as something that's going to significantly influence our development of any interpretation. Nigel?

Nigel Roberts: I think my comments were in the email basically and I'm open for anybody else to comment.

Bernard Turcotte: Bill? Eberhard?

Eberhard Lisse: I think you should just make it a little bit smaller, the text, so that we can see the complete lines when we're reading because it got pushed to the right. It was difficult to read. That's better.

Bernard Turcotte: Any other comments on section four, relevant procedures?

Nigel Roberts: Perhaps nobody disagrees to the point I made in the email.

Bernard Turcotte: I'm not sure everyone read it. Would you care to make it again just to make sure we're all on the same page?

Nigel Roberts: I'm not sure I can remember it. Would you care to read it?

Bernard Turcotte: Okay. I can pull it up. Hang on a second.

Eberhard Lisse: Can I in the meantime propose that in the future if somebody forgets his own point we're not going to discuss it on the phone call.

Bernard Turcotte: Too many contributions from Nigel. Which I'm very happy about. Here it is. I'm confused as to why we are including current practices bracket which may not be supported by policy, closed bracket, in our interpretation task. If mentioned at all, this can only be used as evidence that IANA needs to bring its practices in line with policy, perhaps with the assistance of our practice statement on

interpretation and construction that is the output of this working group. That was Nigel's comment on --

Nigel Roberts: I obviously agree with that.

Bernard Turcotte: Okay. That's a starting point. But --

Nigel Roberts: The point I'm getting at is this should not be here. It should be excised.

Bernard Turcotte: Thank you. That's what I wanted to get to. Anybody else think we should remove this?

Keith Davidson: We've got two hands raised. Firstly, Elle and then Martin. Elle? Elle's hand's gone done.

Unidentified Speaker: My mistake.

Keith Davidson: Carry on.

Martin Boyle: I think there is an explanation as to why Bernie thought it necessary to include that in the 4.2 that there is something that actually speaks about the requesting confirmation and contacts that there's a reference to significantly delaying complicated process and therefore I think it is probably worthwhile quite simply saying that there is no documentation in place for covering this. The fact that this is not a document of procedures, we've gone across this discussion before and certainly I don't think we should be talking about procedures but where a procedure is based or rather is not based on policy then perhaps it is relevant just to keep that one in our mind for future reference and bearing in mind this is the preamble to the report. It doesn't seem to have a reason to leave it in place.

Keith Davidson: Thanks, Martin. Is that convincing, Nigel?

Nigel Roberts: It was articulate but unconvincing. Sorry, Martin. We are documenting here under the section relevant procedures and my point is not really what's in 4.1, 4.2, 4.2.1 -- it's the fact that no procedures are relevant to the task of interpreting policy. And again I don't see -- maybe in an addendum to the report that we finally produce we can say during our work we identified the following areas which are of concern to the ICANN board such as that IANA is operating these procedures without any authority from policy or this is not documented properly or so on -- I think that's fine. But to put them in the preamble and say this statement understanding the ccTLD relegation procedure is a relevant procedure to the interpretation task, I actually think we need to be keeping on track and our message will be more powerful as a result.

Bernard Turcotte: Okay. Would a way forward be to address the idea that there is a document from IANA at item 4 and move the rest to an addendum?

Nigel Roberts: If that's a question for me, I'm in agreement with that way forward provided the addendum clearly identifies that it's external to the task of the working group as an interpreting policy and that it's simply something that is out of scope but we felt helpful to mention.

Keith Davidson: Okay. Bill's indicating a tick and also has his hand raised. Bill?

Bill Semich: I'm a little concerned about this language both for the reasons Nigel has raised but also this procedure is not really specific to revocation. It talks about redelegation which has diverse meanings in the context of the work we've been doing. And I don't think it's an appropriate section to include in the revocation preamble. For that reason as well as Nigel's.

Keith Davidson: Thanks, Bill. Bernie? Your thoughts?

Bernard Turcotte: It was truly informational. I don't have strong feelings one way or another. If we remove it I don't think it will take away anything serious from the document. I thought it was interesting because of some of the decisions that have been taken in the past by IANA have been based on that. So, again, it was informational.

Keith Davidson: Martin?

Martin Boyle: Yes. Thanks, Keith. I must admit I still have concerns in that actually telling people they should be providing their contact information doesn't seem to me to be unreasonable and because we've changed our terminology from redelegation to in this case revocation my guess is that somewhere in our advice we do need to reemphasize this is a point. I don't mind it's disappearing from here so long as it appears somewhere else and perhaps the correct place is, as Nigel suggests, some of the delegation chapter.

Keith Davidson: Thanks for that, Martin. Bill has his hand raised. Bill?

Bill Semich: I don't disagree with Martin's concern that this concept should be appearing in our document. The issue for me is that we're citing in some way a relevant support materials for what we're developing and we're citing IANA's best practice. That's primarily my concern. Of course there needs to be ways to contact people regardless but that would be for this group to determine how to vocalize or draft in a document and not to refer to IANA best practice which is not specifically targeted to the separated concepts of delegation, change in manager, and revocation as we've been developing those three concepts.

Keith Davidson: It's sounding to me that we're getting some consensus towards the idea of moving that to an addendum. I see one more hand raised. Elle? I'm sorry. Eberhard. The floor is yours.

Eberhard Lisse: Yes. I also agree with what Bill says. I have a problem saying this procedure. We don't want procedures. But what's in there is relevant so we keep procedures that we can do and I think it's the best thing, so like we have done in the past, sort of pull it out and put it somewhere at the end where it can be dealt with separately and we don't have it in the main document. I agree with that.

Keith Davidson: Thanks, Eberhard. Martin?

