
SUE SCHULER:

Okay, Donna.

DONNA AUSTIN:

Thanks, Sue. I'm driving this. In the absence of anybody else who wants to do it, go ahead. To start off, I think what might be hopefully is just to get a sense from the group about how they feel about the conversation we have with ICANN on Tuesday. Then I'd like to just have a brief conversation around their assumptions because I think even their overarching principles or goals, I don't think we're on the same page. So things are going to break down pretty quickly, and then we can go through maybe the searchability might be the most urgent thing we need to talk about because that's what they want us to come back and have and have a conversation with them next week. I think Karla seems to be of the opinion if we can get past the searchability piece then we might be able to move forward with the rest. So does that sound reasonable? I mean, I'm happy to do it another way. Rick?

RICK WILHELM:

Thanks. I think that performance is the other thing that we need to chat about. That's probably the other main one, perhaps obviously. Thanks.

DONNA AUSTIN:

Okay. So searchability and performance. Okay, so just general thoughts on where people think we are as a result of the conversation we had with Russ and Karla this week? Jim?

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.

JAMES GALVIN: Thanks. I'll ask a question I guess. We kind of had a little bit of discussion about user interface. While I agree that searchability and performance are big issues, have we gotten past this issue of the web interface and non-web interface? Or are we just setting that aside right now because it's coming later? Just curious what people think about where we are on that.

DONNA AUSTIN: I don't think we've gotten past anything just yet. I think we're going backwards. Jody?

JODY KOLKER: Thanks. Can you hear me all right?

DONNA AUSTIN: Yes.

JODY KOLKER: As far as a web interface, I don't ever remember us talking about that. I'm sorry I missed the phone call, but I went through the transcripts and I didn't see much on the web interface at all. But my main question is on the domain search and searchability. Did anyone question the 25 million searches that they've gotten so far that had been done? I'm curious what registries are supporting that and I'm curious what these searches are. Are they example.star or example.star.com? What are they?

DONNA AUSTIN: I don't recall that anyone question that on the call, but I know that internally I had a bit of a conversation with our team because we kind of wondered where that number came from as well. And if you go back in the open data, an issue that ICANN has, you can do searches on that but it's a whole lot of inconsistent information. So I think it's a fair question that we can ask them, Jody, if they can show us how they arrived at that number. When we had the discussion internally, Russ is pointing to that as a big number, but we think in the context of overall searches, it's probably not such a big number. But I think from their perspective, by saying that 25 million is a big number, we can probably take away from that. That's the noise that they're going to get if they don't find a way to agree with us, but if you have searchable WHOIS then you need searchable RDAP. So they look at us as the noise barometer. I know it's not very helpful, Jody.

JODY KOLKER: That's all right. But what I'm curious about is Rubens says it's 25 million for web WHOIS queries. I thought that they said there was 25 million searchable WHOIS queries.

DONNA AUSTIN: That's what –

JEFFREY NEUMAN: This is Jeff. This is one of the roots of the problem that I tried to weigh in on at the beginning, which was they confused searchability with just

the ability to search by domain name, which none of us would call searchability. That's just the normal service. If you type in a domain name, you get a result back. That's not searchability. But the feeling I got was that they were confused and thought that that was searchability, and so when they said 25 million, I think it's really lookups. Oh, Rick put that in there just now too, right? It's just lookups. And I can believe 25 million because I think a lot of people do use the ICANN lookup dot whatever ICANN site.

JODY KOLKER: Hold on. You think that this is coming from the ICANN web WHOIS site? That's where we got the 25 million from?

JEFFREY NEUMAN: Correct.

JODY KOLKER: That's not searching. I mean, that's not searchability.

JEFFREY NEUMAN: I know that. You know that. We know that. They don't know that.

JODY KOLKER: I guess I would like to see a definition because I'd like to see how many, because I don't believe that that's implemented at any registry.

JEFFREY NEUMAN: That's correct. They don't have a searchability of RDAP either, no. That is correct. All they have is the lookup service. Then when they cited the provision in the RFC – was it 3.2.1? Yeah. As Jim said, that is the provision that's a lookup provision, not a searchability provision. So they were just –

JODY KOLKER: Jeff, it doesn't help that the title 3.2.1 is domain search.

JEFFREY NEUMAN: Correct, correct. No, I tried to make the point that that's not searchability but whether they understood that or not, I don't know. As far as impressions, look, we went backwards in a lot of different areas and it all boils down to – I want to know who the decision maker is there. We keep getting shielded, right? Whereas we're the ones making the decisions – in theory, we're the negotiating team. Yes, we do have to go back to our stakeholder groups and constituencies, but we still pretty much know and have the authority to negotiate, whereas Russ and Karla are just the microphones. They're not the ones behind the mask or the Wizard of Oz behind the screen. I think we need to start demanding that actually when we have negotiations, we have negotiations with those that are able to make decisions – sorry to Russ and Karla, but not them.

DONNA AUSTIN: Rick, go ahead and then we'll come back to Jeff.

RICK WILHELM: I think we were talking here about the lookup interface originally, right? I actually was going to say that I detected some hope in the discussion about the lookup interface because one of the things that Russ had asked for was the information about query volumes from certain registrars about lookups on their web-based WHOIS – at least I believe that I heard that. So on all of the topics, the one that I actually heard that I thought there was some shred of agreement was on this lookup interface. At least that's what my hearing was. Thanks.

