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Operator:	The recording is started.
Unidentified Participant:	Thank you. Okay, Emily, the recording is on.
Emily Taylor:	Thank you. Good evening, everybody, or it is evening for me, and welcome to the WHOIS Review Team call, the 28th of March. We have apologies from Peter and from Sarmad. And really, the purpose of this call is just to review our meeting notes from last week and to just update on the action items. We'll also have a staff report on implementation and tracking and then we'll decide on next steps.
	And just while I'm here, are there any other -- any items of any other business that people want to add to the agenda? Okay. We will proceed, then.
	First of all, can we have comments or corrections on the preliminary report from the 28th of March? Sorry, that was last week and of course it's the 4th of April, not the 28th of March this week. Brilliant. So, any corrections on the preliminary report? Okay. In that case, let's adopt that report and move on to the action items.
	So, I'm going to ask each penholder to update the group on their progress. Also, I think -- and this is something that Susan and I were just chatting about before the call started. If you need any clarification from the team about what your action item is, this is a good opportunity to do that now.
	So, Susan, can you let us know where you're at with the data accuracy recommendations?
Susan Kawaguchi:	So, I was thinking that I was just drafting up the findings and not clarifying the 50%. You and I just discussed that. So -- but I did add information -- pulled information for the report in the findings about the 50% -- or about the NORC study, which would relate to that 50%. So, I can -- if that was really what I was asked to do, and I apologize, then I can do that pretty quickly because I've got -- because I thought we were going to write the findings up, short findings for each recommendation or group of recommendations. I think those are all accuracies.
Emily Taylor:	I think that's right, Susan. That's what I recall us agreeing.
Susan Kawaguchi:	Right.
Emily Taylor:	There was also a slight issue, because we had talked about -- I can't remember what term we used, but we used a slightly different term to the NORC study and that seemed to confuse some people.

Susan Kawaguchi: Right.

Emily Taylor: We talked about --.

Susan Kawaguchi: Contactability --.

Emily Taylor: (Inaudible) and they talked about undeliverable and --.

Susan Kawaguchi: Right.

Emily Taylor: I think it was probably just clarifying that we're referring to their definition --.

Susan Kawaguchi: Okay.

Emily Taylor: (Inaudible) we are.

Susan Kawaguchi: So, I'll make sure that that's -- that we've done that in here. And I did then suggest a change to one of the recommendations. I think Alice just put it up. So, I don't know if that's -- this is the appropriate time to discuss that or put that at the end of the agenda.

Emily Taylor: I think that was the language on timeframes and implementation paths, wasn't it, on the recommendation side. I think that's narrowly talking about -- oh, no. Actually, it's talking about the annual reports on the progress towards achieving goals that's held by the WHOIS Review Team. So, let's talk about this now, yeah.

                      I think it's fairly self-explanatory, the language that you've used. You're saying that ICANN should provide a detailed and comprehensive plan within three months after submission of the final WHOIS Review Team report that outlines how ICANN will move forward in implementing these recommendations.

Susan Kawaguchi: Right.

Emily Taylor: Any comments, queries on that? Do we want to include budget implications? Kathy? You have your hand raised. Please go ahead.

Kathy Kleiman: Yeah, a quick question for Susan. Susan, the three -- forgive me, I'm getting confused, the three months and the six months. And so just wondering is three months enough to come up with a detailed and comprehensive plan? And are we looking at two different dates or am I missing what the two different dates are, the three months and the six months? Thanks.

Emily Taylor: The six months being the time set out in the Affirmation of Commitments. Is that right? Is that what you're referring to, Kathy?

Kathy Kleiman: Yes, exactly. I think Lynn posted it earlier.

Emily Taylor: Yeah.

Susan Kawaguchi: Right.

Kathy Kleiman: The last line, the 9.2.1.

Susan Kawaguchi: So -- and maybe I'm misunderstanding this, so it would be good to clarify. But, I thought the six months was for them to start implementing, but my concern is that I would want to know that they have a plan to do that. And we've spent a lot of time working on all of

this, so it seems -- it seems sensible that they should provide this comprehensive plan within three months, to sort of keep their feet to the fire and then allow the community to know what the plans are, instead of getting to the six months' timeline and then having them sort of back off and say you can't do this, you can't do that. That's what I'm -- I would like to prevent happening.

So, that's why I thought if we had something where they had to actually detail a plan, because that would give us -- give the community three months to sort of say, no, this is not acceptable and, ICANN, you will need to move forward with this at the six month mark. Just sort of a checking point, in my opinion.

Kathy Kleiman:	Interesting. That makes sense. Do we think they can do it?
Emily Taylor:	Well --.
Susan Kawaguchi:	Yes.
Emily Taylor:	It might be -- Susan, if you could just explain a little more in the language, just expand the language that you're using --.
Susan Kawaguchi:	Okay.
Emily Taylor:	And refer to the six months saying that although we think that -- although the affirmation and commitment says six months to do something or other, an interim step should be this comprehensive plan within three months. And is it three months after submission of our report? Is it three months after board decision on the report?
Susan Kawaguchi:	I would like to hold them to three months after the submission of the report. I mean, they've had since December to really --.
Emily Taylor:	Correct.
Susan Kawaguchi:	Get a feel of what we're -- our recommendations are. Yes, we'll tweak some, but we're not changing -- we're not going 150 or 180 degrees on any of our recommendations, really. So, I mean, proxy's a little bit in flux, but --. So, I feel like they're -- they should have already been thinking about all of this. And part of this came out of the conversation we had with ICANN staff that made me more concerned, because there seemed to be a lot of confusion, a lot of, "Oh, I'm not sure we can do that," or "We already do that" when, no, that's not -- you're not doing what we're asking, so --.
Emily Taylor:	Yeah. So, any other --.
Susan Kawaguchi:	So, I can do that.
Emily Taylor:	On -- yeah, thanks. And also, just for those who've just joined the call, Susan started off by saying that what she's done is drafted up or rather pulled out information or findings which support each one of our data accuracy recommendations. I also asked Susan to just look at the terminology because we use unreachable instead of undeliverable and just to tidy that up. But, I think that -- thank you for doing this on the comprehensive plan. If you could just somehow integrate the Affirmation of Commitments to six months so that people aren't confused. That's a good point Kathy's raised.
Susan Kawaguchi:	Yeah, I agree.
Emily Taylor:	And also that the plan should probably include budget implications, too.

Kathy Kleiman: And I hate to say it, but there's one more thing. Kathy.

Emily Taylor: Kathy, go ahead.

Kathy Kleiman: The report -- I believe our final report goes up to the board and goes out on public matters and comment and that there's some specified period of time for those responses. So, I hate to say it, Susan, because I know how much you want them to move on this and I agree with you. But, I think we were told by Denise that it's a rule that it has to go out by (inaudible) board to comment. So, I think we're talking about three months after the completion of that public comment period.

Susan Kawaguchi: Okay. Well, let me confirm with Denise.

Kathy Kleiman: Okay, cool.

Susan Kawaguchi: And (inaudible).

Kathy Kleiman: Yeah.

Susan Kawaguchi: And then -- and see exactly where -- how this will work, because I lose track a lot of those details, so it's a good reminder for me, too.

Denise Michel: Hi. This is Denise.

Kathy Kleiman: Oh, hi, Denise.

Susan Kawaguchi: There we go. Let's ask you now.

Denise Michel: Yeah. How can I help? So, when the final report is submitted to the board, it will immediately be posted for a minimum of 30 days of public comment. Work often goes forward in parallel. I mean, as soon as the board and staff receive a final report, staff starts doing analysis and background work. And of course, nothing is sort of solidified or finalized in terms of the board's consideration until -- or even the staff's recommendations until a public comment period is completed and we have time to fully consider all the comments that come in. But Kathy is correct, the report -- the final report is received, it's posted for public comment. Usually the minimum period is 30 days. It may be more depending on what the timing is and what the board directs us to do.

