**20120418_WHOIS_POLICY_RT_ID688711**

Kathy Kleiman:       Recording?

Operator:            The recording is on.

Alice Jansen:        Thank you very much. Over to you, Kathy.

Kathy Kleiman:       Okay. And we have a note from Omar that he will be following the discussions -- Omar, maybe you can type. Can you hear us? Can you hear the audio? Not able to use the phone, but he'll try to follow the discussion, so I guess -- he may be typing. Okay, so he can't hear us. No audio. That will be interesting. So, if anybody feels like typing notes to him, that would be great, in the chat room.

Okay. So, the first thing on the agenda is roll call, which I think we've done, right, roll call and apologies. We should probably look -- the April 11th report is on the screen. Has everybody had a chance to look at that? Does anybody -- it's a nice detailed report from Alice of what we discussed and some of the questions that were raised. So, if you're still working on your action items, you might want to take a look at this, because these are some really good notes. Anybody object to adopting this? Done. Thanks, Alice.

Okay. No. 3 on the agenda is actually jumping into a substantive issue, data validation. Should this topic be added to our findings and preamble? We've gone around on this one over time, so let me raise the issue.

Peter Nettlefold:    I guess I'll jump in first. There is a bit of quiet there, it's Peter here. I'm just wondering, having not made one of these calls for a little while, it's been discussed, the last, I recall -- I'm just trying to get the history of this -- I recall there was a discussion on the e-mail just a little while ago, maybe a few weeks ago, I think, and there was, I think, a comment made from Seth, is that correct, something along the lines that this was being considered somewhere and did we want to be the only people not mentioning it? I'm just trying to get up to speed with where we're at so that I know how to frame my comments, I guess.

Kathy Kleiman:       Sure. I'll just try my recollection and let others jump in, too. Peter, for the last few calls, what we've really been focused on is No. 4, which is the specific findings and recommendations on specific issues that are still under discussion. So, compliance, proxy privacy, data accuracy is a new one Susan was circulating, because she had the pen on that. So, we've been getting updates and talking about what the subteams have been doing on this particular issue.

Data validation I think was raised as something we wanted to talk about, but I'm not sure there was much more than what Seth had circulated. At least I don't remember it, but maybe James does. James?

| | |
|---|---|
| James Bladel: | Thank you, Kathy. James speaking. I do recall that this subject was at least initially discussed way back in London, or thereabouts, when we first kicked off our work. I think that -- I'm not sure where it went, but I think that to bring it up now, we would have to reinvent a lot of work that is already going on in other areas of the community. Most notably, an ongoing discussion between registrars regarding the requirements of the RA and the, what I believe to be is the ongoing TDT that has been initiated by the ICANN board. |
| | So, I think we should be cautious in weighing in on this, if we expect our recommendations to diverge from what's already happening. If we were to acknowledge that these things are already happening and say that we are glad to see them happening and we encourage these efforts to continue, then I think that's probably one thing. But if we start saying that we want those things to stop, or we want them to go in a different direction, or we want them to fundamentally change what they're discussing, I think that is a different matter altogether and we should really take a look at whether or not we want to tackle that this late in the game. Anything beyond just, you know, signing off on what's already happening. |
| Kathy Kleiman: | Lynn, I think you're next. And thank you, James. |
| Lynn Goodendorf | Yes. James, I have the same recollection that way back at the beginning of our work we had discussion about this. And what I had understood is that we had concluded that data validation is a way of improving accuracy and that we would focus on setting goals for improving accuracy and make our feedback focused on the accuracy issue, but that we would allow latitude in how people choose to achieve that improvement and accuracy. |
| | But data validation, there are certainly many techniques and ways to apply validation. And so the only thing that I feel like might be appropriate for us to consider at this point is maybe just to have a couple of sentences along those lines and generally reinforce or encourage that data validation technique as a way to achieve the accuracy goals. |
| Kathy Kleiman: | Interesting. Thank you, Lynn. |
| Lynn Goodendorf | I mean, am I the only person that had that perception, that that was what we concluded? |
| James Bladel: | Lynn, this is James to respond, Kathy, if I may. |
| Kathy Kleiman: | Please, and then Peter. |
| James Bladel: | I think that that does sound familiar. I think that we also maybe had made some mention that while this was ongoing, we were leaving a roadmap for future WHOIS review teams as well, to look at our call for data accuracy and to build upon those recommendations and take stock of where those were. I think the next one is required to kick off sometime in 2014, or something like that. So, it does sort of sound familiar, yes, thanks. |
| Kathy Kleiman: | Peter, I think you're next. |
| Peter Nettlefold: | Thanks, Kathy. And thanks, Lynn and James. Yeah, from my point of view, what Lynn said is my understanding as well. I was just keen to say whether I'd missed anything more recent before commenting. So, yeah, that was my understanding, that we had decided to focus generally on accuracy and sort of lay the mechanisms more open. |
| | But as James and Lynn have said, I am comfortable, and I think it may actually be a useful thing, if in our accuracy findings or recommendations, I'm not sure exactly where -- I can see one point where it could fit -- just a sentence or two noting, as we have with other recommendations, that one way to look at this would be validation, and the review |

team notes that there are ongoing discussions and whatever, whatever. I don't want to be prescriptive of that language, but it would seem useful to at least acknowledge the fact that there are other things going on in the community. We have done that elsewhere where there is WHOIS studies and so on.

So, in this one I think it would be potentially useful if we just acknowledge that there were discussions which went to the accuracy question going on elsewhere, and we welcome them all, whatever word we choose to use.

