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SUE SCHULER: Thanks, Julie. Okay, Donna.

DONNA AUSTIN: Does everybody get that data privacy thing now?

SUE SCHULER: I think we're going to get it every time now. Yup.

JEFFREY NEUMAN: Every meeting I have for the past week. Once I start the recording, that comes up.

DONNA AUSTIN: Wow. I thought that must have been appearing on your screen too. Okay, so welcome to the RA/RAA Amendment Discussion Group Call. This call does not have staff on it. Just on checking the team, if that's the case.

I think what we should go through today is the Google Doc that we've had out that people have been contributing to. At the end of our last call, we agreed that – and I think even in the call before that – our preference is to go back to staff with something in writing, why we're going to go back and have another circular discussion with them. So we agreed that we would put a letter together that responded to a number of concerns that we had with the latest iteration that ICANN provided us with. So that's what the letter is intended to do.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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Then also, Jeff, you were going to go through the doc that Karla provided just on the areas that we're aligned or not. I don't know that you've had an opportunity to do that but we'll spend some time on that as well if folks think that would be reasonable.

Before we kick off, is there any other suggestions or anything else that we want to cover that we need to go through? How many people have had an opportunity to look at the doc?

BETH BACON: Sorry, Donna, it's hard to hear you. What did you just say?

DONNA AUSTIN: I said how many people have had an opportunity to look at the doc?

BETH BACON: Oh, the letter? I did send it around internally a little bit today just by way of update, so I've looked through it but I haven't made any comments or anything yet.

DONNA AUSTIN: Okay. All right, I just wanted to get a sense of whether this is new to folks or whether they've read it and they're reasonably comfortable with it. I know that Rick, Catherine, Maxim, and Rubens have made comments on it and base of the document was done by me with adding text to what Jeff had previously provided in an e-mail. So that was kind of the basis, the basic structure of it. And as a result of the call that we

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had last week, we've broken it down into several requirements. I think we were going to provide some language on definitions of searchable WHOIS and lookup but I don't think we've got that yet, and then also double jeopardy, and then it's the option for, Jeff, depending on your analysis, we can put that into the doc as well.

So that's kind of the loose form. I guess I'll give people an opportunity to a quick review and maybe if we can flag items that people have a concern about. The introduction or the opening paragraph was just intended to get on record that from a core concept perspective, we think this should be about the transition from legacy WHOIS to RDAP from contracted party's perspective, not the user's perspective. So that's what I'll try to address up front in that first opening paragraph, and then we'll get into some of the text that Jeff had provided and then what's the [color] on the remaining stuff.

So does anyone have any high-level comments about the path that we're on or concerns that they want to raise now? I see none. Rick, do you want to take us through some of your additions today?

RICK WILHELM:

Sure. I was looking to give you a break, Donna. I want to offer that I'd spend some time in the document today, and there is a fair number of edits that I've made in the Service Level Requirement section. Some of those were really changing some of the tone in the Service Level Requirement section to sort of emphasize the fact that there's good reason why the response time SLA is different and to really not be apologetic about it, sort of building upon the framework and the

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groundwork that was already in the document some good original text. And then Rubens I think had come in and put in some other edits, and so I thought the changes I made really just were there to strengthen that and to take out some of the text that I thought was kind of weakening the argument. I've put it in the suggestion so a lot of that you can still see there.

Also toward the bottom of that section, right above the definition of searchable WHOIS and lookups really where it shows in blue there, there's something where I put in some stronger language that it says that it's a flawed assumption that it should have the same performance of SLRs for response time just being pretty blunt about it, but also noting that the CPH is agreeing to adopt the existing WHOIS SLRs for update uptime and update frequency. Perhaps you might say softening the blow a little bit.

But then I also tried to take out any expectation that we would necessarily be agreeing to come back and revisit these SLRs. The reason that I pulled that out is that it's unclear where these SLRs are going to end up. I think that it's imminently possible that we may not end up being able to stick on five seconds. For example, that 5,000 milliseconds may come back to 4,000 milliseconds or 3,500 milliseconds, something like that. To date, though, we've not been seeing ICANN even willing to negotiate at all about a number. They've just stuck hard on 2,000 milliseconds and said that nothing other than 2,000 is even open for discussion. So therefore, I'm not going to bring up any notion of revisiting anything until we get something settled around there. That's why I took out any notion that we would be revisiting because I didn't want to have us agreeing to 5 and then saying to come back and revisit

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them, then we would have to fight this battle all over again and be talking about 2,000 milliseconds once again. It's sort of some comments about what's going on in that Service Level Requirement section there.

Perhaps while I was talking there, folks had a chance to do some parsing. So I can stop there and maybe we can have some discussions about that before moving on to both the definition of searchable that Jim added, and then I added some other text down in the concurrent downtime, aka Double Jeopardy section. Thanks.