Martin Boyle: I think there is actually a wider point fitting here isn't that we looked at various stages to what happens if there is no response and the classic way of there being no response is if the person never received the contact and therefore there is perhaps a sort of fundamental requirement sitting there on -- this is a process requirement rather particularly a policy one that the operator of the TLD, no matter what TLD should be accessible for using the contact information that they have provided rather than just having put false information and therefore they are no longer addressable and probably no longer are doing a good job.

Keith Davidson: Good point. Okay. I think we have reached consensus then. Bernie, we'll seek to restructure the document with this reference in an addendum somewhere. Bernie, please continue?

Bernard Turcotte: Alright. Moving right along. Let's see if we can find some more red line here. I believe the next item is 6221. Given the term revocation is used in section 3.5 of ROC1591 it was unclear that the interpretation of this would seem to encompass more than simply revocation as opposed to delegation. That okay with everyone?

Keith Davidson: As opposed to redelegation I think. I see Nigel has his hand raised already. Then Martin. Nigel?

Nigel Roberts: Actually while I'm looking for something I'll give way to Martin.

Keith Davidson: Okay. Martin?

Martin Boyle: According to the text I've got in front of me it looks like we missed 6211 which had a comment in it against that text that Becky, Nigel, and Bernie to review how 344 applies to revocation. I've got no recollection of exactly what that means but against the previous section it's probably something we need to look at.

Bernard Turcotte: If that was from the first past we went through the document on the first day, there were two comments on that. The first one was we don't use redelegation again. I seem to remember Bill making that I think although I have to check that and the second one was that Bill, Becky, and Nigel, and I would look at the applicability thing which we haven't gotten to yet.

Martin Boyle: So, that's the next starting point we just need to note?

Keith Davidson: Noted. Thanks, Martin. Nigel? Have you recovered your thoughts?

Nigel Roberts: Yes. Actually that's quite helpful to do it in this order. Becky and I have had some very brief discussion about this and currently a formal word that I put together with her which is what I was referring in the chat about five, ten minutes ago -- Becky, would it be appropriate if I now sent that to the group? I'm sure you're coming off mute because you're typing in the chat window.

Becky Burr: Hi. Sorry. I'm confused. I pressed the wrong button. Yes. Nigel, I wanted to take one pass at the language but I think maybe we could talk about the concept.

Nigel Roberts: Yes. It does. I'll give a thumbnail sketch of the idea. I think we were generally -- and I think this goes back to sushi. I think generally we were of a view that although the wording did kind of indicate that the requirements were at application time it would -- there may be an ongoing -- should we say supervisory obligation of IANA. And it was how to express that. Is that what I said in the email? Hang on.

Becky Burr: Yes. A sort of reserved authority.

Nigel Roberts: Yes. Otherwise if it doesn't have some kind of reserved power it can never revoke. It can only reassign if a TLD is abandoned. Yes. I've come up with some language that seems -- I would like to actually say that we've dealt with this possibility. The language used in 1591 was only intended to be applicable at delegation time but that on balance we felt there was some kind of ongoing ability to step in in the event of existing problems I think was the conclusion. If that's alright I'll leave it to Becky to come back and tear my actual words apart and then we'll post it to the list as soon as possible.

Keith Davidson: Okay. Thanks, Nigel. Bernie?

Bernard Turcotte: I'm taking an action item that Becky needs to go over Nigel's words. There may be some back and forth between Becky and Nigel. Just so I keep track of it, if you guys could copy me in on those emails, that would be great and that at some point in the coming week we should have some probably agreed text. Becky? We've got a meeting in two weeks.

Becky Burr: Yes.

Bernard Turcotte: Great. Thank you. Alright. 6222. There was I believe this was Nigel's comment subject to other FOI working group recommendations versus subject to FOI working group recommendations to prevent documented issues. I thought that was good rewording. I don't know if there are any issues with that.

Keith Davidson: It's looking like everyone's happy.

Bernard Turcotte: Alright. This is the tough part, folks. We're actually slogging through it. But as we have grown used to it now, this is the way we actually get to it. Alright. 6223. Next up. Basically at the end there, applied to a delegated ccTLD, our transfer and revocation, it would seem reasonable that IANA stepping in would include these mechanisms as part of its options in cases where there is substantially misbehavior. Again, I believe that was Nigel's wording which I thought was good. I just included it in there. Comments? Thoughts? Nigel?

Nigel Roberts: Sorry, I'm a paragraph ahead. I'll wait till you've gone through the next one.

Bernard Turcotte: Thank you. I know you're quick but you have to wait for the rest of us.

Keith Davidson: It doesn't look like anyone else has any comments. No other comments. Please move on, Bernie.

Bernard Turcotte: 6224 was the use of purpose instead of intent which I remember was Bill's comment. I took that to heart. I tried to capture all of them. I'm hoping there are no stragglers throughout the document and interpret IANA stepping in as their contractor continuing with the traditions of, one, ensuring security and stability of the internet -- obviously there's an E too much there -- and the ccTLD and, two, the point all means at its disposable, resolving issues with the incumbent manager instead of operator. Nigel?

Nigel Roberts: This is a minor but nonetheless helpful and significant suggestion. Can I suggest the last few word read in the following order -- to assist the incumbent manager in resolving issues?

Bernard Turcotte: I'm not ignoring you. I'm scribbling. To assist the incumbent manager in resolving issues. That's it. Other comments on that? Bill's got his tick mark. I'm happy with that.

Keith Davidson: I think it clarifies quite nicely, Nigel.

Nigel Roberts: Thanks.

Bernard Turcotte: Okay. We'll take that with the amendment. Excellent. Moving on. 6225. The FOI working group believes it's consistent with the purpose versus intent to 691 to state that revocation should be a last resort option. Removed for the IANA contractor. Questions, thoughts, comments? I see no hands. I hear no comment. I will mark that as okay. Next one. Moving on to 623. We have completely struck the header since my construction got rejected. I understand why. We move on to 6231 and further.