So, your question is whether you want to start a three-month clock after that 30-day period or incorporate it in that?

Susan Kawaguchi: Right.

Denise Michel: (Inaudible), is that the question?

Susan Kawaguchi: Yes, that's my question.

Denise Michel: Yeah.

Emily Taylor: Yeah, that's very helpful, Denise. Thank you for jumping in to answer that and help. But, it's interesting that you say that, first of all, the public comment period, it has to be a minimum of 30 days. There's been some fairly extensive comment periods already on the draft report. And also, that you say that analysis and background work does tend to go on

in parallel but, clearly, we do need to bear that in mind. So, it sounds like the three months could probably work for delivery of a plan.

Denise Michel: Right. And of course -- yeah. And I think -- in fact, it might actually be longer than 30 days now that they have the required reply comment process for responses. But anyway, yeah, it's just the process that we follow. Even though you've had an extensive comment period for the draft, there will be (inaudible), so just technically to make sure everyone's had a chance to comment, but it will be posted again.

Of course, we'll also need to take into account what's -- what will be happening with the RAA negotiations. And that will also, I suspect, impact on what the proposed implementation paths are for the various recommendations.

Susan Kawaguchi: But, they could still work in parallel --.

Denise Michel: Yes.

Susan Kawaguchi: While wading through the -- the comments could come in.

Denise Michel: Yes.

Susan Kawaguchi: They could still start developing a plan with a deadline to provide it to the community. Because it's really -- they're not really providing it to us, right, because we won't be a team anymore.

Denise Michel: Exactly. The -- and again -- of course it's important to keep in mind that this will be the board's decision; how they handle this report will be the board's decision.

Susan Kawaguchi: Yes.

Denise Michel: And I'm assuming that the board will direct staff to come back with some type of analysis on the potential -- implementation schedules, resources required, options, things like that.

Susan Kawaguchi: Right.

Denise Michel: But, it is really the board's decision how they handle this report.

Susan Kawaguchi: But we could still ask for a detailed plan from them so that -- I mean, I just think --.

Denise Michel: I -- yeah. Yeah.

Susan Kawaguchi: More clarity to the community is the best way --.

Denise Michel: Right. Yeah, I --.

Susan Kawaguchi: (Inaudible) we're losing here.

Denise Michel: Yeah. And I think all concerned here can tell you that, based on our approach to the ATRT, what has worked well I think for all concerned is when the board and staff is able to present a fairly detailed schedule and milestones and that we track it. We keep people up to date on where our progress is. And we -- it would be ideal, I think, if we were able to take a similar approach to this and have some clearly articulated work plans, milestones and schedules as well. Understanding that if some of these recommendations require a PDP or will need to wait to see where the RAA negotiations come out, that will

add some uncertainty in terms of the implementation schedule. But, yeah, you get my idea.

Kathy Kleiman: Yeah. And if they put that in the plan, that would be fine.

Susan Kawaguchi: Right.

Kathy Kleiman: At least so we understand their thinking, ICANN's thinking.

Susan Kawaguchi: Right, right. Right.

Emily Taylor: Yeah. I think that's really helpful. Thank you, Denise. And I think -- do you have the direction that you need now, Susan, to --.

Susan Kawaguchi: Yes.

Emily Taylor: To just refine that. And you're going to share your draft findings and the language of those recommendations when you've just had another squint at them.

Susan Kawaguchi: Yeah. I just need to -- I sort of -- I think I made them a little too lengthy. And once I redo them --.

Emily Taylor: Okay.

Susan Kawaguchi: But, I will get those out.

Emily Taylor: Okay. That's great. Thank you very much for that, Susan.

Susan Kawaguchi: No problem.

Emily Taylor: Thank you, Denise.

    Okay. Proxy and privacy. I've seen some activity on the list on these. Well, Peter's not able to join the call, but on the call we have Susan, Seth and James. So, does anybody want to update the team on where you've got to?

Seth Reiss: Susan, do you want to lead or Kathy?

Susan Kawaguchi: Well, I mean -- so, I sort of agree with this recommendation, but I'm also concerned that we've left out some important elements out of the previous proxy recommendations. So, I put that into an email, which is probably -- I don't know if that's been incorporated in here or not. I'm trying to see all of the --.

    So, I was concerned that we're leaving out the requirement or the suggestion that registrars have to disclose their affiliated relationships with our proxy service providers, because that's -- to me, that's going to be the initial step in figuring this whole puzzle out. And so, to me, that was a very strong recommendation, just because of the issues I see with -- the (inaudible) proxy, I know who that is, but there's a bunch of -- 100 at least of other proxy service providers that I cannot -- it's very difficult. I'd have to spend a lot of legal time, legal outside counsel time to figure it out. And that just doesn't make sense. It's not a healthy marketplace then.

    And then I just -- I agree in theory that an accredited situation is -- accreditation is probably what we need -- what ICANN needs to do. I just worry that it's going to take so long to get there and that, in the meantime, we're letting the fox into the henhouse. So,

even though -- I would like to sort of morph this into a voluntary best practices 8.1 recommendation and then, stage two, go immediately into an accreditation scenario, but I don't know that there's enough support for that, or any support for that.

Emily Taylor: Okay. Thank you. So, Susan's raised -- well, one query which we might just be able to source out here on the phone, which is the loss of something that was included before, i.e., the obligation to disclose any affiliation with accredited registrars. Has that gone by accident or is that gone be design? Can anybody -- Seth, are you holding the pen on this, or --?

Seth Reiss: No, I'm not good holding pens, but I'm happy to help. I don't know if this has been debated. I think Jim -- James might have -- be the person to respond because --.

Emily Taylor: Okay.

Seth Reiss: I have no problem with the disclosure requirement. I don't -- and I thought James might be the most interested in the issue.

Emily Taylor: Okay. James?

James Bladel: Well, I don't really feel like I have a lot to add to this. It's already well exceeded my comfort zone, as I've indicated. The disclosure requirements to me make some degree of sense. I think it's diminished in its relevance when we're talking about an accreditation program because we can assume that those types of relationships are either understood or disclosed during the accreditation process, whereas that sort of thing is -- if it is similar to what we would see, for example, in the registrar accreditation process.

Anyway, that's -- yeah, I just feel like we've gone very prescriptive in this particular recommendation, so I'm kind of sitting back and watching the show now.

Emily Taylor: Yeah. How -- so, we're very much looking at a work in progress, how we -- do I take from your comment, James, that we're not close to presenting consensus views of that small team yet to the list? Because I don't think that this is not yet -- the wording that we're looking at now hasn't yet circulated on the full list, has it?

James Bladel: It's possible, but I mean, there was something recently that -- I haven't had a chance to look at possibly the most recent one, so it's -- it's possible that I'm just not current.

Emily Taylor: Um-hmm. Um-hmm. Anyone help on this?

Kathy Kleiman: Yeah, Kathy.

Emily Taylor: Kathy.

Kathy Kleiman: First, I wanted to say that I heard two points from Susan and I agree emphatically with both of them. I really like disclosure. I thought it was something we agreed to and I wasn't sure how it got dropped, but I think disclosure of affiliated proxy and privacy service providers is great. More information is great.

I also think that the accreditation is a ways down the line. I really like the idea of voluntary best practices. And let's encourage it, let's push it and then the next review team in the community as a whole will get to see the uptake on it. It's a carrot. And if people don't follow it, then the six (ph) is going to follow and we know what will follow. But, voluntary best practices, the entire community kind of views as a big step forward. So -- but, there's still some queasiness and uneasiness as we saw at the microphone in the

public forum. So, I think that's where we are; so, plus one on those things, if I understood them, correctly. So, thank you.