DONNA AUSTIN:

Thanks, Rick. Just to add, one of the reasons that I think we need to attack ICANN's core ... one of the core concepts, which is that the user experience should be similar to what they're currently experiencing, is that this isn't really about the user experience. We've had to adopt a new system and this is a reality of the system. Jeff said it's helpful to say that we're committed to RDAP and it has additional functionality but one of the drawbacks to it is that maybe there is going to be a different experience with the user. So I think that's why it's important for us. One of the reasons we need to get ICANN on the same page is that I think it's because if we can then they might shift away from that idea that this is all about the user experience rather than our experience in having to implement it and adopt accordingly as a result of new policy. So, thanks for that, Rick.

Any other comments on a high level of what we're trying to get to here?

Okay. Jim, I think you must have added in stuff about searchable WHOIS

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that I hadn't seen previously so maybe you want to take us through that.

JAMES GALVIN:

Certainly. I actually had written a much longer document – literally a document, like four pages long here, where I was collecting all the details of all of these things. Then I saw the reference to this document and I realized that the last little bit of what I wrote is just kind of what we're looking for so I just typed all that into here and edit it. But I have a lot more to add if we think we want it or need it.

Basically, what I went for was the realization that searching should be defined in terms of three particular characteristics which I call lookup match and direction. Lookup referring to the fact that WHOIS only provides the lookup of a domain name. RDAP provides the lookup of all kinds of things. So those are important distinctions to make. Match refers to whether it's an exact match which is the only thing that WHOIS provides, and RDAP provides a minimal definition of what I call here prefix matching, but there's all kinds of interesting matching that might be available and other kinds of things.

In terms of lookup and match, what I talk about here is the fact that I emphasize that there are some proprietary enhancements to WHOIS that have been made that are captured in Specification 4, and that's what's important. Those are proprietary enhancements. Those are in no way standards, they're not homogenous, not everybody does exactly the same thing. There are things outside of what's described in there,

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and I think that's a key part of all of these too. They can't say carry that forward, it just isn't defined in RDAP, it doesn't make sense.

Then directionality I call out because we often talk about reverse searching as opposed to searching. You often hear that phrase rolling around. What I point out here is that directionality is really just not a relevant characteristic in a technical sense. You allow for whatever you can look up by and you allow for matching by whatever mechanism you want. WHOIS of course doesn't have directionality because it only does one thing – give it a domain name, gives you a response. RDAP could have directionality if you want to declare one way forward and one way of reverse. Typically, we think of a domain lookup as a forward search, everything else is reverse. But that's purely a subjective thing and, frankly, irrelevant, which is kind of the point that I'm making here. In the end I just want to say that these are the issues that have to be clarified. We need a standard definition to these things before we can agree to search. The emphasis I guess here is on the fact that you can't carry forward from WHOIS and RDAP. It just doesn't make sense to do that. This is a technology shift and I guess – I don't know. I don't know how to say that in any plainer. I think we had the discussion here. I think we're all in agreement here but ICANN just refuses to accept the fact that this is apples and oranges here. You don't just bring things forward because they don't mean the same thing. I hope that this helps to make that point. I can certainly add a lot more detail here and explain some things that people feel that they need it or want it. I have a bunch of other stuff written but I'll just leave it at that for now. Thanks.

Okay, I'm not hearing anything. Is it just me?

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SUE SCHULER: We don't hear anybody but you.

JEFFREY NEUMAN: You have us [inaudible].

JAMES GALVIN: Okay. I'm just worried that I lost my connection but we're good. Thanks.

JULIE BISLAND: I'm going to unmute Donna's phone. We switched her to a phone because of her connection. Go ahead, Donna.

DONNA AUSTIN: Thanks, Julie. Can folks hear me now?

JAMES GALVIN: Yes, we can.

DONNA AUSTIN: Okay, great. Thank you, Jim. I think we hadn't had a chance to look at this text but obviously we need to tie it back to our concerns about the searchable WHOIS requirement that ICANN seems pretty adamant about as well. So when we look at this text, we need to think about it in a context that we don't want to accept the concept that because you have searchable WHOIS in your current Registry Agreement that that

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will automatically follow for RDAP. So we need to review the text that Jim has put up there in that light.

Rick, do you want to take us through – what I have is double jeopardy, that concurrent downtime service level independence?

RICK WILHELM:

Sure. Thanks, Donna. I just changed the title of this one to use both the terminology that we had used in our original thing as well as the terminology that ICANN had used and to keep away from documenting it with the colloquialism that I've been using in my conversation.

This is something I tried to be really brief here, although it does end up being pretty punchy. We're basically sort of identifying out the situation where we basically say that stating what they say and what we say, and then on the top of the second paragraph saying that we don't accept their proposals that the service level should remain independent because essentially this puts an additional burden, an additional compliance burden for us on this one, and emphasizing towards the end of the paragraph that this is even more problematic because ICANN org has not yet provided a Sunset date for WHOIS. So, in other words, they've added this additional burden which is additional threat to the contract and they've not yet set when this should be. It's an indeterminate date for that to being taken on. So this is a problem.