DONNA AUSTIN: So based on the conversation, do we think that what we need to do as it relates to searchability is to go back to Russ and Karla and say that we think we're talking about two different things. So it would be helpful to clarify the definitions of what you mean by these when you use these terms. Is that reasonable to do that?

JEFFREY NEUMAN: I'm not sure.

JAMES GALVIN: Donna?

JEFFREY NEUMAN: Go ahead, Jim. Sorry.

JAMES GALVIN:

Jeff is saying, "I'm not sure," but I'm going to go in the other direction and say actually, Donna, that's kind of what I wanted to suggest when I had put my hand up before. So I agree with you 100%. I think that one of the issues that we had is we're not clear about what we're negotiating about and what we're talking about. So perhaps the most helpful thing to do with at the moment is to clearly delineate what is searching. And I see searching as at least three different things, maybe four depending on how you want to break it down. I think that maybe we should offer to them some definitions and some terms to go with it and then say, "Okay, now let's talk about what we're talking about here." Hopefully, they won't say all of them because that's simply not going to fly because only one of them is defined in a standard. I mean, there's exact match lookup, they're searching in a forward sense. So exact match lookup is a forward lookup they're searching, which is a forward lookup but it allows you to specify only part of the name that you're looking for, which 3.2.1 is [inaudible] matching. It's important to understand that and which is a subset of forward lookups.

Then there's reverse searching, which is what I had also brought up on the call about. They were talking about their user community wanting searching and that's part of what they were trying to defend, and I was trying to speak towards that and say, "Well, those communities don't want searching, they want reverse searching." They typically want lookups on something other than the name. That's what they're really talking about. And we have an easy out there because none of that is defined. There's no way to demand that of anybody when there's no specification for it. So I think the definition that you're talking about,

Donna, I'm supportive of that. I think that's a good thing to lay out so we can clearly figure out what we're talking about. Thanks.

DONNA AUSTIN: Do we want to ask them for their definitions or do we want to go to them saying, "We think there's confusion between searching and lookup. So this is what we consider those terms to mean. Are we on the same page?" Or do we want to ask them to tell us.

JEFFREY NEUMAN: Can I jump in?

DONNA AUSTIN: Yeah.

JAMES GALVIN: That's a negotiating point so, Jeff?

JEFFREY NEUMAN: The reason why I was saying why I think it's a waste of time to do that and the other reason why I say we need to have the decision makers on is because I think Karla and Russ don't understand what searchability is. But clearly, the people that are writing this behind it do because they point to specific specifications in the Registry Agreement, for example. So they're just going to come back with what they've already written which is, "Well yeah, searchability as defined in 1.10 of what is Specification 4." That's what they're going to come back with, which is

why I think it's dangerous doing what we're doing which is not talking to the people who are the ones behind them doing the actual approving and not approving, because searchability is defined in 1.10 of applicable Registry Agreements for the RDDS or WHOIS now. And it does say exact match capabilities on the following fields, registrar ID, blah, blah, blah, and then Boolean search capabilities, and even in the chart it says 1.10. So the point I was trying to make is that it's Karla and Russ that don't understand what they're asking for but ICANN itself certainly knows what – whoever is behind the mask knows what they're asking for. So I think it's just going to be kind of a waste of time and the only thing it will succeed in is showing that Karla and Russ are a little bit inept.

DONNA AUSTIN:

But, Jeff, whoever is behind the mask has actually approved this document that Karla and Russ have put in front of us.

JEFFREY NEUMAN:

Correct. The document that's put in front of us, unlike the discussion we had, talks about searchability as being what's defined in Specification 4 Section 1.10. So the people behind this that drafted this document are the ones that know what it is.

DONNA AUSTIN:

Well, I don't necessarily agree because what Jody has picked up in that searchability on the first page is where we had come out with the discussion that maybe they're talking about two different things. So I'm

not sure that I 100% agree with you that they do know what they mean.
Rob, go ahead.

ROB HALL:

I like Jim's suggestion. I think we can get into the weeds of who's making decisions. I agree we need to get the decision maker, but I think we should start defining the different categories of searchability and not that it is one term like that that cover what we call lookup and what we think is really search. Jim, you mentioned the exact match lookup, but remember there's also the authenticated and unauthenticated, and I think we'll get to that when we actually start talking about SLAs and timing. But there's also we're depending on them for a direct match lookup as to what information do we give out. Is the user authenticated? Do we give it to them or not?

I think we should be the ones driving this. These are the different terms and this is what we're going to use. So we're not going to use searchability as a generic term for everything. We're going to say, "Look, we're going to call this direct match lookup," and just talking about that, and then authenticated or not. We're going to call wildcard searching of the domain name, a partial search of the domain name. Let's define the categories we want to talk about and then force ICANN to start saying where [they are] in those categories.

DONNA AUSTIN:

So what do other folks think? Do we go forward with our definition?
Rick?

RICK WILHELM: Yeah. I would agree with Rob and also what Jim had proposed. We'd be better off laying out our terminology – I shouldn't say "our terminology" because I think there are objective definitions here – and I think that we would be better off laying out the objectively correct definitions with more closely aligned with IETF standards and generally accepted technical practices, and that we get them on to the page and stake that territory out so as they're not sullied or warped by someone else's perspective that might be driven by political considerations. Then we get those out there, have them be defensible, and then it makes it harder for them to be brought back the other way. I think if we let ICANN take the pen, put the definitions in place then we would have to negotiate them back to square, which is going to be harder so I think so. I would think it would be better for us to just get those in there related to that. I saw Jim nodding at some point. He happens to be on my screen. That's sort of my two cents on that. Thank you.