Emily Taylor: Thank you. So, it's sounding a bit like the disclosure requirements -- noting what James has said, if we're going full on for mandatory accreditation, that perhaps disclosure is less relevant. But, I'm not hearing a huge push back against including it.

                     Seth, you wanted the mic?

Seth Reiss: Yeah. Yeah, I sense that we're going to have a division on the issue of mandatory and voluntary, because I know that Peter and I feel fairly strongly about not suggesting a voluntary system, and I know that Kathy and others feel strongly the other way. So, I've always gone back to the issue of we're a review team and what is really our role in terms of recommendations. And so, what I'd like to throw out for thought is whether we can make a recommendation and not opine whether it should -- not mention the issue of mandatory or voluntary. Leave that out.

Emily Taylor: Or even --.

Seth Reiss: I mean, that's -- I guess that's --.

Emily Taylor: And I guess that picks up a thread from Peter, who's not able to join the call, sent some fairly lengthy comment and he seemed to be going in that direction as well.

                     James, do you want to respond to that?

James Bladel: Yeah. I think Seth's assessment is correct. I mean, I'm not speaking for Kathy on this one. Just my own personal opinion and some of the conversations I've had with our legal counsel internally is that I just can't sign on to any recommendation that with the scope of a pen disenfranchises millions of legitimate customers whose interests really are not represented in this group, I feel. So, if I have to be the lone guy standing on the tracks when the train runs me over, then I guess that's the role I'm destined to play on this issue. But, that's kind of I think where we're headed in the subject then.

Emily Taylor: Okay. Well, can I just offer something, because it sort of picks up a comment that Susan made just now, which was that -- I think, Susan, you expressed a worry that to arise at a set of mandatory requirements might take so long or prove so difficult that a lot of the -- the immediate or short-term benefits could be lost.

Susan Kawaguchi: Right.

Emily Taylor: Am I --? Now, I believe that where we were -- the consensus position that we had going into the publication of the draft report was to say, well, as Kathy said, this is the carrot here. We're saying, okay, community, come up with some best practices, clear your act up, if you like, get some good practices and some standardized responses and there might not be a need to extend an accreditation system if we all go right. And I think that we also said, well, actually, there's quite a high measure of skepticism on this review team that that would work but let's give it a try. And taking Seth's point, and we've just heard it on the call, we're going to very quickly start to see consensus breaking down if we insist on one thing or another.

                     And so, Seth, I like your approach of trying to explore whether we can -- first of all, do we -- can we dodge the issue entirely? Can we set out a roadmap to say -- as we did before, actually, to say, first of all, let's go for voluntary best practices. We will be looking to either the next review team or a certain time in time in the future to evaluate

whether or not that's been successful and, if not, it's going to have to be a lot harsher and a lot more directive. But, given that we're just starting down this road, let's -- we've still got -- we've got a lot of fact finding in the policymaking process.

Now, what we seem to have on the paper that I'm just seeing for the first time now is something that's a lot more condensed. It explains itself nicely. So, from my perspective, it looks like its heading in the right direction. Maybe we can help this small team here by exploring some of those. This does not have to be the last word on privacy and proxy. We just have to -- I think it's more valuable to have something that we can all signup to. It's not essential. So, we can't have -- we're not going to be, if you like, just have a minority of one on either side of the spectrum saying, no, I'm not signing up to that unless we can't go forward, but let's try to explore what we can agree on. Because I actually think we could probably do something useful by setting a process in motion that is then checked on in a couple of years' time, but could bring forward some real benefit much sooner than that.

Does anybody follow what I was saying? I went on a bit.

Bill Smith: Emily, this is Bill. I have a different question following onto James' comment. I'm wondering who isn't represented here, the millions of customers? I can understand there are people who want contact information kept private. There are services that provide that for them today. Requiring that those services be accredited need not disenfranchise any of the customers. It may disenfranchise some of the operators if they choose not to become accredited. But in fact, what we are doing is to provide -- we would be doing by an accreditation process is to provide better service to the customers. So, I'm -- I actually am wondering who is disenfranchised here.

Emily Taylor: James?

James Bladel: For a response I would offer that this is an encroachment of ICANN policy into a private commercial relationship between an operator and its customers and a registrar and its customers. And I just -- I believe very strongly that the idea or the concept of an independent service operator that's not affiliated with ICANN has some value.

Now, I think Bill is -- to Bill's point, it's not entirely correct to say that just because an operator -- or someone enjoys the services of a provider now that that provider should just go and fill out the paperwork and jump through a couple of hoops and pay the fees to ICANN and now it's accredited and no harm, no foul. I think that it's unclear how that will translate into service quality, pricing, service availability in various countries for various TLDs.

And I think that we're now getting into an area where the voices of those who are calling for increased government and law enforcement reach into this type of data are, in my opinion, are kind of dominating the conversation, whereas the voices of those who believe that governments and low enforcement should have a minimal role in obtaining that information, or at least there should be some element of due process involved should be heard a little bit more, of a balanced thing.

I mean, for example -- I mean, the draft, the language we have is a lot better, but the first balance, the first swing at this I thought was particularly harsh in its criticism of the very existence of these types of services. And I think that once we establish that as a starting place for dialogue, it doesn't bode well for the whole direction of the conversation. Thanks.

Bill Smith:	Well, I think, at least from my perspective, part of the reason for starting from that point is the Affirmation of Commitments claims that there will be accurate information about registrants in the WHOIS system. The fact that privacy and proxy services exist is problematic. I'm not debating that they should in fact exist. I think they should. The problem is that ICANN has neglected this. It has allowed them to spring up and it does not regulate them. And as a consequence, it cannot deliver on the promise that it has made in the Affirmation of Commitments. It has to do something, or --.
James Bladel:	I disagree, Bill.
Bill Smith:	Well, it either has to do something to regulate or it has to change the Affirmation of Commitments because there is no way to deliver on that promise. It is impossible.
Emily Taylor:	And just to highlight, there's a bit of conversation going on in the chat at the moment. Seth is agreeing with Bill and so is Michael, so is Omar.
	Seth, you wanted to take the floor?
Seth Reiss:	Yeah. I just want to remind everybody we're a review team and we look at the Affirmation of Commitments objectively and without emotion, theoretically. And so, I kind of agree with Bill. That's a promise made and we're supposed to evaluate how we're doing in respect to that promise. I also am sensitive to some of what James has said, that governments are out there getting all sorts of information and exerting their sovereignty. So, it's not an easy issue, but I think we need to go back to the fact that -- and I think Peter noted it in his email, that we're empowered in a theoretical manner and not to solve the problem. And we keep going into this issue in terms of we're here to solve the problem and we're not. And so, I think if we could step back a little from that aspect. Luckily, we don't have the harder job of solving the problem. And I think we can make a statement that doesn't implicate a lot of the things that are being discussed.
Emily Taylor:	Yep. James?
James Bladel:	Yeah. I just want to 100% agree with what Seth has just described here. But, my primary concern is that this is a top-down approach to solving a problem, or it appears to be that we're on that track. Whereas, as a review team, I think Bill actually -- I don't know if it was his intention or not, but he hit on the underlying question. Maybe the answer is we have reviewed the Affirmation of Commitments and found that ICANN has signed onto something that it is not currently capable of delivering on this promise. And I think that to then take the next step and say and here's what ICANN should do to solve its -- to keep its promise, I think that's the part where I start to say let me off the bus, is that we've now stepped outside of identifying the problem or quantifying a problem and its impact and now we've stepped into we're going to fix this.
	So, I think that -- this is some part of the reason I've emphasized that the idea that any recommendation herein needs to emphasize the existing mechanisms within ICANN such as a PDP, because this particular review team is not authorized to deliver a fully formed policy recommendation to ICANN like a baby in a basket left on the doorstep. I mean, it has to go through a process where folks like myself and folks like governments and law enforcements, and also folks who use these services call can contribute and their voices can be heard.
	I don't want to go into too much detail, but we've seen recently where these things can be -- issues like this can escape these kind of in-store communities, like ICANN or like registrar groups or something like that and get out into -- and turn into boycotts and Twitter backlashes and things like that. And I don't want to name names, but let's just say

I was very close to an incident like that recently and it is something that we should be mindful of, because there's a whole ocean of folks out there that have different interests that can come down like a ton of bricks on for-profit commercial service operators like the ones that I represent. Thanks.