Then this last sentence that I added, ICANN says in their statement that they want to maintain the reliability of both WHOIS and RDAP during the transition period that they say how that's important during the transition. I, for one, don't really see how maintaining WHOIS, which is

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something that we want people to be transitioning off of – well, ICANN is supposed to be wanting people to transition off of – if you say that the RSLAs are going to be maintained during the transition period, how that incentivizes anyone to move, it might seem a little bit disruptive or mischievous but one could argue that maybe the thing to do to incentivize transition is to say, “Look, we’re going to be dropping the SLAs on this service,” and what ICANN says is that this is going to be provided by the contracted parties on the best effort basis from this period forward and they’re going to be held on the SLAs to RDAP. So, “Hey, anybody that’s using WHOIS, if you want to be guaranteed reliable service, you need to be getting off of WHOIS and moving on to RDAP.” I’m not so sure if we want to be that blunt or if it be considered cheek if we made such a statement like that. But that’s sort of where that last sentence is headed. So that’s a thought but I don’t know if that’s – like I said, that’s a little bit – you might say cheeky. Thank you.

DONNA AUSTIN:

Thanks, Rick. Once we got all the pieces to this together, we will need to think about the tone that we want to set in communicating this back to ICANN. So I think once we’ve got several of what we want to respond to ICANN, we can then do a review to see whether it is consistent with the tone or the tenor of what we want in our next conversation with ICANN to be. So I don’t think that we necessarily need to go in too aggressively with this letter but we do need to be firm, so we need to find that balance I think.

Any questions for Rick or Jim? I don’t see any. Jeff, we’re coming to the areas of alignment bit. I don’t know if you’ve had an opportunity to look

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through the document. Maybe, Sue, you can bring that other document up?

JEFFREY NEUMAN:

Yeah. I also have another question. I've been thinking about just the whole notion of ICANN trying to make the argument that just because a registry agreed to searchability with WHOIS that they agree to it for RDAP. And I've been rereading the section on searchability and – yeah, I understand what Rick and Jim are arguing technical differences, but even from a legal contractual standpoint, very clear in the searchability section of the agreement, it talks about a web-based feature functionality and it's very clear it is applicable only to the existing WHOIS type services. So in theory, all ICANN could mandate is that you keep the web-based searchability service off and that would suck, but there's no ability for ICANN to legally require or even legally make the argument that agreeing to provide searchability within WHOIS is somehow legally transferable to searchability in RDAP.

So I don't know if we want to resort to the legal argument but I think that ICANN is trying to make it appear that way and I think we need to dismiss that from the legal perspective as well. All one needs to look at are the applications when they were submitted and how people described how they were going to provide the service to see that there's no consistency between agreeing to do it that way and agreeing to do it in RDAP or agreeing to do it in any future protocols. So I do think we need to make the legal argument as well because I think we need to just shut it down. They can ask us as a favor to do it optionally but they

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can't, from a legal perspective, try to require it. We need to attack it on several different layers and levels.

DONNA AUSTIN:

Okay. Jeff, that makes perfect sense. So I think we should get language to that effect in the letter. The other thing you reminded me of is to some extent having that definition of searchability and lookup was because of the 25 million number that ICANN came up with, so we still have to have a conversation maybe once we've gone through what you're going to take us through here. We need to have a conversation about Karla's most recent e-mail and how we want to respond to that.

JEFFREY NEUMAN:

All those numbers are so unrealistic. I mean, the 25 million for the searchable – however they defined it – and you go to show it why. But I still can't believe the 150 billion web-based lookups of WHOIS. I can't even fathom at the registry level 150 billion lookups in a year. Anyway, all of those numbers are just completely wrong.

But to answer your original question, yeah, I have looked at how ICANN has classified whether we're aligned or whether we're not aligned. I think the good news is basically I think they're right – and the reason I'm hesitating a little bit is they sort of write their thing shorthand in some places and our thing shorthand in some places, so you never can be too sure. There's a couple of notes I put in like two areas I think where I didn't think it was right. But in general, I think they classified our position correctly and I think where they say "aligned," I think they're right. Again, I'm a little hesitant because of the shorthand here and I

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don't want to just say we're aligned if they're going to add some language that makes it look like we're not aligned. That's my general thought.

The two areas are kind of small that I put a note in. One of them was they misclassified the registrar ask in the SLAs 4,000 milliseconds when we clearly said 5,000. We were not agreeing to even go to 4,000, even though historically we agreed for the legacy WHOIS to 4,000 milliseconds. Then there was one thing I put in that said "to be discussed." I put like "JJ" and "to be discussed." I think that one is not as clear. Let me just look at my version real quick. Sorry.

DONNA AUSTIN:

I think I saw 1-D was one area we put that, Jeff.

JEFFREY NEUMAN:

1-D on the RAA, yeah, that's it. The way that they worded it was not exactly how we did. And if we did, it was a mistake. I didn't actually check to see if we word it that way. The reason I have to discuss is that all we committed to was in RDAP we will commit to using the registrar's own database but not for the legacy WHOIS services, which in the current agreement we're allowed to use the registry's database. We're not changing that. So technically, if we define RDDS as the legacy service then this isn't true, that they're trying to define RDDS as the combination of the legacy and RDAP. So that's not technically correct. Does that make any sense? Hopefully, it did. In other words, the registrars are only agreeing to use our only database with respect to

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RDAP, not with respect to the legacy WHOIS services which will stay the way it is now.