DONNA AUSTIN: Okay. Jeff, I hear your concerns but I think most of us seem to be on the page that we think defining these terms would be helpful to the conversation.

JEFFREY NEUMAN: Can I ask, though, so we define the terms, then what? Say we're not going to do it?

DONNA AUSTIN: No. Karla, she put us on that, it's what they wanted to talk about in the next whatever – searchability – and if we can get over that then we might be able to make some progress. So I think what we can do is go back and say, “Look, as a means to progress this conversation, we think definitions are important. So this is what we believe these terms mean. If you agree then we can move forward with the conversation.”

JEFFREY NEUMAN: But here's the part they don't understand from our side. They've given us in the spreadsheet and even on this document that's up right now, ultimately they want what's defined in Specification 4 Section 1.10 in the Registry Agreements to apply also to RDAP. Whether we think that's what searchability means or not, that's what they want. That's what we're saying is not going to happen. So we can go back and do this like dance about definitions. But at the end of the day, all they're going to do is say, “We want you to do these five or six things that are in 1.10,” and all we're going to do is go back and say no, which is fine. I mean, I just don't understand the reason for the dance.

ROB HALL: But, Jeff, we're not saying no. We're saying yes to the thing we do now, which is direct lookup. We need to figure that out. Because they're lumping it all together, we're getting burned on it.

JEFFREY NEUMAN: That's not in 1.10. That's in a different section.

ROB HALL: I understand that. But when they put it back like this out, but at least at some point they're going to say, "Wait, we want searchability like you have now." Well, they don't have it now. So if they use the term searchability for direct lookup, we're going to keep pounding our heads on this. Let's separate the two so we can say, "No, we're giving you this one." That one is not even defined right now.

JEFFREY NEUMAN: Rob, we're not giving them anything. They already have it now with the existing service.

ROB HALL: They want SLAs based on it. And there's no way we're going to agree on SLA based on searchability.

JEFFREY NEUMAN: No, no, no. They're not asking for SLAs on searchability yet I should say.

ROB HALL: As long as they continue to put documents like this that puts it all together into one there, this is a motherhood statement.

JEFFREY NEUMAN: SLAs are not – we're not agreeing to do that in RDAP. Period.

ROB HALL: I understand our position. I don't think they do.

JEFFREY NEUMAN: So I think we should be discussing internally – is there any movement on our side away from the answer of no? And I don't think there is. We can throw definitions back and forth, but at the end of the day, if the answer is still no –

ROB HALL: But it isn't no. We're saying yes, we'll get an SLA and a direct match lookup on RDAP, correct?

JEFFREY NEUMAN: Yeah, Rob. I think we're mixing up.

DONNA AUSTIN: Let's go to Jody –

JAMES GALVIN: Yeah, I understand Jeff's point. I do understand the point that Jeff is making. You're right, Jeff. The question is what is the next step even if we go down this path? What I think is important is – the comment that we've made for them before is that searching is not something that carries forward. And we had stated that as a very real objective and a position of ours. I think that one of the things that supports that argument is getting them to understand that searchability as defined in 1.10 in Specification 4 simply does not exist in RDAP. That's what they need to understand. And I think that presenting them with a set of

definitions says, "Look, first let's be clear about what you're talking about and if you're going to talk about 1.10..." So we give them some terms and we give them some stuff. They say, "We want 1.10," we need to be prepared to respond and say, "That's all well and good but it turns out that none of those are a technical standard. That's a really nice contractual agreement that's all about WHOIS but this is about transition to RDAP." Now we get into this discussion more broadly about you simply can't compare apples and oranges. This is a technology transition. You're just not going to bring everything forward as is. So it's a future point without adding searchability, right?

DONNA AUSTIN:

So, Jeff, can we go to Jody first then we'll come back. Jody?

JODY KOLKER:

I think one of the points of their argument is that they said they've had 25 million lookups for searchability, so obviously it is a community service that needs to be supported. I think that we've got to destroy that argument because I don't think there's any way that anyone has done 25 million lookups on example.star of anything. The fact that they're saying that this is a community service is wrong. Yeah, exactly, Maxim. If they're doing this for domain tools, that doesn't count. That's an extra service that was brought up as a third party tool. That's not what we support as a Contracted Party House. I mean, I'd like to start with that argument of, explain to me how you get 25 million lookups on searchability on registries that have supported it. Because I'm pretty sure that the registries that have said that they would support it are

doing this as a one-off basis. It's not supported in WHOIS. You can't go into WHOIS and type in example.star dot whatever and 50 get domains back. That's not supported. There's no way there's been 25 manual lookups for example.star dot whatever. Am I off base here?

DONNA AUSTIN: Based on the chat, I don't think so.

JEFFREY NEUMAN: I wouldn't doubt it. The service has been up for two years. INTA (the International Trademark Association) spreads it out to all of their members to use that tool. I can see 25 million lookups in two years because that's I think –

JODY KOLKER: On domain tools, Jeff?

JEFFREY NEUMAN: No, no, no. On their site.

JODY KOLKER: Who's "their"? ICANN?

JEFFREY NEUMAN: Yeah. ICANN, the lookup –

JODY KOLKER: Okay. Searchability on example.star –

JEFFREY NEUMAN: No, no, no. I understand that.