Keith Davidson: Martin has his hand raised.

Martin Boyle: Sorry to do this but I have no recollection as to why we suddenly decided that section 3.5 of RFC 1591 or that particular extract from it was no longer relevant in this place. It certainly seemed to me to be fairly relevant as outlining what substantial misbehavior was and my vague recollection of the discussion here is we have more problems with 6231 than we did on 623.

Bernard Turcotte: I can answer that. Part of what I was trying to do right under 623 was to go of the fact that it would seem logical that the substantial misbehavior in section 3.4 would target non-related issues and I believe after Becky and Nigel finished going through it we generally agreed when we were doing our first pass at this document that didn't make sense. It wasn't about 3.5 because in this section we're dealing with 3.4 is just that I had certainly overreached when trying to build that in the original version. So, really, we're not removing 3.5. We will be dealing with 3.5. But the requirements of 3.4 for potential misbehavior can't be taken in the way I have presented it there. Or at least that's the way I remember the conversation. I don't know if anyone else has anything to add to that.

Keith Davidson: Nigel and Bill are indicating agreement with that statement, yes. Okay. Martin? Your hand's raised.

Martin Boyle: Yes. Thanks, Bernie, for that helpful clarification. I think I now understand why but I would therefore say that the third word of 6231 needs removal and requirements prescribed to the managers we've not stated any requirements at all up to that level.

Bernard Turcotte: Yes. We'll probably have to correct the header so we introduce that properly. Good point, Martin. I'll take care of that. Thank you. Anything else on the header of 623 or 6231?

Patricio Poblete: On 6231 what is the word other refer to?

Bernard Turcotte: I think that goes back to Martin's point in that originally those words were written when the header in 623 was there. Once I correct 623 we're going to fix 6231 to match up, to introduce the requirements that are listed.

Keith Davidson: Patricio, it's likely to end up reading the requirements prescribed for the manager in 1591.

Bernard Turcotte: Correct.

Patricio Poblete: Okay.

Keith Davidson: Thanks, Patricio. Okay. Anything else? Continue, Bernie?

Bernard Turcotte: Thank you, sir. Okay. The next point I have a change on is 623311 and basically logical requirements of manager must exist and be able to carry out responsibilities. I believe there were some questions about how that was interpreted and we basically said that given it's based on the point before which says a designated manager or a domain is to be able to carry out the necessary responsibilities and have the ability to do an equitable, just, honest, and competent job and it ended up being that that was clear enough and did not need any further interpretation. As I read it through now with you basically we could just draft 623311 and just leave it as is with the text in 62331 without any additional comments. Would that be okay with everyone?

Martin Boyle: I've got a slight comment there. On the version you sent round there is a comment that says version six needs work. Is there some work going on with this at the moment because whether we delete 623311 is obviously dependent on what 62331 might actually say?

Bernard Turcotte: The changes I have made were the changes that seemed to generally resonate and be supported by the group up until now. It's not meaning that all the points are resolved and that's why I included those notes. So, yes, there are some points we are going to have to go back again, definitely make sure everyone's happy with them, and that's the explanation I can offer at this point, Martin.

Martin Boyle: The earlier reason I asked for the floor was therefore if I'm clearing up this document, we should make sure that 623311 stays in place because it is also dependent on getting 62331 sorted.

Keith Davidson: Noted. Thanks, Martin. Bernie?

Bernard Turcotte: I will note that Adobe connect does not let me see participants raising their hands while I'm sharing this document, I've noticed. So, if I don't call your name when we're going through a point it's simply because I can't see it on the Adobe connect when I'm doing it this way.

Keith Davidson: I'll keep a careful eye out for hands raised, Bernie.

Bernard Turcotte: Thank you, sir. Moving on, a highly contentious one was 62332 and I'm not saying there was any kind of agreement here but I just picked up a definition from the Oxford dictionary to maybe help us with our discussion in this point and maybe I can toss this over to Nigel to get us going on this conversation on that relative to operate the domain name system in that country, 62332.

Nigel Roberts: Hello, again. Operates the domain name system in the country. First of all, dictionary needs a typo fixing. I'm not sure we need quite so much from the dictionary but I'm not at all sure that definition is helping us.

Bernard Turcotte: It's plausible. I was just trying to fix something so we could get going.

Nigel Roberts: Controlled functioning of a machine process or system semicolon and delete the rest. How does that sound? Yes. Take the first sentence up until the semicolon and then forget the rest. In other words you're taking the definition about controlling the functioning and using that as an example and that's all we need. We don't need the rest of it.

Keith Davidson: So, Nigel, you're suggesting deleting from semicolon a shortage of workers all the way through for the rest of the definition of operate?

Nigel Roberts: Yes. In other words everything from semicolon before the a to the end.

Keith Davidson: Two hands are raised. Martin and Bill. Martin, firstly I'm just noting Becky had a tick for that removal. Martin?

Martin Boyle: Thanks. I would also reckon there are too many definitions here. Four or five of them are actually irrelevant because they require it to be the verb not to take an object and in this case operate has got an object. It's a bit of a name system in that country. As such I think one and four are usable and four specifically refers to managing and running the ccTLD which would actually seem to me to be relevant and perhaps actually slightly clearer about what it is doing. So, in fact, I would have marginal preference of the person or organization manage and run at the ccTLD. And then stop there.

Keith Davidson: Good points. We'll come back, Nigel, if you want to signify agreement or otherwise with the inclusion?

Nigel Roberts: I agree with Martin that we take those two with object definitions and put them in and leave all the other stuff out. That's more than sufficient to give a sense of interpretation of the word operate in this context.