Then of course, they clearly identify where we don't agree, and so we'll obviously need to talk about all those different areas. But as they have classified it, I think with the exception of 1-D and then further down in the 4,000 milliseconds so it's a little further down there. Keep going. Yeah, there. Yeah, 29. The registries, though, seem to be pretty good.

DONNA AUSTIN:

Thanks, Jeff. One of the things that occurred to me walking through this doc is there are specific questions that they've asked us here. I don't want to make this letter too lengthy but I'm just wondering whether it makes sense to respond to some of the questions that they've posed, maybe get those down on paper too. It's an open question to folks.

JEFFREY NEUMAN:

I think we've discussed some of them. I don't know. You know what, it would be good to say some positivity in the letter to say that we think, for the most part, they've classified where we're aligned and where we're not aligned correctly. Then is it going to get too detailed? I mean, the letter is going to become pretty large if we try to answer their questions but it would, on the other hand, show some good faith. So I'm fine either way.

DONNA AUSTIN:

Yeah. Okay. Let's for the time being ... So we do have an opportunity in the document for your analysis of the spreadsheet, which I felt was just

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going to be “yes, we’re aligned/no, we’re not aligned,” and we can expand on that. But what I didn’t pick up on was those questions. So maybe that’s something else that folks can have a look and we can see whether what we’ve got in the body of the text, whether that covers off some of the questions that Karla has raised. If not then we need to address them separately.

JEFFREY NEUMAN: Okay. That makes sense to me.

DONNA AUSTIN: I think what we need to do with the letter – let’s just give people some time to digest it. I think we’re all on the same page about what we’re trying to achieve with it. We do need to reconsider that spreadsheet and the specific questions. So I can just go back and see whether the text that we’ve come up with addresses any of that. If not, we’ll need to develop some text.

JEFFREY NEUMAN: There’s some questions if we have time we can talk through if you wanted. Because they asked us some of these questions during the actual call that we had a couple of weeks ago and I think we responded but we hadn’t put it down in writing.

DONNA AUSTIN: You mean talk through as in talk through now on this call, Jeff? Or we’ll talk through with ICANN –

JEFFREY NEUMAN:                   Yeah, if we have time.

DONNA AUSTIN:                    Yeah, I think we do. What I was going to suggest is we need people to take a look at the letter because we need agreement from this group to be in a position to send it off to ICANN. So if people can commit to do that, the only other thing I wanted to talk about is the latest e-mail from Karla about the numbers but I think it probably makes sense to let's go through that table again and let's just pick up on some of the questions and see what our response is to them. Jeff, are you in a position to take us through that? I haven't been paying particular attention to this.

JEFFREY NEUMAN:                   Yeah. We can go backwards if you want because there's some questions on the screen now, we could start with those.

The question in row 28 was a specific issue we're trying to make a – we've talked through that with them. We intentionally put in the very broad language but essentially it's the issue of if the IANA database gets – what was the word that Rick used – [burked]. I think it was the official term Rick used where somehow it's pointing servers in the wrong place. It could appear that the registry or registrar RDAP service is down. So we put in some broad language that basically says that anything outside of our control we're not responsible for. They have basically interpreted that as being too broad to mean that even the subcontractors that we

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hire we're not responsible for, which is not what we were saying because you could define that as being within our control.

So we have two options. We can either go back with a little bit less broad by clarifying that it doesn't apply to those that we should or reasonably should have control over which include our subcontractors or we can go very specific to the ultimate end goal which is anything under the control of IANA. I'm fine with either way.

DONNA AUSTIN:

To have any success, I think we need to be specific here. I don't think they're going to take anything that's broad. So if it's really IANA that's the issue or where we have the concern then I think we need to call that out. Maxim is saying it's not just IANA. But we need to be specific as we can. Jim?

JEFFREY NEUMAN:

And DDoS, right?

JAMES GALVIN:

Yeah. I was just going to come at it from a technical point of view. I see Rubens's comments in the chat room. This particular issue is one which is kind of sensitive to me. It's my little pet peeve and I bring this up a lot in the RDAP working group this issue. The point here is how do you start, how do you find an RDAP service? There is a mechanism for that. The truth is that mechanism exists in two places, and I think that we can speak specifically about the functionality that we want ICANN to either provide an SLA for or to protect us against its failure. It is that bootstrap

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entry and the ability to know where to start RDAP. But in terms of being very specific, that's what it is at least from my point of view from a technical point in the scope of this RDAP service. I'm happy to think more about how to get some nice words here to make that point. I don't know if we want to go broader than that. That's the smallest entry in my mind. Others may want to think differently but go ahead.

JEFFREY NEUMAN:

Jim, we would go more broad than that, not a huge amount but we would basically say that if the issue was caused by the conduct or basically the action or inaction of ICANN, IANA, PTI, whatever we want to use, then we're not responsible. So we wouldn't go as detailed as saying the bootstrap entry but we would say if the failure is caused by ICANN, PTI, or IANA then we're not responsible.