JODY KOLKER: Okay.

JEFFREY NEUMAN: Even though Karla and Russ don't know the right terminology –

JODY KOLKER: That's what I'm saying. We need to destroy that.

JEFFREY NEUMAN: Right. We can do that, absolutely. We can certainly go back and do that. But I just don't understand the dance that we're doing because remember, this is not the first time we're talking about it, it's not the second, it's not even the third. It's like the tenth. We've already said no, they've already said, "Yes, you need to do it." We then said no. We could keep saying no, that's great and that's fine, and just say, "Look, no is our final position." But to do a dance say, "Let's talk about definitions," makes no sense to me if we're going to make a negotiation.

DONNA AUSTIN: In my mind, breaking it down into the definition goes somewhat to Jody's point in that they seemed to be confusing the term. So if all they want is a lookup –

JEFFREY NEUMAN: It's not [inaudible].

DONNA AUSTIN: Well, do we know that for sure? Because if they're confusing the terms –

JEFFREY NEUMAN: We know it for sure. Maybe not Karla and Russ but the people behind them, we know it for sure because they're putting in here –

ROB HALL: Jeff, I don't assume that, I'm sorry. I think it's still possible they're confusing the two. Like is the 25 million number really example.star or not? Let's divide the two and ask and then we'll know. Let's not assume they're smarter than we think they are.

JEFFREY NEUMAN: You think ICANN is an organization that doesn't know the difference even though they wrote it down in this –

ROB HALL: I don't know that who wrote this document knows the difference. This seems to be an overarching high-level document which worries me because it seems to be trying to pin us into a "we're being unreasonable" corner. If they're confusing things deliberately, yes. I think they're deliberately confusing things.

JEFFREY NEUMAN: Yes. We absolutely –

ROB HALL: We have to be clear and separate them out.

JEFFREY NEUMAN: Yes. We can absolutely and should absolutely push back. Period. But going back and talking about definitions, thinking they're confused, I think they have a deliberate tactic here. Our tactic is going – we should go back –

DONNA AUSTIN: What's their deliberate tactic, Jeff?

JEFFREY NEUMAN: The deliberate tactic is that on paper – I'm looking more of the spreadsheet than this other document with the big preamble and stuff because we need to push back on the preamble again. They know what they're talking about. They put it in here. We should go in and say, "This is our position." Period. There is no movement. We will not apply

Section 1.10 to any new TLD as a mandatory requirement for registries that agree to do 1.10 in a web-based system. At the end of the day, that's what we're talking about. Why beat around the bush? My tactic is always direct, right? We don't think that 1.10 should apply to any registry that agree to do 1.10 for the WHOIS service simply because it's in their exhibit A. They agreed to do it for the WHOIS service. Period. They did not agree to do it for RDAP and to force them to do it for RDAP is mixing apples and oranges – then we go into the differences again with the protocol and I don't think there's any movement away from that. I'm not hearing from any registry now that any registry is willing to do it.

ROB HALL:

I think we're in violent agreement, Jeff. I'm happy to take that stance. I just want to clarify to make sure they're unable to go back and say, "Look, the registries [inaudible] to do a simple lookup." Let the terms – let's push back hard one side of the searchability of the 1.10 and let's start using our definitions so they can't come out with these motherhood statements like searchability and lump kind of crap and do it that we know doesn't fly but plays well with the public.

JODY KOLKER:

I agree with you, Rob. I think that what's going to happen is that if we don't define these, they're going to release a statement – and you'll have to hear about this forever, Jeff – that says, "You guys want to support searchability." That's because they didn't know what searchability was. We would hear this continually from Karla and Russ

constantly if we don't define this term that, "You guys want to support searchability so we gave in on that." We'll be like, "You still don't understand what searchability is." Let's make sure that they understand it. Russ, the soldiers on the ground understand it. That's fine that the people, not the general is my understanding, but the people that we're negotiating with don't understand it and I think we've got to tell them what it is because they don't know.

ROB HALL:

Even more importantly, let's make sure they can't use it publicly a term broadly against us. Even if they do know – and you're right, Jeff – they're deliberately doing this to us then, so let's make sure we define it so the public understands it and doesn't fall on to their trap. It's a big word.

JEFFREY NEUMAN:

So the regular lookup service is defined in Specification 4 Section 1 through 1.9.

ROB HALL:

Can I suggest we're too into the weeds here, Jeff? They've gone very high level on us. We're near contract provision, Jeff. They've gone back to principles. Don't we need to reply on that level?

JEFFREY NEUMAN:

They've given us the details. Look at the chart. This is the detail.

ROB HALL: I'm referring to the overarching letter they sent out today.

JEFFREY NEUMAN: We're absolutely going to go back to them and say that that preamble is full of shit, to be direct. We'll absolutely do that. I'm just saying to go back and then argue like how do you define this and how do you not when the real people who are drafting this have already given it to us and to just go back for a couple of weeks to talk about definitions. It may seem to them as a delay tactic from us. Because at the end of the day, we're still going to say no, that we will not put Section 1.10 into Registry Agreements for RDAP.