Keith Davidson: Thanks, Nigel. Bill?

Bill Semich: Just starting with a question for Bernie or in general by trying to pin down the meaning of the word operate, is that basically the sole and single thing we're going to do with this phrase? Or are we also going to parse the rest of it?

Bernard Turcotte: No. We have to parse the whole thing. I was just trying to find a starting point or a thread so we can latch on to that and get going.

Bill Semich: I think there is a difference between the machine process and the business process and I'm also a little concerned about focusing on or somehow connecting the phrase the domain name system with ccTLD because it's not in this sense, it's just the domain name system. It's also important to remember that when this was drafted many countries had no domain name systems and I suspect there is documentation that the intent of some of the parts of our C5091 and early parts was actually to get internet up and running in countries in order to operate the domain name system if nothing else. I think I'm concerned about the word the domain name system in that country because obviously there are now more than one operators of domain name systems. I'm concerned about somehow associating and directly connecting the phrase domain name system with ccTLD and I don't think there's evidence that that's an intended meaning. It might be part of a larger meaning. I'm not sure. Again in that country it could be both a technical location thing or it could be more generic for that country. So, there's some issues here and I don't know how we're going to go about squaring that circle but some of the meanings of these words have changed. That's my starting shot.

Keith Davidson: Good points, Bill. Considering it's a direct quote from 1591 you've raised all sorts of issues as a result of these comments requiring the ccTLD operator to operate the domain name system implies all sorts of things including the administration of IP addressing and other things as well. This does need a bit more thought I think, Bernie.

Bernard Turcotte: This one is going to require a lot more thought. I'm not arguing with that. I think we can give it a shot at taking it now that we've got some lines. I can certainly chat with Becky and Nigel and see if we can get a next version up that we can beat up that's agreeable to everyone.

Keith Davidson: I think adding Ed and Bill to that discussion group might be a useful addition.

Bernard Turcotte: We'd be glad to do that. Thank you. So, all the other stuff was struck and as far as I'm concerned that's all part of that 62332. 62334 there must be an administrative contact and a technical contact for each domain, for top level domains that are country codes, at least the administrative contact must reside in the country involved. Alright. We've got some new words here. The key element with respect to ccTLD that is not otherwise covered in other points is the administrative contact must reside in the country involved. When this is taken into consideration the requirements that the designated manager operates the domain name system in that country establishes a clear intention from RFC1591 that there be local in country or territory associated with ccTLD presence. So, basically on this point I tried to take us one more level after our last discussion. I thought I had some sort of feeling about where we could go with it and I started with that and I'm going to take it on a paragraph per paragraph basis. This first paragraph here, are we comfortable with that?

Keith Davidson: Did you want to make a point there, Nigel?

Nigel Roberts: There is something but again I think this might be better done with a fragmented suggested wording. There's a specific thing of interpretation that relates to the effect of European community law on all of this which certainly wasn't in John Parcel's mind that no requirements should really prohibit for example Nominet

running .FR or .DE or something like that. There's a specific thing whereby every potential ccTLD manager in one country should be able to on the European law should at least qualify to run in another country.

- Bernard Turcotte: I see that as a useful addendum to what we're saying here. I understand what you're saying. Good point.
- Nigel Roberts: It's highly theoretical. Because all those ccTLD managers have already been appointed but it's worth mentioning that it is --
- Bernard Turcotte: It's a useful note.
- Nigel Roberts: An interpretation point.
- Bernard Turcotte: Yes. Is there anything else from anyone else on that firsts paragraph?
- Keith Davidson: Bill has his hand raised. Bill?
- Bill Semich: Specifically we're discussing this paragraph that begins the key element and its presence -- is that right?
- Bernard Turcotte: Correct.
- Bill Semich: I would say that the only indication that there be presence would be the administrative contact must reside in the country involved. I'm not so certain that the operates the domain name system in that country is a strong foundation to make that argument as well. I would prefer to remove that.
- Keith Davidson: Thanks, Bill.
- Bill Semich: I'll come back when we move to the other sections.
- Keith Davidson: Okay. There's several speakers. Martin, then Ugo, then Becky. Martin?
- Martin Boyle: Thanks. I originally put my hand up about Nigel's point on the European union position. Yes. Nigel's right. But in fact there are some very specific issues at stake within the European union and while that might be worth an addendum, I think the key point is that our governments could refuse permission to somebody who is non-resident to run a particular piece of infrastructure if it were such a case that they were not able to cover that person under their own local law. I think that actually leaves me with a particular feeling about residencies only particularly of value in that you have thought the person answerable under your own local law. That might in its own right mean that somebody could set up an organization that was based in the country so that they were answerable while actually not -- people are not actually operating the same locally for whatever reason. So I think that leads into Bill's point. I think there is a clear reason why one might from a national point of view say that we want or we are not concerned about whether it is operated locally. However, I do think the second part about is perhaps a separate point and therefore it should be applied its own bullet but I do think that the intention should be that there is local presence is very clear. Whether you operate in country is a local decision and in some cases it would not be practical to try and run it in country, just the nature of the country.
- Keith Davidson: Ugo made a comment in chat. Please, could it really be that the manager operates the domain name system in their country? I'm not quite sure what that question -- would it be better if work was accepted by manager operators at top level domain in that country? Yes. Okay. Thanks, Ugo. Becky?

Becky Burr: I just wanted to agree with Bill's point. The notion -- I rarely do this but this is actually something I did talk to John about. He had a very clear view that there should be a presence in that country but there was nothing -- I think operating the domain name system in that country doesn't mean physically in that country. I would say that the paragraph is right but we don't need that additional operates the domain name system in the country as evidence of that.