JAMES GALVIN:

I'm good with that. That really would encompass anything besides the bootstrap thing. But anything related to RDAP in any of those organizations feels right to me. Certainly, I agree. Thanks.

JEFFREY NEUMAN:

The DDoS is actually a normal force majeure type thing which we don't have in our agreements, but we can try to get that in as well because I think that's the example that someone had raised on the call with them.

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DONNA AUSTIN:                    Okay. So it sounds like that we can provide the specificity that they want?

JEFFREY NEUMAN:                We can certainly narrow it down and hopefully they'll accept it but – yeah. We can narrow it down.

DONNA AUSTIN:                    Okay, good. So, next.

JEFFREY NEUMAN:                Sorry, I don't want to ignore the one that's at the bottom there in line 31. I think we're seeing the same thing. I like the way that we word it better than the way that they word it because I don't like the whole notion of saying it in terms of contractual compliance will begin. I don't care when they begin or not. It's whether we're responsible for meeting the service levels. So in their minds we might be saying the same thing but I still prefer our language because their language is strictly from their viewpoint as to when contractual compliance will start. The language we had is more from the perspective of we're basically not in violation regardless of whether their contractual compliance starts or not. Maxim says, "Yeah, it's not a good idea ever to refer to internal departments." So we might be aligned there but we should stick to our language.

DONNA AUSTIN:                    Okay. Everyone okay with that? Okay.

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JEFFREY NEUMAN: Okay, so which one are we doing? Okay, yeah. So, 23. Well, they say we think you agree. We do think RDAP should be a defined term but that defined term needs to be defined as what's in the profiles. So they don't have anything in here to say whether they're aligned or not, or that they think we're aligned. I'm not sure we're aligned with them. Well, we're certainly not aligned on 24. We're aligned on 23 but on 24, no. We're not combining the two services into one definition but we are agreeing that RDAP should be a defined term. That part we are but we're not okay with the way that they want to define RDAP.

It's one of the problems with taking each thing in the agreement like breaking it down into these micro levels because yeah, we agree that adding RDAP is a defined term but we don't agree with what their definition for RDAP is.

DONNA AUSTIN: Right. So from our perspective, we want it to be consistent with what's in the profile.

JEFFREY NEUMAN: Yeah. As a matter of fact, that is the definition is what's in the profiles. They don't seem as willing to do that. If you scroll, I think it's above this.

DONNA AUSTIN: Is the description of RDAP in the profile different to any reference to RDAP in the Temp Spec or the policy?

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JEFFREY NEUMAN: Yeah. That's our stickiest or thorniest area, I should say, because we let a lot of things slide in the Temp Spec that we should not have let slide in our quickness to get it done. But if they feel like they can go back on the February 19, 2019 then I don't think we should necessarily agree with everything that was in the Temp Spec. Because we used the definition in the Temp Spec for that limited purpose but we're not necessarily using the definition in the Temp Spec when it comes to the creation of the SLAs. I think that's our argument.

DONNA AUSTIN: Okay.

JEFFREY NEUMAN: Because we agreed – I think in the Temp Spec what they had is 1.3. That Registration Data Directory Services refers to the collective of web-based WHOIS and RDAP services. That was from the Temp Spec as well.

DONNA AUSTIN: Right. Okay, so our preference is from the profile but we may get into some sticky territory because of the inconsistencies between the profile and the Temp Spec.

JEFFREY NEUMAN: Right. Basically what we say there is that for the purpose of doing the Temp Spec, that definition worked. But for the purpose of doing the

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SLAs, it doesn't work because we are not agreeing to the same SLAs for the web-based WHOIS and the RDAP services, which is their legal basis for the argument to say, "Well, look. Anywhere it says Registration Data Directory Services because you agree that it's the collective that anything in the agreement that says it's applicable to Registration Data Directory Services means that it's applicable to RDAP, and that would include things like searchability and it would include things like higher SLA, etc." So even though they said that on the last call we're not taking this from a legal perspective or making legal arguments, they sort of work.

RICK WILHELM:

Hey, Jeff, let's also consider that we're trying to consult to this as a courtesy in the Temp Spec. It was by nature a crammed down, unilateral, a Board-initiated thing, and I don't think it would be fair to say that we agreed to anything because it was not a consensus policy and it was done at least on paper unilaterally by the Board. So I wouldn't feel too obligated to hang on to that definition. I don't want them use that against us.

JEFFREY NEUMAN:

Yeah. That is right but there was a negotiating group but I agree with you legally. They have no leg to stand on with that with the Temp Spec because it was a top-down thing. There were negotiators but that the technical stuff wasn't really the focus of the discussions. But I agree with that.

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DONNA AUSTIN: Yeah. I understand the core but the Temp Spec was consensus policy. So it's going to be sticky for us.

JEFFREY NEUMAN: That's a good point too, yeah, that it is now a consensus policy.

DONNA AUSTIN: Right. Okay. Any more?

JEFFREY NEUMAN: Yeah, there's a couple more. With this one, we didn't mention it because we basically separated the two. So that's why we didn't mention that it's the combination. I think that's what we just sort of talked about. So we disagree with that combination.

DONNA AUSTIN: Okay.