DONNA AUSTIN: But the reasons we won't put that in to RDAP are because RDAP doesn't support that functionality. It's not in the RDAP profile or in the technical implementation details. So that's why we're not going –

JEFFREY NEUMAN: That's one of the reasons but from what I gather from all of our previous discussions, registries didn't want – because what they can say is, "Okay, fine. Once it's defined, you do it," and we're still going to say no because we have no idea how it's going to be defined. And at that point, when it is released, maybe we can go and talk about it. But again, I agree with you. One of the reasons why we're saying no is that it's not defined yet. But I think at the end of the day, aren't we still saying no?

ROB HALL: Jeff, would it be acceptable if we put language such as – I think we had it in the RAA at one point – where if there is a universal standard and X percent of registries accept it then it becomes part of our contract?

JEFFREY NEUMAN: I don't think that –

ROB HALL: We kind of control the standard, right?

JEFFREY NEUMAN: Yeah, look at that emphatic no from Rick.

RICK WILHELM: Can I butt in, please?

DONNA AUSTIN: Yeah, Rick, go ahead.

RICK WILHELM: For one thing, it's very clear what they're asking for in their Word doc/PDF doc/Google Doc. It's very clear what they're referring to. There's no ambiguity in ICANN's part that they're trying to jam the registries on doing search that if you committed to WHOIS searchability

that in the prior round that you have to do RDAP searchability. There's no ambiguity in what they're asking for.

During the call the other day, there was a period of time where the discussion was blurring between lookup and searchability, where the call was wavering between the two. But in the documents in their responses, there's no ambiguity of what they are asking for – absolutely none. Nor in prior discussions has there been ambiguity in what ICANN has been asking for. They've been completely consistent throughout. If you look in their PDF response, which I will paste into the chat room here, that's exactly what they say and that reference in Spec 4 1.10 says that offering certain capabilities is optional but if they do, you got to comply with this. So there's no doubt what they're asking for. Like I said, in the call the other day, we – the people on the call – were not very clear and there was a time where we blurred the conversation between the two, and that's where some confusion rose on the call. But during the rest of our deliberations, there's been no ambiguity about this point. I just want to clear that up.

The reason that our objection has been, on this point, two-fold: one, the standards are not defined regarding this; two, but most importantly on principle, when a registry operator, whoever they were, committed to doing WHOIS search, they did not write a check for the future that they would have to do RDAP search. Very simple. Our position has been if a registry wants to adopt RDAP's search in the future, they may. But because they made that commitment in the future, it doesn't mean you're obligated to do so in the future. Just because you made that commitment in the past doesn't mean you're obligated to that commitment in the future. Very simple. It has nothing to do with if it

was RDAP or any other thing. It happens to be RDAP and search but it could be any other technology or something. Just because you signed up for one thing in the past and that thing morphs into something new in the future, you're not pre-committed. That's just sort of a basic concept of something like that. When we have children, we're sort of obligated to take care of them for life but that's not the case when we sign up to doing WHOIS searchability that we're signed up to take care whatever that morphs into forever. Thank you.

BRIAN KING:

Hey guys, this is Brian. I think we all probably agree with that. I see a lot of heads nodding. What do we say if they push back on that? I just want to make sure we're ready for this – if they say, “Is there really that big a difference?” or “Come on, guys, does it really matter? You signed up for searchability and the community has come to expect it.” What if they try to call or bluff on that and say, “Are you just being difficult? Is it really that big a deal?” What do we have to come back with? Or do we feel like we need to respond at all if that's their approach?

JODY KOLKER:

The argument that I'm still against is 25 million lookups that they suggest have been done with searchability. I feel like this is something they will continue to bring up until we ask them to define what they're saying these 25 million lookups were. Give me an example of one of them because I don't think that there's been 25 million done because WHOIS doesn't support that. Web WHOIS maybe but 4.3 WHOIS doesn't.

ROB HALL: There may have been 25 million attempted. The question we should be asking is who's supporting this now and how many have resolved? Let's keep bringing it back at the consumer like they do on the SLAs. There's no consumer doing it now so no one is missing it and you're trying to support in something new, so why are we even talking about this? I think that's a pushback. Someone is trying 25 million times the lookup service that doesn't work today? Why are we down this path?

BRIAN KING: I think Sam's comment in the chat was helpful about what these are. They're coming from the monthly reports. We don't know what those are.

JODY KOLKER: It could be monitoring probes. That's cool.

JAMES GALVIN: You know I'm still going to come back to definitions. I appreciate that we have a position and we know what it is, but I think that we really do at both sides in the table have to come to a clear understanding of what we're talking about and then we need to drive that home and get in front of any messaging. I hear Jeff talking about we know what they think it is, 1.10. Part of the argument against it is just two different technologies. I'm sorry, people. That there in 1.10 simply does not exist in RDAP. It just doesn't. And we don't know what it would look like in any technology even if you don't want to talk about RDAP as Rick was

saying. I'm sorry. I just think definitions are important here. We got to be clear about what we're talking about and make it clear to them that what they're asking for is simply not an option because it doesn't carry forward, and then we have to get in front of any messaging so that we're not held to that for the future, right?

JEFFREY NEUMAN:

If you look at the spreadsheet, they say this is their original position. This is our response back. This is their response to your response. Their response back says, "ICANN org maintains that searchability is mandatory for those TLDs currently offering searchability as defined in Spec 4 Section 1.10." If it's our position to go back and say no then let's just say no. I don't think it's a definition of problem as Rick said. We know what they're asking for. They told us what they're asking for. It's on this piece of paper. I agree with Jody that they're using – we even said this during the call – that they're mixing up lookups and searchability. That was just Karla and Russ. We go back into our response column and saying no. They're two different technologies and exactly what Rick said. I think that we just forget about the definitions at this point because they've put them in there. This is what they're working with. And we agree that 1.10 is the definition of what we're not going to do, right? It's not like there's a disagreement on that.