Keith Davidson: Okay. I think we're getting to the point where we're saying we should delete the sentence from when this is taken into consideration with the requirements designated in a domain name system in that country -- get rid of that and then capital I -- It establishes a clear intention that 1591 would be a local country or territory associated with the ccTLD presence. Does that seem to fit? Becky's indicating a tick.

Nigel Roberts: Two points. First of all, I agree with Becky's last statement very, very strongly and I think that if you want to put it in strict interpretation terms, the word in this case should be indicated as a means forward. It can be physically in but it doesn't need to be physically operated in. If you look elsewhere in 1591 John talks about property domain service. I think that interpretation is very clear. The second point is I'm going to try and avoid doing an angels on the head of a pin discussion with Martin but with respect to what he just said is actually technically incorrect and I think the best way to deal with that is by email and as Bernie quite rightly said, this is an addendum or a footnote. It's not of direct relevance. But there is actual binding authority on this point which is fact pertaining and I think I can come up with something that you can print in six point type in very small letters at the bottom which will deal with the point appropriately but for the purposes of any European union ccTLD it has to be interpreted by the fact that it cannot prohibit -- this requirement is kind of used to prohibit somebody from another European union member state operating the TLD for a different one.

Keith Davidson: Okay. Thanks, Nigel. I think you volunteered, Nigel, to assist?

Nigel Roberts: Thank you for that. Bernie, can we continue, please?

Bernard Turcotte: Yes, sir. The next paragraph, one could then argue that if the designated manager is an individual that is resident in the countries or territories or is another type of legal entity that is officially constituted in the country or territory such as a Company being registered in, this would meet the requirements. Full stop. So, what I was trying to do here is sort of kick off the easy case, if you will, what we were trying to get to on this one which has been a method that's been suggested in the past. And we're trying to wrestle these things that are a little bit tougher.

Martin Boyle: The question here that you specifically refer to -- an individual. This is residence in the country in this particular case. Is it always going to be an individual? My recollection anyway was that post-RFC1591 it was generally expected that it would be an organization not an individual. I know there were cases where there were individuals running it. It's just I was wondering about why specifically the reference to individual in this case and only to individual?

Bernard Turcotte: I'm not trying to cover every single point. I'm just trying to cover the points that are of interest. Although I'm not sure if there are still ccTLDs that are delegated to individuals that certainly was the case. What I was trying to get to here is do we think it meets the requirements as listed in this paragraph, i.e. that an individual that is under residence in a country or territory or fits another type of legal entity that's officially constituted in the country or territory such as a Company -- is this good enough for what we're trying to come around to versus this requirement?

Nigel Roberts: Actually I think this is misconceived. 6.2.3.4 is not talking about a designated manager. It's talking about an administrative contact and a technical contact which are not the designated manager. That's something else. So, second paragraph of what you've written is referring to the designated manager and that's where the discussion is going along and I think we need to separate the two. I think the second paragraph here is kind of wrong.

Bernard Turcotte: Is this an example where it would not meet the requirement? I know it's about the manager. I'm trying to find the low-lying fruit if you will. What I'm saying is in this era of role accounts where we're not really clear what it means anymore to have an AC and a TC and IANA may or may not have a contact with those points, outside of that if we're trying to look at the general requirements, would it be enough if that was the case?

Nigel Roberts: Let's go to first principles here. I'm not disagreeing with where you're going, Bernie. We're looking at 6.2.3.4, the black writing is the phrase we're attempting to interpret. Is that correct? There must be an administrative contact and a technical contact for each domain. For top level domains that are country codes, in other words the two letter ones, at least the administrative contact must reside in the country involved. That's the positive state. That's the requirement. Skip over the first blue paragraph. But the second paragraph is now skipping to talk about the designated manager, not the AC or the TC. There's nothing in the black writing that refers to the designated manager so I suggest the second paragraph is completely irrelevant.

Bernard Turcotte: Okay. I'm willing to have that discussion on the email list and not bore everyone to death here. I understand your point. Maybe we've got to make it more relevant in that first blue paragraph. But we shall see. I see Bill has his hand up. Bill?

Bill Semich: In general in this particular document the work we've been doing, I think we have a problem trying to balance the phraseology on the point of a pin that starts with one could argue that. Because one could also argue many other things too. So, this is sort of a weak connection between the previous paragraph and this paragraph and I think that if we're going to do this we have to come up with a different way of connecting the paragraph.

Looking further into this paragraph, you're discussing the designated manager as if it were an individual. There are very few of those left. There's no connection whatsoever in our C5091's text with the designated manager being resident in the country or territory whether it's an individual or a legal entity. It's merely an employee of the manager, technical or administrative, that this section is discussing. So, in this case it would clearly indicate that the manager must have an employee known as the administrative contact resident in the territory or country. If we want to read RFC1591 in absolute --

Bernard Turcotte: Bill, I'm not arguing that point. I didn't write the second paragraph as a requirement. I'm simply stating if it's the case and we have no other reference for an AC and a TC, as a low-lying fruit does that meet the requirements we're talking in 62334? And I don't necessarily want to get into a fight about it but this was not about saying a manager has to be this. I'm saying as just an example, if the manager is that, does it meet the requirement? Maybe it was badly put. Maybe people -- it was not my intention in any way to try and write a rule forcing a manager to meet this. I'm saying there aren't many managers that are structured like that. So, if they are structured like that, is that a good enough test is the question I'm asking.

Bill Semich: I think maybe one could argue interim might be modified in such a way that you make your point more clearly. Examples of blah, blah, blah are this, that and the other thing. More complicated examples in the real world. On the other hand I'm

not sure how many individual designated managers there are in the world. It may be a theoretical example. But I think you know exactly where we're all coming from on this, those of us who have spoken so far. So, let's move on.