JEFFREY NEUMAN: This is one for the registrars on line 10. Ultimately, at the end of the day, the registrars, we do have a bunch of discussions we need to have with them on data verification and validation. But I don't think we're going to make it an issue for these negotiations. Is Graeme on still?

GRAEME BUNTON: Yes.

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JEFFREY NEUMAN: Graeme, I mean, we do have to have conversations with them on data verification and validation, but at this point, I think that we're not touching them for these negotiations.

GRAEME BUNTON: I wouldn't. Although it's semi-related –

JEFFREY NEUMAN: Graeme, we just lost you. Graeme, are you back?

GRAEME BUNTON: Here I am. Here we go. Sorry. That was my standard audio quirk. Becky revealed in a separate Skype chat today that apparently DDD have all the confirmed that the cross-field validation bid of the 2013 RAA was not feasible, which is news to me. But I agree with you, separate issue, we wouldn't address it in this process.

JEFFREY NEUMAN: So the answer what we would say here is simply that. Not that we agree or disagree. We're just basically saying that that's not up for discussion in this negotiation.

GRAEME BUNTON: Yeah.

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JEFFREY NEUMAN: Okay. And then if you go to the registry, I think most of them are the same, except probably the searchability. I think they said, basically, can we do something.

Is that the bottom? That's the same issue? So that's the same issue we just had, we talked about already. We talked about that one on 18. We talked about that one on 16. Line 14, I forgot about that because that was in the Registry Agreement, even though the question is really to the registrars. Graeme, have you talked to any of the other registrars about providing data? I think we mentioned it, but I'm not sure we –

GRAEME BUNTON: I haven't. And probably that's something we should talk to ICANN about, which is they should probably write a letter about what they want and then we can have a discussion with some of the bigger guys. I think that's what they were targeting. They wanted to chat with them or to get that number from some of the larger registrars.

JEFFREY NEUMAN: Yes, the top 10.

UNIDENTIFIED MALE: Just to chime in, because I suspect that ICANN was going to do it. A week or so ago, I got to ask our tech team if we could actually get that information and they said yes and they're actually working on that. So I'll have that in the next couple of weeks or so. It's not a high priority, obviously, but I'm getting that info.

JEFFREY NEUMAN: Cool. I think the more data we give them, the more room for negotiation we have for them to be the provider of the service and for us not to have to do it.

DONNA AUSTIN: I thought you were going to say the more likelihood to step it up anyway.

JODY KOLKER: What are they planning to use that data for? I mean, I'm happy to give it and we have that data, I've looked at it.

JEFFREY NEUMAN: Jody, we've asked them ... In order for us to get out of the requirement or to not have to provide our own interface for RDAP, we said, "Why don't you guys, ICANN, provide it since you have the service up and running already, you should just be the official authoritative provider of that and we will have a link on our pages to link to you if they want to do RDAP lookups through the web, let's say." And they said, "Well, we'll look into it but we need some more information to scope it out as to how many queries we're likely to get and all that kind of stuff."

JODY KOLKER: Okay. So they're asking for Port 43 and 80 to [inaudible] question below.

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JEFFREY NEUMAN:                Yeah.

JODY KOLKER:                    So they would like to separate it out between Port 43 and the web-based?

JEFFREY NEUMAN:                That's my understanding.

OWEN SMIGELSKI:                I think they just asked for the web, but I was going to get Port 43 just for comparison purposes as well too. Not necessarily to provide to ICANN but to have it in case they want it.

DONNA AUSTIN:                    It says on the screen now ICANN request the top 10 registrars in the main management account, provide monthly web WHOIS query load for each month from January through December 2019. Then ICANN's going to keep it confidential. So they're not specific. Rick, go ahead.

RICK WILHELM:                    This is where they're almost agreeing to allow lookup.icann.org to take over for a web-based interface but they wanted to know what the volumes look like on people's web-based front ends. That's where this is, not Port 43 web-based front ends. So we don't want to give Port 43

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volumes because that is where people with automated interfaces come and that could scare them. Thank you.

DONNA AUSTIN: Jody, go ahead.

JODY KOLKER: To Owen's point, I mean, if we give them Port 43 and Port 80, I'd sure like to use the Port 43 request to show them how many times registrars are getting hit with this, and why we need a little more time to be able to determine what our SLA should be. Because I'm not sure if anyone else has looked at it from a registrar or registry standpoint, but I mean, we're not even within a tenth of a percent between RDAP and Port 43 WHOIS. RDAP is getting like almost no traffic compared to Port 43 WHOIS and it's been out there almost a year. So trying to get an SLA on this for RDAP is – I don't know. I'm having a hard time fathoming it because we have to have the load test of all these automated lookups coming in in order to be able to determine what the SLA is. I think somebody said this before – maybe it was [inaudible]. We didn't have an SLA on WHOIS until after it was out there for years. And now we're asking for an SLA on RDAP after it's only been out there not even a year yet. Thanks.

DONNA AUSTIN: Thanks, Jody. Rick.