Rob, I don't understand what you're saying here, "Define it on our term specifically." What we will say is, yes, we agree that Section 1.1 through 1.9 of Specification 4 is applicable to RDAP –

ROB HALL: Jeff –

JEFFREY NEUMAN: Wait. Let me finish, Rob.

ROB HALL: I understand you completely. I'm trying to play the PR game here which [coming]. I'm not trying to play the lawyer arguing point in.

JEFFREY NEUMAN: No, no. Absolutely.

ROB HALL: Let's separate these terms out and all of the new searchability and confuse the public that it's a lookup versus searchability. So when I say let's start defining what these things are, let's start using different terms rather than just letting them use searchability for all and people think, "Oh, I can't even look up a name?" No, of course you can look up a name.

JEFFREY NEUMAN: Right. But the section of the agreement 1.10 is called searchability. So yes, we do a preamble. We do our positioning. But the whole thing I was just arguing against is going back and doing – like let's discuss definitions and things. I agree. Let's get out in front of this positioning and in our preamble say, "This is what we're willing to do. This is in fact searching by domain name." We can do that and I agree with that. I just

agree with the whole going back and arguing about definitions because we lose that one.

ROB HALL: No, I just want to start using terms we want, not playing to theirs. We use searchability to cover it all. Let's define lookup versus search. Separate those two, say no on search. Let's continue to talk about lookup.

DONNA AUSTIN: Jeff, what we're trying to ensure is that we don't have that confusion in future discussions. Because we can say that we're concerned that in the last conversation we had, there was confusion about whether we're talking about searchability or lookup, so we think it might be helpful if we define those terms and this is what we agree that they mean. We'd also like some clarity on the 25 million searchable WHOIS queries that's been quoted in the document, which strikes the more information of what that actually meant.

JEFFREY NEUMAN: We will say back to them, "If this number is correct, we believe what you really are saying is that there's 25 million lookups at ICANN.org." But I just don't think this should be a discussion item. It should just be us telling them this is what it means to us and this is how we go forward. Let's sit down and discuss the definitions.

ROB HALL: I don't hear anyone descending. Could we pronounce – move on from this?

DONNA AUSTIN: Yeah, let's move on.

JEFFREY NEUMAN: I'd like to know then also, because we haven't had time to review this document, most of us I would think, we can go through it if you want. But I would like to know what people think about having someone from OCTO or to only have our liaisons or our client managers, essentially, on the calls don't lead to very productive discussions.

DONNA AUSTIN: So, Jeff, how do we enforce that?

JEFFREY NEUMAN: We can't enforce them. We can't require them to [inaudible] on the table unless they do. But again, what happens is, for example, Rick will educate them on the profile with them. Russ and Karla are like deer in headlights. They have no idea.

DONNA AUSTIN: Rick, go ahead.

RICK WILHELM: So are you suggesting, Jeff, that we would ask them to bring somebody else like Francisco on the call or something like that? Is that what you're sort of saying?

JEFFREY NEUMAN: Well, first, we'd like to know who the decision makers are. I think it's probably Francisco. I think you're probably right. But yes, I think it would be very helpful to have someone familiar with the profiles and the technology behind it on these calls. Because what Russ and Karla do – and God bless them for trying – but they write feverishly down notes and then they go, "Okay, we'll take this back." And then Francisco is in the very easy position or whoever it is by saying, "Nope, don't agree." He never has to face us and explain. It was interesting, at one point I they said that we need to come back to them and explain and justify why we didn't agree to the registrars not only keeping the same way, but going down to 2,000 milliseconds because it's what the registries have. I told them no, they need to come back to the registrars and have a substantial justification for changing it because the burden is on them as to why it should –

RICK WILHELM: Yeah, I would agree with that point. I mean, I don't know if that's going to help, bringing Francisco onto the call for reasons like that. For one, I doubt that they would agree to that. Two, I'm not so sure that it's helpful to us to "elevate" Francisco to that point. I don't know that they would put him out there in that fashion. I don't know that he's really the decision maker. He's more the advisor in that capacity. So I don't know

that – I would be surprised – I understand that we want their lead on the call. I don't think that they would give him that position. I'm not sure who's really making the decisions there. Thanks.

DONNA AUSTIN:

And I don't think it would help our cause much at all to kind of insist that Russ and Karla don't know what they're talking about and we don't think you two are just the puppets. I don't think that's going to help our cause at all, we need to be a little bit more thoughtful about the engagement than to try that at this point.

JEFFREY NEUMAN:

Can I just jump in? That's not how we would position it. Normally, when you do negotiations, when anyone does negotiations, the lawyers talk to the lawyers. But a lot of times, the lawyers just keep fighting and what they say is, "You know what? Let's resolve this by bringing in the business leads or the leads that have the ability to make the decisions." That's what makes things go quicker and that leads to much more productive discussions. So it's not like we're saying that Russ and Carla are inept and can't do their job. We're just saying that the decision makers should be brought in to make the job go a lot quicker, if possible, more efficient, and to actually stop this whole, "Well, thank you for your thoughts and we'll take that back and we'll come back to you." It never get anywhere in negotiations and it was very frustrating. I remember for the registrars back in 2013, our RAA, we didn't get anywhere until we finally got the decision makers in the room.