Keith Davidson: Thanks, Bill. Some rewording on the paragraph to happen, thanks, Bernie. I see Nigel has his hand raised. Nigel?

Nigel Roberts: Without prolonging this discussion, I think this need reasonable surgery because it relies on an interpretation that Becky and I and Bill agree no longer applies. Operates a domain name system in that country does not mean operates the domain name system, functioning servers, et cetera, et cetera, in that country. We interpreted this as meaning for that country only about five minutes ago. I actually think that quite a lot of paragraph one is based on a faulty assumption and I think this could probably be compressed into about one paragraph and be much clearer and would satisfy Bill and satisfy my different take on the matter as well. There's some work to be done here I think.

Keith Davidson: Thanks, Nigel. There's a little redrafting to happen. Bernie, please continue.

Bernard Turcotte: I'm fine with the redrafting. In fact, I'm very happy with where we've gotten on this because I don't think we've got a fundamental disagreement. We've just got to beat it into shape so everyone's happy. I think I'm okay with that. Third paragraph. If this is not the case then it probably becomes more complicated and the FOI working group may have to resort to producing examples that members can classify as meeting or not the requirements. So, in my text that requires surgery in the second paragraph, I was saying somethings -- an example of something that could meet the test would be those things I listed. If that's not clearly the test, then maybe we're going to need some examples of things that do and don't meet the test. I'll take the next paragraph also in line with this one. One would expect that such an example in the more complicated case that a role account for AC where the IANA contractor has not additional information on the person would not meet the requirements? Let's go to that one. Nigel?

Nigel Roberts: Just very briefly, the AC could be a legal person. It could be an outsourced Company such as New Star or VeriSign. It doesn't just have to be a person.

Bernard Turcotte: Legal or moral? Yes, sir.

Nigel Roberts: Any of the contacts associated with the TLD can be either a natural person or a legal person.

Bernard Turcotte: I'm not agreeing or disagreeing with you, Nigel. I'm just saying if the AC, if it's only a role account -- let's flip it around here a second. What I'm saying is if IANA has no other information about the AC than an email, does it qualify?

Nigel Roberts: Of course not. The IANA always has more information. They have a physical address and a telephone numbers and a fax number and a bunch of other information about the AC. What I'm getting at is if the AC as you positive has a role account such as host master at NewStar.com and then the address of Newstar and Newstar happens to be within the country or territory concerned -- let's say it's in the US. That perfectly, happily qualifies, contrary to what you suggest.

Bernard Turcotte: All I'm trying to get at is examples of things that work and don't work and as we work on -- again, I'm not presenting a final rule. Kim's writing. I can keep the responsible person's name if it is a role account in the public WHOIS. Kim, do you actually want to come online and talk a bit more about that?

Kim Davies: I don't really have much to elaborate. As a matter of practice we try to treat contact people as people even if they want to mask the name of the person and treat it as a role account. We still ask them to identify who is the person behind that role account that is responsible such that we need to confirm identity for the person if the request that if we're speaking to someone on the phone and we have to establish, is this the person on behalf of that particular role? We have some mechanism by which to assert their identity. I'm not chiming in on whether that's right or wrong. That's the practice.

Bernard Turcotte: As you do that, Kim, is there any checking that that person behind the role account is resident in any way?

Kim Davies: I wouldn't say it's strictly formal. If we had reason to believe the contact is not based in the country we inquire. So, yes, we try in all practices to adhere to this requirement. It's definitely a hard check in the context of redelegation. But in general operations if we see a country that's not ccTLD, that front's the staff member viewing the request who potentially offsets a quest.

Bill Semich: Just another side comment about the advantage of the role account. Administrative contacts in most of the ccTLD managers including are employees, they're not individuals. In the past there have been problem reassigning the role of a new employee because it was treated as a potential redelegation and there were all kinds of processes that had to be gone through just to hire and fire someone. I think part of the move to the modern era is IANA's willingness to accept the concept of a role account as being an individual who reports to the manager and isn't a free agent.

Nigel Roberts: I think we're in a little bit of danger here again. Bill's highlighting this. I just want to underline this. Of confusing individuals as individuals as individuals that IANA happens to deal with in the course of their business with the administrative contact who is not an individual but is a legal person. So, for example, if the administrative contact is a legal person, is it the residence of the legal person that matters, not the residence of the employee or -- and residence of companies and corporations is a very well explored legal topic. If the Company that is the AC is resident in the country concerned or somewhere else in the European union, if you take my pedantic little point in the footnote. Then that satisfies it. You shouldn't be inquiring into the employee.

Keith Davidson: I don't think there's any further questions coming up. I think we have quite -- Bernie, I think you have enough to do some significant redrafting on this entire section. Bernie, please continue.

Bernard Turcotte: Thank you. That was exciting. 62334. Then there's a bunch of text that was struck which takes us to 62335, the designated risk authorities are trustees for the delegated domain and have a duty to serve the community. The designated manager is the trustee of the top level domain for both the nation in the case of the country code and the global internet community.

I think that was -- it's in blue because I highlighted it from our last discussion because there were a lot of points that were brought up relative to what that could mean. So, that's why we've got this as is. Nigel?

Nigel Roberts: I have obviously no complaint or contradiction with 0.5 because that's a direct quote. I have no contradiction with 5.1 because we went around the houses with that in the consent document unless anyone else wants to talk about 0.5 or 5.1, I want to talk about 5.2.

Bernard Turcotte: These other points such 5.2, 5.3 were really --

Nigel Roberts: 5.2 is on the screen and the other time you started talked it weren't.

Bernard Turcotte: They were just suggestions and as I said, I highlighted that point because I thought we had more to talk about on this one.