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RICK WILHELM:

Sorry, off mute. I'm sorry. So let's separate the concerns. They want to know the web-based WHOIS queries because they are considering using lookup.icann.org as a replacement for the decentralized web-based interface to WHOIS. We've put forth the argument is dysfunctional that they shouldn't have continue the process of everybody having their own web-based RDAP because we're having users switch to a new protocol and then also continuing this situation, which I think is silly of having users go to individual registries and registrars for lookup when it should all be centralized. So having lookup.icann.org is the logical thing. And that's why they're asking for web-based WHOIS queries completely separate and distinct from SLAs. So I just don't want to conflate those discussions.

There's a separate discussion about what the SLA should be, and why we think the SLA should be high initially. There should be high initially or over the long term because RDAP is different than WHOIS, the same as Curtis said, an ice cream cone is different than a sundae. But we need to keep those discussions separate so we don't confuse the discussions with ICANN.

DONNA AUSTIN:

Thanks, Rick. Jody, to your point in a letter that we've drafted, we have tried to pick up on the point that you were making. So maybe if you can have a look in that and see whether that addresses the point that you wanted to make. Guys, we're at the top of the hour, I think we've only got an hour for this call. I think we have 90 minutes. Do people want to go the 90 minutes or they prefer to call it a –

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JEFFREY NEUMAN: Let's just scroll up to see if there's any other questions we haven't addressed and then I think we could –

DONNA AUSTIN: Okay. Thanks, Rubens.

JEFFREY NEUMAN: This I'm interested to hear from Jim and from Rick and Jody and others. They say as the profile isn't the only part of the technical implementation requirements for the RDAP protocol, how will other RFCs or other technical requirements fit into the RDAP profile definition as we have proposed? So we have very narrowly said that for these SLAs, RDAP only consists of the profile stuff. They're trying to get things in like any additional RFC and others. Rick and Jim, does this ... It concerns me but I might be looking at it a different way.

Maxim says that, "Why would we allow additional RFCs?" I mean, that's what worries me, is Francisco goes in and proposes an RFC. Go ahead, Rick.

RICK WILHELM: Thanks. I'll take a whack at this and that'll give Jim some time to think and come up with a more helpful comment. So the RDAP profile references all of the relevant RFCs as both normative and informative documents as appropriate. Therefore, as new RFCs come up and are appropriate, then what's going to happen is that the profile itself, as

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new RFCs come up or existing RFCs are updated, the profile will be updated to incorporate those things. So the notion that we would allow an opening for RFCs to be incorporated at random doesn't make really sense. The profile is really the gateway through which RFCs will get incorporated into the ICANN implementation and that's by design. Let me kind of try that on for size. Jim, please, please feel free to comment further. Thank you.

JEFFREY NEUMAN:

Can I just ask a quick question, Rick? You said as those RFCs are updated, the profile is updated. Is that considered a change to the profile which would have to go through the contract process or does the profile say something like, "This section is governed by RFC blah, blah, blah, and its successors," which wouldn't enable us to negotiate or – yeah. Your hand's up.

RICK WILHELM:

I don't think it has to go through the contract process because it would be incorporated and adjusted by the consensus process inside of the CPH and by the consensus policy making process by which the profile itself is updated in process. So when the profile gets changed by the consensus process, it would change, I don't think it would have to go through the contractual amendment process. That's my understanding.

JEFFREY NEUMAN:

Sorry, one more follow-up to that. When I said the contract process, I meant either the formal amendment or a consensus policy, but then

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you use some language that said the CPH, some other process that's not in the contract. Is it the CPH that needs to approve changes of the profile or would it be like a PDP – what does the profile say about how it's updated?

RICK WILHELM:

The profile – it doesn't have language in it about how it's updated. There's not language in the profile itself about how it's updated. So when the profile was submitted, the way that it went the first time, the RDAP at that point Pilot Working Group, now RDAP Working Group, said that it went before the Registry Stakeholder Group, before the Registrar Stakeholder Group, we got a consensus call and then went up and then was adopted and agreed by both of those – basically, the Contracted Party House as a whole and then also mutually agreed by ICANN. That was the process that it went by. I'm not sure exactly what the process is for modifying it.

DONNA AUSTIN:

I think modifying the profile, we had agreed previously with ICANN that it could only be done through consensus policy and I think one of the mechanisms that I can't recall. But, Rick, the profile as it stands at the moment references RFCs. Is there a likelihood that a new RFC could be developed that applies to the profile? And if so, is there a technical process that covers off applicability or how something gets adopted?

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RICK WILHELM:

So the profile is in ICANN document, so it's not an IETF document. RFCs or IETF documents. So there's nothing in the IETF that necessarily links an RFC to a brand new RFC to the ICANN profile. Now there are processes by which IETF RFCs get updated with newer versions. For example, to correct errata and things like that, they'll go through minor updates. There are a couple going through the REGEX Working Group right now that are getting some very minor updates at present. They won't have what I would consider material impact on what we're doing in the RDAP profile. But for example, there will be other things that may come forward in the RDAP world that the profile could consider adopting into its suite of standards that are not RFC yet but in the coming years could become standards, that after they make RFC, the working group want to decide what happens. And then the profile would have to determine whether it wanted to incorporate those presumably by reference.