Emily Taylor: Thank you. I'd like to -- this has been a useful exploration and I hope that those working in this small team -- and by the way, thank you. There's evidence of substantial work and thought that's going on. I think that you're making probably more progress than you give yourselves credit for. I hope that you've got some good soundings now from other members of the team. We constantly remind ourselves that we're not here to make the policy. I see that the language that's there up on the screen does indeed mention PDPs and uses the sort of the -- could, for example, we use this; could also do that.

Now, we need to bottom out this mandatory or voluntary. I think if you're not able to reach agreement I would strongly suggest that you go back to the findings that we had previously, which I think struck a reasonable balance that we could all live with. That -- I think that that satisfied the hawks as well as the doves in the team. We're describing here a roadmap. We're describing a process that will take some years. And I hear the people like Susan, who would be frustrated by that, but this is -- these are difficult issues. They've not been addressed in the sort of policy environment in an adequate or at all before and it will take some time.

So, can I suggest that that small team circulate some agreed language? Do you think it's realistic to do that by the end of this week?

Bill Smith: Yeah. I think the sooner the better for our team because --.

Emily Taylor: Given the fact that -- I think that if we could -- I would like to get some language, even if it means people letting some things go, cherished things go, I would quite like some language that we can all react to with enough time before we have to deliver this thing. It is difficult and I think you -- the people working on this are doing a great service to the rest of the team and to the community in trying to nail this. Susan.

Susan Kawaguchi: I just want to make a comment that I think Peter said he's out of pocket until after Easter.

Emily Taylor: Yeah. Yeah.

Susan Kawaguchi: So, I'm not sure we could do that by Friday without his input since he's been a central figure in this. And in just listening to everybody's discussion, I mean, my concern about a requirement for discloser of affiliated service providers, I think maybe we could write that up a little bit more as a finding and not a recommendation then, just so that it -- if it means that issue is called out a little bit more clearly, then I think I could live with that and compromise. So --.

Emily Taylor: Um-hmm. Thank you.

Susan Kawaguchi: I'm up for another redrafting of this, but I think we need Peter to do so, so the timing should include him.

Emily Taylor: Well, so why don't we send you all back into the ring and look for -- I think Peter's back on Tuesday his time. So, I think let's say by the next call because that will give him two days of his time, because he's a day ahead of the rest of us.

Susan Kawaguchi: Okay.

Emily Taylor: So, thank you very much. I think that's good progress there and with difficult issues. Thank you.

Kathy Kleiman: Emily, can I add one more thing? It's Kathy.

Emily Taylor: Yes. Hi, Kathy.

Kathy Kleiman: I don't know if you can hear me. I'm on a freeway right now.

Emily Taylor: (Inaudible.)

Kathy Kleiman: But not driving, fortunately. Just a quick note about some of the -- I think we've lost some of the other findings that we had earlier on about kind of the broad range of use of privacy and proxy services for not only commercial organizations, but natural persons and non-commercial organizations. So, I'll be trying to put some of that back in. So, I like Susan's idea of bringing forward some of the consensus that we had before and some of the agreements because I think it helps, even -- there are communities very, very nervous about where we're going with proxies. And let me just put on my Kim von Arx hat since he asked me to. That's -- we have no NCUC/NPSG representative with us right now, but there's a lot of concern there. So, putting back some of those consensus language is what I use to kind of help pull them forward and make them feel a little more reassured. So, I'll be trying to insert some of that back in. Thanks.

Emily Taylor: Thank you.

                     Alright, the next stop is I draft some language last week on recommendations 3 and 17. I don't know whether anybody has had a chance to look at those or has any comments on those. I didn't -- they're quite lengthy. It -- I'm happy to take comments if people want to do that on the list, that's fine. If you want to just throw anything out there now, equally that would be welcome.

                     Should we do a truth or dare thing? Has anybody actually had time to read this?

                     I don't know how to read the silence there.

Bill Smith: Emily, this is Bill. I missed the "What is this." I was on another conversation I had to be in --.

Emily Taylor: I don't think you're in the -- you're not in the Adobe room, are you? So, we have --.

Bill Smith: No, I'm walking to my next meeting.

Emily Taylor: Okay. So, we have -- I had the task from Costa Rica to redraft or to do something on the strategic priority recommendation, which was number three, and put together the findings and I think also just to have a look at the wording of the recommendation, although I can't -- I think the recommendation is slightly tweaked. And then also, 17, which is -- was our famous alternative options recommendation. And again, it was just pulling out the finding and putting in the recommendation as it morphed into, and just making clear that we're not proposing a change in policy, where the data is held or any of the other things that seem to be causing widespread panic.

                     And so does anyone have any comments on this? I think it's called to believe that (inaudible). I don't feel completely confident that we have full consensus over this wording and I'd like to be more confident if people have really had a chance to take it in and assess the wording.

Bill Smith: So, I will come clean.

Emily Taylor: Yeah. Thank you --.

Bill Smith: I'm come clean and admit that I have not read it.

Emily Taylor: That's fine. That's kind of what I was expecting. Thank you for your honest, Bill. Does anybody else want to follow Bill's example?

Susan Kawaguchi: Yeah, me either. Sorry. I'm Susan.

Emily Taylor: Okay. James has put the pick on the Adobe room, which I think is also an admission. Listen, can we take an action item to review those? It's only about three pages of text. I'm sure you'll have comments particularly on the findings of the strategic priority, which are rather trenchant. So perhaps, Alice, could you circulate the document by email to the list? And can I ask for your comments before the next call?

                       So, we can now move on to the text on accreditation, which Kathy's going to do while driving on the freeway; in a completely legal and safe manner, though, of course.

Kathy Kleiman: Of course. I'm going to try to -- let's see. Does it count, Emily, that I printed out your recommendations? While I'm looking for mine. Does that count?

Emily Taylor: Well, that's progress. Thanks.

Kathy Kleiman: Okay. This was the text on accreditation. I actually had to scratch my head and wonder what -- because we've been talking about accreditation and proxy/privacy. And I went back to my -- I went back to -- I kind of went through the discussion that we had in Costa Rica. And correct me if I'm wrong, but I think what I was supposed to do was look at the text on de-accreditation for the registrars and see if there was something short of off with your head and termination of the contract in the 2009 registrar accreditation agreement. And it seems (inaudible) it is there. It's 2.1 and it's an accreditation section under section two, which is ICANN obligations. And it says that -- it allows ICANN to suspend a registrar's ability to create new registered names or initiate inbound transfers of registered names for one or more TLDs for up to a 12-month period. And so, this is -- and then it gives certain -- if there are certain problems.

                       So, the beginning of the graduated sanctions is there. I guess one of our questions going forward will be is it enough or do we still -- does it mean that we don't do our recommendation about more gradual sanctions or would we still like to see more than what's offered here.

Emily Taylor: That's great, Kathy. Thank you, first of all, for working out what you were supposed to do on that because I had completely forgotten, and for your research in finding that out. That's great. And also, it does chime with what the compliance team told us and I think we had some staff input on that. So, that's great.

                       James?