ROB HALL:

Right. I've been in all the RAA negotiating teams and we're on the same trajectory here. If I could just bring some history. What happens is exactly what we're doing. We get all the definitions, we get all the contentions all clearly defined, and then eventually they'll bring in the decision maker. I don't know we're there yet, Jeff, and I understand the frustration. I've been on many teams that go through exactly this. But we have to clearly delineate what we want to horse trade. So when the decision makers get in, we can actually do that. And then things happen very quickly.

So I think we're still in that pre-phase of kind of trying to define where are we aligned, where are we different? Because Carla and Russ aren't going to make the decisions, you're right. It's someone higher. And it's frustrating that those people aren't in the meetings yet because we are. On ICANN side, it won't be until – I don't see the CEO and every other round of negotiations I've been in, it's until he gets in the room and we say, "Look, this is ridiculous. Tell your team no." Because all they keep doing is saying, "It's what the community wants, it's what the community wants." But until a decision maker gets there – but we're not there yet. We've got to clearly define what the issues are so we can horse trade them when we get there.

JEFFREY NEUMAN:

In my mind anyway and maybe I'm wrong, but is anyone on this call think that there's horse trades to give on this searchability? Because I think we're there on this issue. We've had so many discussions. We've been through this for two years, three years now.

ROB HALL: The miniature horse trade is wrong, but someone senior in ICANN is going to have to say, "I understand, I get it. No, let's move on." But we don't need to keep beating this point back.

DONNA AUSTIN: We also need to be cognizant. I think that Russ has lost Cyrus, so the structure has changed. Maybe it's to raise a bit, Russ would need to pull in so we probably need to be a little bit cognizant of that. We haven't absolutely said no yet on searchability. I think we're close to that based on the conversation we had last week because I don't think they're getting it. But we haven't absolutely said no yet.

JEFFREY NEUMAN: So is our next move absolutely saying no? I mean, I thought we did.

RICK WILHELM: Can jump in real quick on, Donna?

DONNA AUSTIN: Yeah.

RICK WILHELM: I think one, I would offer, let's just keep our position for now. This is the first one that we're looking at. We've got a number of other very difficult issues to work out. I think, Jeff, that you offered a plausible

“way out” earlier. I’m not sure if your tongue was in your cheek or not but at some point you said, “You know, Russ, the optics might not look very good if you had a bunch of registries [RSEP-ing] their searchable WHOIS out in a burst. We weren’t on video, but I could hear a grin on your face when you were saying it.

I think that we should just hold it here for now, keep our position for now because we’ve got a bunch of other things to work through. And if we would have to give on this one, it wouldn’t be the end of the world because Jeff has already identified a seam that is a plausible way for registries that don’t want to offer RDAP to do it. There’s a long way between here and there. But there’s a lot of other things on this list that may be more difficult that we might want to – I think horse trade was the word – I think we know the horse trade was the line in the chat from somewhere up there earlier. So we don’t have to make any decisions right now. That’s the thing that I would offer. Thanks. Sorry, I’d rather give on this than on the SLAs because I think that those are much more problematic for a lot more people than something like this writ large.

JEFFREY NEUMAN:

I think it’s right. On the SLA discussion, at least from the registrar perspective – and, Rob, maybe you can jump in – my hunch is that it’s possible the registrars may give in to the 4,000 that we have today to be the same as opposed to 5,000. But there’s no way the registrars are going to lower their SLA to 2,000 ever. Although they claim – Rod, I don’t know if you heard that on the call but they claimed for the registrars the reason was that – just willy-nilly, they said, “Well, let’s just

double what the registries have because some of the registrars depend on the registries WHOIS information. And therefore in order to..." because they rely on the registries for the Thick registry, just doubling it made sense, and I think that lost sight of – where I think that's very revisionist history.

ROB HALL:

It's exactly what it was. We took a stance with the registrar negotiations, "Look, we have to get this information from our central registry. You can't hold us to 2,000 milliseconds. If their SLA is 2,000 milliseconds, we need 2,000 milliseconds of our own to be able to turn that around." So they're exactly right on that. I don't think that's a way to win this point. I think the way to win the point is to say to the consumer, to the users ... They're used to 4,000 milliseconds and fine with it because that's what the registrars have and most of the queries go through the registrars. So why are we talking about anything other than – they keep bringing up consumers and saying what consumers wanted and our customers require. Well, no, they're used to 4,000 milliseconds, they're okay with 4,000 milliseconds. That's existing standard. Let's take to that.

JEFFREY NEUMAN:

Yeah. Although I would not necessarily give in the only reason is – nah, I wouldn't say that on the record just simply because they'll say, "Well, look, you even admitted it, then you need to have the same standard as the registries and then it gets to 2,000." So I hear you, Rob. You just need to be careful.

DONNA AUSTIN: Sorry. Hang on, hang on, hang on, hang on. We've had Beth and Maxim in the queue for a while, and we've got four minutes to time. So Beth, and then Maxim, and then we're going to have to try to work out what our next steps are coming out of this call. Beth?

BETH BACON: Thanks, Donna. Guys, my hand was up back when we were talking about the other issue which is searchability. My two cents is that, Rick, I agreed with the spirit of your comment in that we may have been talking about this issue and arguing about it in separate negotiations and separate fora for many years but this is particular fresh negotiation. So if we're going back and forth, this is our first real substantive response from and to ICANN. I support laying down our position here and seeing how it goes before we just throw up our hands and say, "Well, we don't want to deal with you in second roll response." It's been one back and forth, basically.