Nigel Roberts: Of course. I think we do. 5.2, I have no problem with the concept that you've expressed here with the use of the word should rather than must. What I have a problem with is there's no authority for this statement whatsoever. This is not an interpretation of what's come before. This is a statement of a new policy and I think this is -- it kind of doesn't work. We're not taking an existing policy and interpreting it. You're actually laying down new policy statements here in 5.2.

Bernard Turcotte: I don't necessarily want to argue that. I was trying to put something down so we can discuss it and get to some understanding of what it could mean.

Keith Davidson: I think Nigel makes a valid point. This could be construed as inventing policy.

Nigel Roberts: I'm not waving my hand, I'm trying to put it down.

Keith Davidson: Okay. We have Martin and Bill. Martin?

Martin Boyle: Thanks, Keith. I can understand Nigel's point and certainly this one does come a little bit out of the blue but I can also sympathize with Bernie for having to try and say what does having a duty to serve the community in role of trustee and understand what the community wants unless they have put into place some process by which the adoring customers can put their input into the divine god of the manager. I'm sure something else can be found that identifies that there must be some requirement for doing and that the role of just saying I'm the designated manager, I've got a duty to serve the community but I've got my fingers in my ears and I've got my eyes shut itself doesn't work. I would just flag that obviously something needs to be done here and it needs to reflect the fact that people need to be putting in their comments on the operation because that's exactly the right they're supposed to have.

Keith Davidson: That's a good point. I wonder if wording it along the lines of common practice prevails that the manager will provide mechanisms that address might be a useful rewording. Bill?

Bill Semich: Yes. I've come around this question several times of what serving the community means in the context of this RFC and its predecessors but I'll say again that in this case this document is specifically referring to the top level domain DNS service and not anything beyond that. I'm not sure if requiring mechanisms is inherent in this language. I suspect not. But certainly it wouldn't hurt to spell out what serving the community means in the context of the document which is I think further expanded on in terms of the responsibilities the document assigns to the ccTLD manager, i.e. being able to be contacted, being fair and equitable and so on and so forth. That's the service that I think the document itself defines in the text that was drafted.

Keith Davidson: Thanks, Bill. And again I think Bernie we've got a little bit of work to do in terms of redrafting or clarifying. Bernie, please continue.

Bernard Turcotte: Thank you, sir. We've beaten 623352 to death. I certainly agree on the redrafting part. How about thoughts on 623353 which in a way I guess goes along with some of Bill's comments although it doesn't agree with the ccTLD thing. Being a trustee for the global internet community could be interpreted as ensuring the security and stability of the ccTLD as far as the global internet and working the IANA contract managers to improve it.

Nigel Roberts: Slightly tongue in cheek, I'm going to suggest that being a trustee for the global internet community means I get free orange juice every morning. What I mean by that is this, is we're into territory here where we just don't know what was in John's mind. There were a couple of other people who were part of the drafting of 1591 who I think we could probably consult but we really don't know what was in the mind and being a trustee for the global internet community as we have said in the past is fraught with legal complication and I just don't think you can necessarily say it means exactly what you just said. We could say it means something different and I don't think we can just -- there's a lot more argument as to why it means what you say it should be interpreted as but we can say what it should be interpreted as.

Bernard Turcotte: I'm going to take it one step back, Nigel. We think we need to verify what this statement means as part of this whole thing. My whole basis is that I think we do but this is the guy who's trying to write documents to create a bit of a stir so we get somewhere.

Nigel Roberts: Yes, I know, Bernie. I'm not taking it badly.

Keith Davidson: Becky has her hand raised.

Becky Burr: I guess I disagree, Nigel. I think at the very least being a trustee for the global internet community means ensuring the security and stability of the CC as part of the internet. It might mean additional things but it can't not mean that.

Nigel Roberts: I don't disagree with you. I don't mean that it can't not mean that as one of the things. But as I read this that's how it can be interpreted. Maybe we should look at it a different way -- one aspect of or something like that.

Becky Burr: If we say at a minimum means --

Nigel Roberts: Includes. I'm happy with that.

Becky Burr: Yes. Includes. There's just not question that that is the prime directive.

Nigel Roberts: I didn't mean to exclude that possibility by what I said.

Bernard Turcotte: Am I hearing consensus that if we have includes, isn't of trying to limit it to being the only thing that at least we've got a basis for going forward here?

Keith Davidson: I think so. Just being aware of the time, we've got about 20 minutes left on this call. I think in the interest of moving forward and trying to get through the rest of the document, I think we need to go on with it because we have other items on the agenda tonight that we need to deal with.

Bernard Turcotte: Well, sir, what I might recommend is we're in this slogging through that's hard and painful and just rushing through the rest of it, there are other items that will be long and bring up a lot of points. I've got plenty to go on with here for 1.3. Maybe we can move on to the rest of the agenda?

Keith Davidson: Bernie, you're suggesting we -- I'm finding it impossible to concentrate. Somebody has their phone not on mute. We're getting a lot of background. Could everyone on the call please -- ?

Bernard Turcotte: It's the Adobe connect input from what Kristina's typing in. It's not the people on the phone. It's someone using Adobe connect that's got their microphone on.

Keith Davidson: That's better. That seems to have cured itself. Sorry, Bernie. You're suggesting we have enough to go on with at the moment and so we call a halt to the revocation document now?

Bernard Turcotte: Keith, I had a power failure and lost everything here.

Keith Davidson: I'm sorry, Bernie, you're suggesting we got as far as we can with the revocation document tonight and that we draw a line where we are and carry on on the next call?

Bernard Turcotte: Yes. That's what I'm suggesting because as we go through some of the serious points, it takes ten, 15 minutes per point and I know we have some administrative stuff we need to deal with. If everyone's comfortable with that? Because there's no way we're going to finish.