James Bladel: Just to address the question. I think -- thank you, Kathy. I did see this. I did skim it. I have not sent a response, but one item I was planning to submit as a response was we had discussed some concepts, particularly with relation to WHOIS and the operation and availability of a WHOIS server; not necessarily the data itself. But, we had talked about, for example, an SLA associated with the accessibility of a WHOIS server. I think this

impacts registrars as well when they're operationally attempting to facilitate a transfer and the current registrar is holding the name hostage by not keeping their WHOIS server running. I know this is something that ICANN has looked at on a programmatic basis and that was obvious from our call -- I'm sorry, our visit out to Marina del Rey recently.

But -- so, I think that if there's anything further we should be looking at, the answer would be any sort of recommendations between a nasty-worded letter and suspension there could be in this intermediary step of some sort of financial penalties/FOA or service level exception that we -- I think that was also on the table in San Jose. Thanks.

Emily Taylor: Thank you. Yeah. So, that seems to be a steer, Kathy, towards we would be recommending the expansion of the -- but, I think that there's also a theme, isn't there, of not just the stick but the carrot as well and that we're recommending the sort of expansion of the tools and the type of tools in the toolkit for the compliance team. And we may not need to even say anymore than that, learning from our -- just our recent discussion on proxy and privacy, but that we're looking for that kind of movement.

Does that help you, Kathy?

Kathy Kleiman: Sorry, coming off mute here. So, let me see. So, we're looking for kind of additional tools in the toolbox beyond 2.1 as we've now seen it, as well as 5.3, which is the complete termination of the agreement, that we'd like to see more tools and more graduated types of sanctions on the WHOIS. We can't speak to anything else but on the WHOIS.

Emily Taylor: Yeah.

Kathy Kleiman: Perfect.

Emily Taylor: And also incentives as well as sanctions.

Kathy Kleiman: I'm sorry?

Emily Taylor: And incentives as well as --.

Kathy Kleiman: Incentives, yeah.

Emily Taylor: Because that just picks up a theme that we've discussed amongst ourselves and we don't always -- I think that hasn't reflected quite as strongly in our recommendations as we probably needed. James?

James Bladel: Just real quickly. What might be helpful is if we were to put together a sort of a hierarchy of enforcement actions. So, the first one I think is described as a notification and then the second one is a breach letter and then the -- now we have this new one which is suspension and then there's something -- and then there's termination. I think the capital punishment's at the end of the line. And maybe what we would want to do is, whatever we would want to identify as saying that this -- there should be something in this other tier. There's a tier here that's missing. There's a tier here that's somewhere between breach letter and suspension. There's some other stronger penalty, like -- whether it's financial or something like that, or some other incentive should exist that is equivalent as this tier and that we could set up those different tier levels. And I'd be willing to take a swing at that, Kathy, in response to your document, take a first swing at that for the group to throw out the bat and see if there's anything of value in pursuing that approach.

Kathy Kleiman: Actually, I just came off mute to ask if you wanted to work with me on it. That would be great.

James Bladel: Yes. Will do. Sure.

Kathy Kleiman: Fantastic. Great. Thank you.

Emily Taylor: Thanks for that, James, and we could have a look at that next time.

                     Great. So, I'd like to -- unless there are any other comments, I'd like to move on to the next item on the agenda, which is an update on the status of the IDN recommendations. I guess it would be Michael or Kathy or -- I think Wilfried and Sarmad are not on the call, so --.

Michael Yakushev: Well, (inaudible). It's Michael speaking from Moscow. So, I'm ready to debate on the current situation, which is not very much different from what we have already said before. And unfortunately, Dr. Sarmad informed us that he's unable to give any of his comments until next Monday, April the 9th. And I am ready to introduce any changes to the text of this -- these recommendations, to simplify them, to remove any ambiguity, etc. But of course, I would like first to have a kind of agreement and consensus within our small group.

                     So, I think and there were not -- there were no criticism about that, that there should be at least three positions for such consensus, that we should recognize and we do recognize that the implementation of new TLDs, both IDNs and non-IDNs, there were not enough attention to the issues of the WHOIS and IDNs. And such problem does exist and we need to somehow to solve it.

                     Second, the idea to create a very limited compound subgroup of experts to describe the problem, to fix the problem and to try to introduce certain solutions. It's a good idea and I think we should support it. But of course, the deadlines have not been definite. And third, by no means the introduction of IDNs and such (inaudible) of new technologies should not undermine WHOIS as it is and should not be any justification for just telling that with introduction of IDNs WHOIS is less important or less efficient, etc. So then, finally, all issues and new procedures should be both applicable for IDNs and non-IDNS.

                     We also have received a number of comments, on behalf of ICANN staff for example, and the variable comments from (inaudible), from China. And I think we should take into consideration all of them. And finally, maybe there would be not three, but two or one recommendation, more laconic, more understandable, less ambiguous. And I think by the beginning of the next week, as soon as everyone is ready from our sub-team to give his or her feedback we will be able to present the final version of such recommendations.

Emily Taylor: That's great. Thank you, Michael, and thank you for that summary.

                     The -- broadly speaking, I think that we're all fully behind the idea and recommendations. This has not troubled the group in terms of reaching consensus. This is an editing job. So, if you can come back to the next call, or hopefully circulate prior to the next call your draft language, that would be very helpful. Thank you.

Bill Smith: Emily, this is Bill.

Emily Taylor: Yeah.

Bill Smith:	If I could just jump in. I've go to run in to my next meeting. I just wanted to say that I, inline I think with Seth's comments, I am --a bout the last topic we were on. I'm in favor of ICANN doing something with privacy and proxy services; I just think they need to do something. And if they don't, we have a mess and I think it's our obligation to report that based on our charge from the Affirmation of Commitments. So --. Okay?
Emily Taylor:	Okay. Thank you.
Bill Smith:	Alright. Yep. Bye.
Emily Taylor:	It's noted. Have a good meeting.
Bill Smith:	Thanks.
Emily Taylor:	Okay. Alright. So, we'll look forward to getting the IDN recommendations early next week. Thank you, Michael, and thanks for the update.
	Language on timeframes and implementation paths. Oh, we accidently did at the top of the call, so I -- unless there are more comments on that. I think, Susan, we know where we're going on that, don't we?
Susan Kawaguchi:	Yes, we do.
Emily Taylor:	Yeah. And the next sub-bullet point compliance recommendations, I have to make a confession. I haven't even done anything about this. So, I will be revising that conversation. We've been in correspondence with Denise. And thank you, Denise, for providing more information to us from the compliance team because we've been just trying to grasp what the actual numbers of staff were, because the reports that came through just recently (technical difficulty) given by the compliance team last January. So, we've been trying to clear that up. We're also going to get some information about vacant positions, actual spend and budget, which will help to give us some background to strengthen I think our findings and recommendations. So, I will commit on behalf of Bill and Peter to have some language. If it's not for the next call, it will be shortly thereafter, so I think by the end of next week, given that Peter's going to be away until Tuesday.
	Okay. We have here on the agenda staff report on the implementation and tracking. Denise, (technical difficulty)?
Denise Michel:	I believe so.
Emily Taylor:	Okay. Please go ahead. Sorry, Denise?
Denise Michel:	Can people hear me okay?
Emily Taylor:	We can now.
Denise Michel:	Okay, great. Yeah, I was concerned my headphone wasn't working too well.
	So, my understanding, and correct me if I'm wrong, was that you wanted me to walk -- essentially walk though the staff -- initial staff input on the recommendations that were submitted. Is that correct or was there something else you'd like me to do?
Emily Taylor:	I think you, me and Kathy had an offline conversation about this, Denise. And we -- so, yes, I think that that was the plan, but you had raised this as a point which I think was very valid, that many staff members didn't make inputs into that, into those comments,

and so you would feel more comfortable having more voices on the call. Is there anything that you can add or suggest about the --.