JEFFREY NEUMAN:

Rick, sorry, it's getting a little more confusing now to me. You use terms interchangeably. So put it this way. If we incorporate the profiles into our contracts, which is what we're going to do, is there a way outside ICANN's consensus process or the ICANN contract process? Is there a backdoor way that the IETF through changing RFCs can change the profiles, which in turn would change the contractual commitments? Like the backdoor Maxim has there.

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RICK WILHELM: I don't think so. I'm happy to Jim's take on this also. But the RFCs, the way that they're structured, the existing RFCs can undergo minor updates of improvements, fixing errata and things like that, but the core structure of RFC is very typically ... when you have a reference document, they don't fundamentally change without undergoing a numbering change or something like that. That's why we refer to RFCs by number and we're not referring to Internet drafts, which are still undergoing changes. So I don't think that RFCs are going to have a "backdoor mechanism" that's going to fundamentally change the profile. That's not something I [lose sleep] about.

JAMES GALVIN: Not from an RFC point of view but, Jeff, you used the phrase earlier which is kind of important here and that is in our Registry Agreements, the commonly used phrase is "RFC such-and-such and the successors." I agree with Rick in terms of an individual RFC, but the reality is RFCs have statuses especially if they're on the standards track and thus there are well-defined successors to them. And I always worry about that phrase "or its successors" that are often included in our contracts and our agreements. There is a legal relationship there to care about. I think that gets to the issue you're raising, right?

JEFFREY NEUMAN: Yes. Right. Rick, you and I remember ... let's say .us. They had RFC 1091. And then there was a new one. That said, this RFC replaces 1091, whatever it was. If that happens, what happens to the profile? So if

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there's an RFC in the profile and then a new RFC comes along and says this replaces that RFC that's in the profile, what happens?

RICK WILHELM: I don't think that we use that language "or its successors" in the profile, to your point. I'm looking through it as we speak. I know the reference to which – the kind of language that Jim is referring to "or its successors" but I don't think that we use that language in these documents.

JEFFREY NEUMAN: Can I ask you then from the other way? Let's say there's a good thing we want. Let's say there's a new RFC that says it's the successor and the contracted parties go, "Yes, that's pretty cool. We actually agree with that."

RICK WILHELM: Right. And we would modify the profile to pick it up.

JEFFREY NEUMAN: But we're saying that the only way you can modify the profile is through the consensus policy process or a direct contract negotiation. Correct?

RICK WILHELM: Right.

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JEFFREY NEUMAN: Because you were saying that the profile would need to accept something but it's not the profile group to accept something, it's the ICANN community or a contract negotiation. Now I'm asking, is that what you envision? Because they still ask the question about whether we still want an endorsement thing in there, like if the registries and registrars endorse a change.

DONNA AUSTIN: I thought that came out, Jeff.

JEFFREY NEUMAN: Yes, it came out but then they asked a question on it. They say, "Do we ..." I forgot where it is. Maybe it's up higher I think. But I think I remember seeing them ask a question.

DONNA AUSTIN: Okay. Maybe we can draw a line under this. Except that it's potentially complicated and we need to give some more thought to it and move on to whatever's left in the document.

JEFFREY NEUMAN: I think we just talked about this. This one is covered in the topic we were just talking about. I feel like we missed something. It might not have been in the red language, it might have been on what ICANN said. I'm scrolling through my copy. Well, they still want to remain silent on the authenticating queries and I think our position should be – this is in line 9. I think we need to be clear that no, we don't want to stay silent

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because we want to clear that it doesn't apply. We don't want anyone to later make an argument. Maybe I'm thinking of something else. Never mind, I think that's it.

DONNA AUSTIN: Okay, thanks, Jeff. Perhaps what makes sense is, majority of these questions and put the answers into the Google Doc that we have open and then we can decide whether we want to capture that in the letter that we sent back or we'll deal with it separately when we get on a call with them.

JEFFREY NEUMAN: Donna, as we went through these, I'd actually prefer that we talk these through before we put our answers in the letter on those questions.

DONNA AUSTIN: Okay. With one caveat, Jeff, to the extent that what we have in the body of the letter, if it touches on something, a question that they have asked then we need to work out what we want to go forward with.

JEFFREY NEUMAN: Right.

DONNA AUSTIN: Could I ask everybody to review the letter please and make sure that you're comfortable with it because obviously we have to agree on this call that it's something that we want to send off to ICANN. We're

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getting into ICANN60 something, so I expect that Karla and Russ might be pretty busy anyway but I'm conscious that time is ticking away, we're getting into July. Can I ask folks to review and have any comments or drop it into the Doc by this time next week? So we'll leave this open for a week. Okay. All right. Thanks, everybody. Sorry, it's laborious, but I think it was helpful. So thanks, everybody. Can I end the recording? Thank you, Julie, for your assistance.

JULIE BISLAND: Absolutely, Donna. Thanks, everyone.

SUE SCHULER: Thanks, Julie. You can end the recording.

UNIDENTIFIED MALE: Bye all.

**[END OF TRANSCRIPTION]**