Keith Davidson: Unless I hear an objection, we'll proceed with that. Can I make one more request that everyone on the call ensure that your Adobe microphone is switched off and your phone is on mute? We're still getting an awful lot of interference on this call. Someone is clearly not muted everywhere. Please check. Okay. Can we move on then to item five on our agenda which is the response to the GAC submission? I think we talked this through on the list and the last call a little bit. Bill and I had agreed to some wording offline which was circulated and agreed to I think on the last call. So, on the basis of that interaction, it's just open for anyone's comments and if there's no comments we'll proceed to have the correction both together on the Wiki as soon as it can be published. Any questions or comments? Martin? You have your hand raised? Martin?

Martin Boyle: Yes. I went on list about this saying I'm very, very unhappy about the idea that we just post it. As we're correcting something that has been sent to the GAC in a letter then whatever correction we've got we should do the GAC the common courtesy of sending it to them and saying we made a mistake, this is what we meant to say.

Keith Davidson: Thanks, Martin. Nigel is indicating a tick. Bill?

Bill Semich: I'm not sure what Nigel's tick means. Just to comment on Martin's concerns, my recollection of our discussions and maybe I'm remembering incorrectly, I don't know, was that this is merely an internal statement of the position of the working group on the process. I didn't think -- certainly I hadn't agreed that we would somehow -- of course I originally wanted us to contact the GAC or resend the letter but my current position is we really aren't intending to withdraw the letter to GAC and submit another one, this is more of an internal housekeeping event for us to posit some comments on the process where a few things -- we failed in a few steps in the process and put up a possible or an accepted statement of what might have been sent to the GAC should the time not prevailed and something else was sent. I guess what I'm saying is I don't see a great need to contact the GAC. I think the intent of the letter was to move the process forward. It's doing that. This is a housekeeping event. I see Martin doesn't like that idea at all. That's how I was seeing it.

Keith Davidson: I'm in strong agreement with Bill that this was more a question of trying to find a way to make sure we didn't fall into the same trap for a second time that we have as a matter of record something we can use should we be writing to the GAC again. And, yes, so, I think unless Martin has a specific objection, I'm seeing some ticks from participants to let a sleeping dog lie as proposed. Martin?

Martin Boyle: Yes, I do actually think that if I were the GAC and saw that a letter that had been sent to me had subsequently been corrected and I had not been told, I would be very, very suspicious and I would certainly be very angry. It seems to me that if

we think it is something that needs to be corrected then we should be open and transparent about this and we shouldn't just hide the thing away and almost the words I was hearing is the message I was hearing is hide this away in the hopes that nobody actually notices. In my mind we are just going to be asking for trouble. We've got a justification for the change should the GAC ask us in the meeting, that is this is the wording that we believe Susan sent at a very, very early meeting about the status of the GAC principles but at the very least I think it is a short email with revised text to the chair of the GAC apologizing for having gotten the text wrong in the first case and making a small modification. As I say, it's a common courtesy and if you don't do that courtesy then people will feel I think justified and be suspicious as to your motives for not doing it. Thanks.

Keith Davidson: Thanks, Martin. We have two further speakers and then I'd really like to go on to the next topic if we could. Nigel and Steven. Brief comments, please? Nigel, you must be on mute.

Stephen Deerhake: I'll take his spot then. Martin's convinced me that transparency trumps here. I think we should go ahead and do as he described.

Keith Davidson: Okay. We can do that. I think that we have an emerging consensus to sending the correction through to the GAC. I'll look into that. Okay. Can we move on then to the item six on the agenda which is the feedback. I think Bart is on the call at the moment. Bart? Do you want to take us through this item?

Bart Boswinkel: Yes. It's very simple. So, the summary and analysis of the comments received from Antony from Goering were discussed and were already posted to the working group. They've now said based on the previous conversation they've now been included in the public comment forum yesterday. I still need to send Antony a thank you note and refer him to the comments and analyses of the submission. The second thing is what you saw was the final report in draft form on the SIB document. It is according to the same structure as the previous final report, the draft final report. The body of the recommendations, et cetera have not been changed anything. So, it's based on the version that was submitted as the interim report. The only thing that has been done is just the process description to refer to the public comment and the working group agrees it's ready for submittal to the GAC decision. So, pending any further comments from the GAC. That's all.

Keith Davidson: Thanks, Bart. Any questions or comments on the final version? Can we consider that the final version document is approved by the working group? I guess we need to take it through a second -- no, we did a first reading of this on the last call. We could consider it approved as a result of this call. So, we will do that unless I see an objection. Yes. Bart, please proceed on that basis.

Bart Boswinkel: With the final report?

Keith Davidson: Yes.

Bart Boswinkel: Okay.

Keith Davidson: Thank you. I see Nigel's suggesting we might dispense with item seven until the next meeting. It certainly isn't urgent and probably will involve more than a five or ten minute discussion. Let's defer item seven for the next meeting unless I hear an objection to that. Okay. And so therefore moving on to item eight on the agenda, we have one more conference call before ICANN Prague. It's for June 7 at 21.00 UTC. Then we have a three hour session in Prague and on the agenda is the time -- that's can't be the right time for UTC. 11 to 14.00? I suppose it could be. 13.00 to 16.00 local time in Prague and the name's in the DSO. I think we probably won't finish our revocation document on June 7. Probably ICANN

Prague will be the tidy up time to get any of the last remaining significant issues out of the way for revocation. I think we've made pretty good progress on the last three calls and I think we'll develop a consensus document without too much trouble if we persist and continue in the spirit we have been operating in. So, unless there's anything else from anyone, I think we'll draw this meeting to a close. Is there any other business from anyone? If not, thank you all for your participation and attendance and we'll talk on June 7. Thank you.