Denise Michel: Again, I'm really happy to walk through the initial staff input. My -- so, my point is that if we want to get into great detail or drill down into some of these topics, it would be best to bring the sort of staff subject matter expert onto the phone so we can have a more detailed conversation on various things. And also, of course, I'm not in the RAA negotiations and so some of the ongoing proposals that are being addressed there are quite applicable to the input that we've provided. And so, I think it might make sense, depending on what the team feels its needs are to have me go through these recommendations and then, as team members can identify items that they would like to have a more extensive discussion on or more staff input on, we can arrange that perhaps for the next call.

Emily Taylor: Yeah. That sounds fine.

Kathy Kleiman: Emily, can I just add a note?

Emily Taylor: Yeah.

Kathy Kleiman: Okay. Yeah. Part of the thinking, just as by way of background for the team, is that hearing on our last call and our many prior meetings how important implementation is, that this is now our focus as we know, for the most part, what our recommendations are. We've got them 90% done. But -- so, the thinking was that if there's real concern about implementation, better for us to know now and see what we can do. So, hence kind of the special treatment of the staff comments is they're ultimately responsible for implementation and that's what we're really concerned about now. So, thanks.

Emily Taylor: Okay. Denise, before we get you started, it's now six minutes past the hour. I think we're aiming to finish the call by half past. Is it going to be achievable to go through -- for you to walk us through these comments in that time remaining?

Denise Michel: I'm happy to talk fast and focus on the best parts.

Emily Taylor: (Inaudible) we get to. I just thought I'd just highlight the timing issue.

Denise Michel: Yeah, sure.

Emily Taylor: But, yeah, that would be very important. Pease do.

Denise Michel: Alright. And so, all please feel free to stop me with questions and, with time, I'll start quickly going through them.

                   The recommendation one is single WHOIS policy. In the input, staff primarily wanted to confirm that we'll be -- the intent is to collect and post all the current gTLD WHOIS policies and procedures rather than create new ones, assuming that that is indeed the intention of the team. There's a little question about how it was written.

                   Recommendation two, about the WDRP, the WHOIS data reminder policy. So, I think there's been a fair amount of discussion, including some additional discussion in Costa Rica, about the WDRP requirements, the fact that ICANN staff currently has no contractual authority to require registrars to track -- registrars to track changes or provide ICANN with its data for recommended metrics. And as I think staff has explained in the conference call and in our meetings that staff is exploring various ways to achieve some improvements in the WHOIS accuracy, including several items that are being discussed

as part of the RAA negotiations as well. And those include some specific things on adoption of registrar best practices to improve WHOIS accuracy.

Another path, of course, is a new GNSO consensus policy that would modify what's required under the WDRP. And just noting an obvious additional path implementation. I'm not recommending this, but just a note for you some of the things that may be in play on implementation paths for this recommendation.

And then, of course, is compliance. I think as discussed with the team, they're looking at building additional compliance tools for measuring and assessing and (inaudible) looking at the cost of and different approaches to get a more accurate measure of WHOIS accuracy.

And of course, as I think you also heard from compliance, because of the feedback, early feedback that compliance -- the compliance team got from the review team, they've changed their WDRP audit for 2011 and included questions that illicit information from the registrars on how they verify WHOIS contact information upon registration and also on an ongoing basis. And that results will be shared with the team and the public soon.

So, recommendation three on the strategic priority, Seth provided information on how WHOIS is currently treated as a priority, both in terms of staff resources, budget resources and who compliance reports to.

So, recommendation four --.

Emily Taylor:	Sorry, can I just --?
Denise Michel:	Yes.
Emily Taylor:	Stop you there because this is something that we've been discussing and wondering amongst ourselves. So, the staff view on recommendation three is we're doing this already and this is -- so we're there. Is it --?
Denise Michel:	Yes. So --.
Emily Taylor:	A kind of we wouldn't have to change in order to fulfill this recommendation.
Denise Michel:	Yeah. This staff input is not -- so we're not providing staff, their viewpoint. What we -- what our intention was here was to provide information and to seek clarification and validation of what our understanding is of what you're recommending. So, what you see articulated in the staff input is here's what we're currently doing that makes -- I think that makes WHOIS a strategic priority. If you're recommending something different than what we're currently doing, then we would need more guidance from you on --.
Emily Taylor:	Right.
Denise Michel:	In your mind, what does it mean to make WHOIS a strategic priority beyond what we're currently doing? I think this is (inaudible) --.
Emily Taylor:	That's helpful. Thank you.
Denise Michel:	Okay.
Emily Taylor:	Susan, do you have your -- sorry, just to interrupt, Susan has her hand raised.

Susan Kawaguchi:	So, this is the one I -- I apologize, because I'm getting very confused on which is -- what recommendation is -- the number as I'm not keeping that straight and I don't have my copy in front of me. But, was this the recommendation where we were -- they would assign a senior executive --.
Denise Michel:	Yes. Yes.
Susan Kawaguchi:	Okay. So, I think just in the response, and we sort of talked about this last call, that we need to strengthen that recommendation. So, I just wanted to make that comment and make sure that it's on our list to do, because I'm getting lost on our list.
Emily Taylor:	Thank you. Yes, it is. That's something that I had to do. I've attempted it in that first draft, but now that I've heard from Denise, I'm going to have another look --.
Susan Kawaguchi:	Okay.
Emily Taylor:	In a while, so -- and I encourage you to do so as well, Susan, because I know it's something that you're interested in.
Susan Kawaguchi:	Yes, I will do that. Thanks.
Denise Michel:	Okay. So, recommendation four was the recommendation about outreach. And again, the staff input articulated what -- in broad brush, what ICANN currently undertakes for outreach strategies. Take a look at services and developing a new stakeholder outreach program. And compliance is engaging in some new activities to do general outreach and -- and also, as part of the new policy development process, the GNSO recently approved their outreach requirements in that as well.
	So, those are the -- currently what's being done. I think the team specifically suggested in our conversations that stakeholders such as national data protection authorities and consumer communities should be targeted in outreach and so it's there that additional specific targets or activities that we've seen, things ICANN should undertake. It would be useful to get that guidance from the team.
Kathy Kleiman:	Can I ask a question about that? Kathy here. Denise, I apologize. I don't have the comments in front of me. I don't have much in front of me except the road. But, here's the -- the new GNSO outreach requirement, I don't know about that. Could you either send us a link, or maybe now if you know about it, talk about the overlay. One of the -- the overlay with kind of what we're asking for in the WHOIS. One of the things that we were thinking of, and correct me if I'm wrong, everybody, is kind of an affirmative outreach to groups that we know are interested in the WHOIS policies by the GNSO. So, affirmative outreach to law enforcement, the list that Sharon Lemon put together, affirmative outreach to the data protection commissioners, so that they don't know we have to follow the GNSO list because they won't. (Inaudible.)
Denise Michel:	I'm sorry, Kathy, you were cutting out at the end. Hello?
Kathy Kleiman:	I'm sorry?
Denise Michel:	I'm sorry; you were cutting out at the end. So, I think -- can you guys hear me?
Emily Taylor:	Yes.
Denise Michel:	(Inaudible) not my phone. Okay. So, I think -- yes. I'll send you a link on the outreach required as part of the GNSO's policy development process, but I don't think it's in detail,

prescriptive, but it does also talk about outreach to interested -- potentially interested stakeholders. But, I can certainly send you a link on that.

If you're -- if the team is thinking about or if it needs more structured detailed outreach strategies or mechanisms, it would be useful to get more guidance on that. I think the staff comments were intended to just note things that are relevant, that are currently in practice or planned that are relevant to doing outreach on WHOIS and other issues.