I don't want to think that it's productive, as Donna said, to throw up our hands and be like, "We want to talk to the manager. Show me the back room." I think we can survive this and go back with our position and see what they say and if at that point we're not making progress, then let's do that.

The only other comment, Rick, is that I don't know that I'm super comfortable with saying relying on an RSEP as an out for those registries and registrars that don't like this or it doesn't work for them. I think that that's not necessarily representing everyone's interests as we should.

And if we were going to rely upon that or that was going to be our position, I would be more comfortable if we went back to the stakeholder group and let them know that. Saying, “Hey, we’re going to agree to something and if you don’t like it, you’re going to have to be prepared to RSEP your way out of it,” which isn’t necessarily terrible but it’s something they should know. But that’s my two cents and I don’t want to bring us backwards, that you can just move along. Thanks.

DONNA AUSTIN: Thanks, Beth. Maxim.

MAXIM ALZوبا: I’d be short. As I understand from the conversation, you’re in that call, they’re going to use the same SLA for both services, RDAP and WHOIS, if I’m not mistaken. If I’m right, effectively, they’re cutting it in half because most probably if your WHOIS is down, most probably RDAP is down too. So we need to ensure that those SLAs are separated and they don’t count as one. Thanks.

DONNA AUSTIN: Thanks, Maxim. I don’t think there’s any disagreement on that. I think the plan was that we would meet again with Ross and Karla on Tuesday. Karla specifically requested that we have the conversation around searchability.

First of all, I think we have agreement that definitions would be helpful. Can I ask the usual volunteers? Jim and Rick, if you can put some language around that that we could get to ICANN and just say, “We

think it would be helpful to the discussion that we separate search and lookup, and these are our definitions. We'd also like some clarity on what the 25 million number is." And then if we can get that to ICANN before we have a conversation on Tuesday then maybe we're in a point to go forward. Is that –

JEFFREY NEUMAN:

Donna, I don't think we're ready for that Tuesday. I think we take the two weeks. I think we need to work on – because it's not just the searchability section, I think we need to come to terms on the preamble stuff. I think we need to set out our main position that we are not approaching these negotiations from the same position. We also then can talk about searchability. But I think searchability is but one issue that all relates to the approach that they're taking and we need to be up front and tell them that we don't agree with that approach.

DONNA AUSTIN:

So this group will meet next Tuesday. We will meet with ICANN the following Tuesday. Is that –

JEFFREY NEUMAN:

Well, I –

DONNA AUSTIN:

Well, that's your two weeks.

JEFFREY NEUMAN: I don't know. I'll leave it to the others. That might be too soon too. I don't know.

DONNA AUSTIN: Any other thoughts from others?

ROB HALL: I agree. I think we need another one of just us.

DONNA AUSTIN: All right. So we'll have the meeting with just us on Tuesday and we can work out whether we're ready to meet with ICANN the week after.

ROB HALL: Can we task perhaps some people to do things before then? Jim, I think it was your idea to define the different groups. Can you maybe put that document before us for Tuesday?

DONNA AUSTIN: Jim is nodding.

JAMES GALVIN: Yeah, I said "sure" in the chat room when Donna asked. I'm sure that Rick will contribute too. But I'll put something out to get us started.

JEFFREY NEUMAN: This is Jeff. Can I ask from a logistics standpoint and I'll help out with that, too. Obviously, Karla is the one that set up that spreadsheet document so don't put anything in that document. I know that probably doesn't need to be said, but it would be good to have a version of that document that we can have internally. I don't know, is this something we'd want Sue to also – I hate so many copies but the reality is, we can't put anything into this document without them seeing it.

DONNA AUSTIN: I think Sue is okay with doing that.

JEFFREY NEUMAN: Okay, thanks. I'll certainly go through and make some notes. One thing I want to check is – maybe I'll take this on – I'll see if how they've positioned – God, that's terrible – how they positioned our response to make sure it is correct and where they say things like align that it really is aligned and not just your own kind of spin. I'll do that.

ROB HALL: Jeff, since they can see this document, do you want someone like me to go into it and ask a stupid question or make a statement like, "Is ICANN confusing lookup and search in this?" and see how they respond? We do have a communication method through it. It's a little strategic but –

JEFFREY NEUMAN: But what if they come back and they ... I don't know.

ROB HALL: It's just me. It's not the group. I'm happy to be doing that that goes off on them and we'll see where they are.

DONNA AUSTIN: Let's discuss on Tuesday and we can talk some of that tactics on what we think is going to be helpful or not.

JEFFREY NEUMAN: All right. Would people find it helpful if I went through this document to kind of make sure that the way they –

DONNA AUSTIN: I think it would be helpful, Jeff, and I think it would be helpful if others had a look as well and agreed or disagreed with what you agree or disagree with. Yes, I think it's certainly helpful. Okay, East Coast, I think you can go and have a drink now.

BETH BACON: It's adorable that you think I'm not already drinking.

JEFFREY NEUMAN: That's fine.

BETH BACON: Have a good weekend, everybody.

DONNA AUSTIN: Okay, thanks, everybody.

UNIDENTIFIED FEMALE: Bye all.

SUE SCHULER: Julie, we can end the recording.

[END OF TRANSCRIPTION]