Okay. Recommendation five, data accuracy, that ICANN should take permanent measures to reduce the number of unreachable WHOIS, and noting the NORC, that accuracy study calling for a 50% reduction in the next two years. So, staff noted in our response that increasing WHOIS accuracy is a goal that's being explored in a few ways, in particularly through -- right now through the RAA negotiation, that -- and in terms of the specific recommendation number five and the specific goals included there, I think we've talked -- we talked about this most recently in Costa Rica, that staff understands that the team means undeliverable when it means unreachable and that there are sort of issues involved in how far ICANN can and should go in determining whether -- in trying to determine what is being undeliverable. So in other words, what level of accuracy is desired. And staff said that of course achieving 100% accuracy may involve intrusive verification methods that can raise privacy or cost concerns. So, going through the -- I guess decision making and planning process to identify the right -- at the right point of accuracy versus cost and privacy issues would be an important component of implementing this recommendation.

And then also, staff raised the issue of determining the extent of the study; like, what is about the sample size. Given the overall market, should we -- is your suggestion to follow closely the NORC accuracy study sample size or to scale it with the market. So, those are -- that was also another issue raised in the staff comments.

And then --.

Emily Taylor: (Inaudible.) Denise, I saw a question from (inaudible) saying are you talking about making things 100% accurate. And I think it's absolutely clear, or I thought it was absolutely clear, that we're not. We're talking about contactability. But, is that something that staff understood from our recommendations, that we were trying to get everything 100% accurate?

Denise Michel: Yep. Yeah, I think -- yeah, I think especially the Costa Rica follow-up conversations were useful in that regard. I think -- I mean, there's a whole range of I guess potential mechanisms that could be used to determine whether something is undeliverable or whether there is indeed no contact at the other end if you email someone or send them a snail mail letter, trying to contact them by phone, send a contractor out to drive by their address. I mean, it's -- so there's, right, a whole range of things I guess (inaudible) that you could do. I think one of the questions that staff raised was what would our -- what could and should an implementation effort look like in this regard when you're going after a --.

Emily Taylor: I think that the -- that I had thought that it was clear in what we were saying, that we're not talking about that sort of obsessive behavior, but actually more using the terms and the concept in the NORC report in that undeliverables were ones where every single means of trying to contact failed.

And so -- but Susan, I think if you'll -- because you have the task of reviewing this wording in light of how staff is understanding them. And it's probably useful to just be aware of those misunderstandings and that we need perhaps to be a little clearer.

Denise Michel: Yeah, I can --.

Emily Taylor: Okay.

Denise Michel: (Inaudible) avoidance of doubt. You are the stick, you know.

Unidentified Participant: (Inaudible.)

Denise Michel: Verify that we're talking about the similar -- the pragmatic means used in the NORC study to identify uncontactable -- yeah.

Susan Kawaguchi: So, we also may -- this may be an indication that we need to talk to staff about this and get -- and sort of have that open discussion with them so that we're understanding. I need you to know, Denise, you're doing a great job of communicating that, but it may -- it --.

Denise Michel: Sure, (inaudible) discussion. And also, yeah, you raised a good point, Susan. I think, also, that it's an important discussion point within the RAA negotiations, of course. And so, I think the team would probably benefit from getting an update on where this issue stands in negotiations. And additional accuracy and verification requirements at the point of registration is something that's been an active part of the discussions and they're negotiating various issues that touch on this in the negotiations.

Susan Kawaguchi: Okay.

Denise Michel: So in that manual (inaudible) and the staff input.

But -- and then we also pointed out, of course, that if they -- if the negotiations ultimately aren't successful in reaching an agreement on verification obligations that are not included in a new RAA -- amended RAA, then a GNSO policy development process would need to be initiated to create a consensus policy so it could be enforceable on registrars.

Okay. Then, moving on to data accuracy, which is recommendations six and seven. This -- six is a recommendation about publishing a new accuracy report on measured reduction and unreachable WHOIS and status reports. So, relevant to the prior discussion about unreachable, we noted again that staff is reviewing how to report, how to better report on WHOIS inaccuracy complaints and measure reductions over time and more proactively engage with noncompliant registrars. So, that was noted in there. I think the team's recommendations on number six is fairly well understood. And the staff noted that analysis and looking at ways to improve accuracy again are under discussion in the RAA and also a priority for our compliance staff.

Recommendation eight on -- also under the data accuracy heading that ICANN should ensure there's a clear unambiguous and enforceable chain of contractual agreements with registries, registrars and registrants. So, we noted in the staff comments that we're also pursuing this goal and, of course, particularly the use of graduated penalties, excuse me, and that this is part of the RAA negotiations. We also pointed out in the staff notes that there are some graduated sanctions already included currently in the RAA, and there's a footnote there that gives you citations. I think you've already mentioned them earlier in the call as well.

Emily Taylor: Yeah.

Denise Michel:	So, the -- again, if we bring some additional staff onto a call with the team, this would be also, I think, a really good point to give the team update on in terms of where we are in the RAA negotiations. A fair amount of time has been spent in discussing this as well.
	So, in the staff comments we also noted that if there's a desire to require registrars to conform to a particular -- a more rigorous course of action and remedying WHOIS data and accuracy, that the RAA could be amended to these negotiations or a consent of policy could be pursued to require more and additional specific steps from the registrars.
	We also noted in the staff comments (inaudible) had also raised in Costa Rica that enhanced WHOIS accuracy provisions. Theoretically, it also could be introduced through provisions in the new gTLD -- related to the new gTLD program such as through registry/registrar agreements with new registries or an RAA form that would be applied to new gTLDs Again, just theoretical and potential implementation paths for this item.
	Recommendation nine, also under data accuracy, was that ICANN should ensure that requirements for accurate WHOIS data are widely and proactively communicated. This is also something that the staff has been engaged in and you've heard of some of the activities that compliance has undertaken. And in terms of the registration education efforts, we note in the staff notes the -- some activities that are currently -- that are occurring, and also note the -- that the RAA requires registrars to post links on their website.
	And let me see here. I think one of the questions that was raised by staff here is that -- whether it was the review team's opinion or guidance that current communication to new registrants and renewing registrants is inadequate and whether some more specific or different types of communication should occur; where there should be enhanced communication obligations on the part of registrars or ICANN staff. So, I think that was a question that would be useful to get some clarification on. And depending on what type of communication are -- communication requirements the team wants -- is recommending, the RAA could be amended to require registrars to undertake additional steps or a consensus policy could be pursued on this.
	Let me see.
Emily Taylor:	How are you doing?
Denise Michel:	Of course --.
Emily Taylor:	You're struggling. Have you got a cold?
Denise Michel:	Yeah, I'm sorry. I'm getting over a bad cold.
Emily Taylor:	Okay.
Denise Michel:	Sorry, I hope you can hear me okay.
	I think we also noted in the staff notes that another potential implementation path that may be considered here would be the registrar, amending the registrar code of conduct, which is the -- in the RAA under 3.7.1. Amending that might be another potential path to implementation of this recommendation as well.
	So, recommendation 10, data access privacy services, that ICANN should develop and manage a system of clear, consistent and enforceable requirements for all privacy services consistent with national laws. So, in this one, and again, I think we also

discussed in Costa Rica that staff is exploring various mechanisms to have clear, consistent and enforceable requirements for privacy services and that staff has proposed creating an accreditation program for privacy services. And this is something that's being discussed as part of the RAA negotiation.

We also noted in the staff notes that it would be difficult for staff to ensure that all privacy services are covered by a proposed system since ICANN, of course, doesn't have contracts with registrants. It -- that would limit our ability to identify all privacy services in use. But of course, and we note in the staff notes, that if an obligation is included in the RAA that a registrant may not knowingly accept registrations from unaccredited privacy services, that we anticipate that that would capture substantial portions of the privacy registrations available today.

So, let me see. In addition to noting the negotiations underway on this topic, staff notes also noted that creating a new ICANN accreditation program for privacy services would have significant budgets and operational impact and would require time and resources to implement, and that we would need to carefully analyze and provide an implementation plan for this.

Do you want me to stop or do you want me to continue on to recommendation 11?

Emily Taylor: No, this is helpful. If you have the energy to --.

Denise Michel: Sure.

Emily Taylor: To keep going. I think this is a really helpful view, particularly as we've allocated some redrafting and reviewing tasks for ourselves. So, it's just good to have this reminder

Denise Michel: Yes.

Emily Taylor: If I can trouble you to keep going for us.

Denise Michel: Sure, I'm happy to. And if anyone has to drop off, I'm happy to talk one on one or answer emails as well. So, please feel free to contact me.

Emily Taylor: We appreciate it.

James Bladel: Thanks, Denise. This is James. I have to leave. I hope you're feeling better. Thank you.

Denise Michel: Okay, thanks.

So, recommendation 11 under data access privacy services that ICANN should develop and graduate and an enforceable series of penalties from privacy service providers who violate the requirements and a clear path to do the accreditation.

So, in the staff notes we state that an accreditation program -- if an accreditation program were established for privacy services, then we would expect that a graduated and enforceable series of penalties would apply, will be part of this program. And we noted that community input would likely be sought on how such a program would be structured. And questions, including what types of penalties should apply. If we de-accredited a privacy service, what would happen to the service's customers? Those types of practical but important issues would need to be addressed as part of the implementation for this type of effort.

And then, of course, ICANN's ability to implement this recommendation would be dependent on entering into direct contracts with privacy services providers. And of course, without those contracts we would not have the ability -- our ability to enforce this would be limited. And so, we note that we would -- we continue to analyze the various elements of such a privacy service accreditation program. The work continues on that.

But again, any additional sort of guidance on this from the team would be helpful and we may also want to flag this --.

Kathy Kleiman: Denise, can I ask a question?

Denise Michel: Sure.

Kathy Kleiman: Great, thanks. And thank you for doing this when you're not feeling well. We appreciate it.

Was there any -- when we were talking about privacy service providers -- and we don't have a lot of information, but the sense was that it was actually the registrars themselves that are providing most of the privacy services that we -- just the ones we knew about. Susan, correct me if I'm wrong. And so, we thought that there was kind of a closer hook to getting them and to entering into contracts with them because (inaudible) that's under contract with ICANN through the RAA. Did that come up at all on your discussions and are -- do you agree with us that that's a good hook for bringing them in?

Denise Michel: Yeah. I mean -- and I don't have those statistics in front of me and nor do I know how sort of accurate or comprehensive our statistics are in this measure. But clearly, if contracted -- if a registrar that we have a contract with is the one providing the privacy services, then that -- and we decide to go this route, it would make it easier. But, I think there's a whole range of structures that are used to provide privacy services. So, I think that's something that we'd have to look at. I think some registrars have completely separate subsidiaries under which they offer privacy services. Some are the same as registries that are involved, I think, aren't there, Kathy, that have some involvement in this area, as well as entities that have no contractual connection to ICANN?

Kathy Kleiman: (Inaudible.)

Denise Michel: Yeah. And resellers, of course, are important. Yeah.

Kathy Kleiman: Thank you.

Emily Taylor: Denise, Kathy, I've got a suggestion, which is that we could stop you here and as a first item on our agenda next time because -- just because we're losing people. Michael's had to drop off and so has James. And so, we're getting down to quite a small group now on the call. And I think it would probably benefit -- and also aware that you're not feeling brilliant at the moment.

Denise Michel: No, I'm fine. But, yeah, I understand we're kind of up against our stop time.

Emily Taylor: Well --.

Denise Michel: So, we can -- I can stop --.

Emily Taylor: How about we do this. If we start with you next time --.

Denise Michel: Sure.

Emily Taylor: (Inaudible) the first preliminary start. The -- approving the report, blah, blah. And then, we get you on as an agenda item, the first substantive one and we finish your (inaudible) through the staff comments, because it is very useful.

Before we leave it, do we have any -- for -- particularly for those tasked with some drafting, are there any specific questions that you'd like to pose to Denise now on your bits?

Susan Kawaguchi: I just have a comment. This is Susan. In just hearing -- and I've read the staff comments and then hearing Denise discuss them, it does make me wonder. We've continually tried to battle between being proscriptive and just making a general recommendation. But, it seems like the staff is coming back with clear questions on how to implement or what we meant from implementation. So, I don't -- it makes -- I am just wondering if maybe we're not on the wrong path to be more proscriptive on some of these things or just more detailed about our findings or -- because there seems to be a lot of clarification needed.

Emily Taylor: Yeah, I think that's a fair point, Susan. Even if it means not being that prescriptive in the recommendations, at least being a lot clearer in our findings or setting the context, because some of the things that we're being asked for clarification of or do you mean a PDP with this one or do you mean -- it says, oh, no, no, we weren't asking that at all.

Susan Kawaguchi: Yeah. Yeah.

Emily Taylor: But, it also does highlight, I think, the vulnerability of ICANN in one way in that it speaks only got contracts. It has -- I doesn't have the sort of legislative power that say a government or an intergovernmental organization would have to just go, from now on, if you want to be in our gang or in this market you do this. And so, that's something that I'm hearing. But, it's something that we need to reflect on as a team, is the clarity of our language, but also what would be -- how are we going to get from -- how are we going to help the staff in finding implementation, something that they feel they can do rather than -- at the moment the impression that I get from the questions is almost sort of -- sometimes I feel like, well, this wording is quite clear, isn't it? Why all the problems?

So, we all need to reflect on that and how to deal with it, I think. But, it's certainly very helpful to have Denise walking through these. I think if we can resume this conversation next time, and we'll have had a few more days as well to reflect on what this means for our little bits and pieces that we're working on, that will help, I think.

Denise Michel: Okay. And so, I would start -- I guess all the -- would do recommendation 12 through 20. Proxy services, I think, that's on the next --.

Emily Taylor: Yeah.

Denise Michel: And then, if we do think that the staff -- that the team will want some more -- an update where we are with the RAA negotiations or some more detailed discussions on how to structure things like the improved accuracy recommendations, we'd want to -- we'd need probably at least a week lead time, if not more to lock something in on a couple of different staff people's calendars. So, just to give you a heads-up on that.

Emily Taylor: Yeah. Well, why don't we say yes to that, because I think it would be useful. I think that there's obviously a great deal of overlap with the RAA. And if we can have some sort of update on that before we come to finalize, that would really help. And also, if we could just be told, either online or offline, if we're heading down a path in our recommendations

which is going to be in direct conflict with something that's going to end up in the RAA, that would just be helpful to know.

Denise Michel: Okay. Sounds good.

Emily Taylor: So, if we could request that and either have it next week or the week after, that would be great.

Denise Michel: Okay. Sounds good.

Emily Taylor: Okay. Thank you very much and a heroic job there.

Susan Kawaguchi: (Inaudible), Denise.

Denise Michel: Happy to do it.

Emily Taylor: Okay. Well, get well soon. I'm -- unless there's any items of other business, I'm going to bring the call now to a close. Thank you for your participation, particularly those who've managed to hang on right to the bitter end. We have got plenty to do. It's going to be hard now, hard work, consistently hard work until the end of the month. Let's just keep grinding at it and we will get it done.

     Alright. So, look forward to speaking to you all next week and to reviewing all of your texts on the list in the next few days. And also, Happy Easter to those who are celebrating it and a happy holiday.

Susan Kawaguchi: You, too.

Denise Michel: Okay.

Kathy Kleiman: Okay. Thanks.

Denise Michel: Bye-bye.

Kathy Kleiman: Bye.

Susan Kawaguchi: Bye.

Unidentified Participant: Bye-bye.