Kathy Kleiman: A question for everyone here -- it is with my hat not as the chair but as a participant -- would it be worth tying this into the contactability discussion as well, and to say that the direction -- in addition to numerous mechanisms for validation, and we weren't going to choose one -- that we went in the direction of the low-hanging fruit, the contactability, and that we think that there are validation ways on that, something like that? Does it tie in at all or are these separate issues?

James Bladel: This is James again. I think saying that might confuse the message that we're trying to get across, which is the draft language that Susan just circulated right before the call, where we had some pretty clear definitions and we're pushing off a little bit from the definitions used in the NORC study. So, I think we either be consistent and just reiterate or restate those definitions, or we stay away from it so that we are sure not to confuse those terms. Just my opinion, thanks.

Kathy Kleiman: Thanks. Lynn?

Lynn Goodendorf Yes. I agree with James, that the way I'm looking at this is that validation or authentication techniques and mechanisms, or their end result is accurate data and contactability. So, I mean, that would be the purpose to use those types of techniques. And rather than us getting involved with the details of implementation and the choices that could be made and different techniques, I think we've done the right thing, to focus on what we want the outcome to be, and what the deficiency is currently. And the deficiency is accuracy, so I think our approach is right.

Kathy Kleiman: Okay. Does somebody or does a small team want to be -- hold the pen on this? It sounds like there are some concrete ideas out there. Peter, Lynn, Susan, James, anybody want to hold the pen and do the draft?

James Bladel: Kathy, this is James. I just want to weigh in real quickly here. I think that there is an important point that Lynn just made that I want to support, which is we need to be careful to emphasize that this is -- emphasize on the goal, the objective, which is accuracy, not the mechanism or the path that's taken to get there.

And one example is when they talk about -- right now, one of the discussions is a discussion going on relative to data validation versus data verification, and there is lengthy, lengthy discussion going on about all of the different elements between validation and verification and how those terms are confusingly used the same. And I think there is an example. It's just one of probably a dozen examples of something that we wouldn't want to reopen those discussions in our report.

So, I think Lynn hit it right on the head with we can say accuracy is the goal. We can acknowledge that this is one of the mechanisms, but we shouldn't redesign, reengineer the mechanism that is currently under review. And, I'm sorry, I should mention I would help circulate some language on this, sure.

Kathy Kleiman: Excellent. That makes sense. Anybody want to work with James on that?

James Bladel:          I would rescind my offer if I'm alone, how's that?

Peter Nettlefold:      It's Peter here.  I'm happy to work with James on that one.  I think we're all talking the
                       same language.  It's sort of -- I entirely agree that accuracy is our goal and we've got
                       some really good recommendations and language about that.  And I think having a
                       reference to this other work is useful and I'm happy to participate.

Kathy Kleiman:         Is this something that would go both into the executive summary as well as the chapters?

Peter Nettlefold:      I don't have a strong view about the right place for it to be.  I've just been looking through
                       the draft of the language that Susan sent around, where we're defining some
                       recommendations.  A [perfect time for it] is not leaping out of the screen there.  I'm not
                       sure whether it's in the chapter itself or how much prominence we want to give it, given
                       that our focus is on the accuracy as such.  But others may have a view on that.

Kathy Kleiman:         Let's give it some thought, because one of the things that we've been doing is picking out
                       the language -- we're linking the findings and the recommendations in a way that I think
                       is going into both the executive summary as well as the report and the leader in the
                       recommendations that come at the end.  Because we want to bring both the findings and
                       the recommendations to everyone's attention very clearly.

                       So, if this is something that people think needs to be highlighted, we should make sure
                       that it goes in in multiple places throughout the report and the executive summary.  But
                       I'll leave it to the subteam to make recommendations on that.  Anything further on
                       validation?  And I kind of like the idea of not stepping into the landmine of all the other
                       things that are going on on that issue right now.

                       Okay, No. 4, moving on to the proposed findings and recommendations language.
                       Anybody from the Compliance team want to talk a little bit about the language that's been
                       going back and forth that was recently presented to the whole group?

Peter Nettlefold:      Peter here again.  I'm not sure who else from the Compliance subteam is on the call.  It
                       may -- is it only me?  If it's only me, I'm happy to talk.

Kathy Kleiman:         Please go ahead.

Peter Nettlefold:      Okay.  So, this is -- I should acknowledge that Emily has been doing most of the heavy
                       lifting on this one in terms of drafting so far.  And I guess it's a discussion that is still a
                       little bit underway.  So, there are a number of things which we would try to achieve.

                       As we discussed in Costa Rica, it seems that there were two themes entangled together in
                       one of our recommendations, which was the compliance theme and the WHOIS strategic
                       priority theme, I guess, for want of a better way of describing them.  And we were
                       looking to disentangle them, as I understood it, as much as possible so that they stood out
                       as clear themes in their own right.

                       In parallel with that, we have had our discussion, which everyone will have seen on the
                       list, about getting figures for the Compliance staff and resourcing and so on, and there
                       have been some parallel discussions, and there were some discussions in the public
                       session in Costa Rica about compliance as well.

                       So, to give effect to that, I must admit I'm not 100% clear to what extent we are looking
                       to disentangle those two themes, WHOIS strategic priority and compliance.  My
                       understanding was pretty substantially, and I've seen comments from you, Kathy, about
                       probably raising the same point as me.  The draft, which is currently there, but once we
                       get to the final sort of paragraph in the recommendations, actually seems to have the two

issues not completely pulled apart.  So, a lot of it is about the compliance effort as such.  And then there are some issues -- and that is clearly related to WHOIS, is in contractual compliance is a key part of an effective WHOIS landscape, particularly with accuracy and so on.

But I guess the question is the extent to which we draw them apart completely, so that WHOIS is a strategic priority and whether that is personalized through a WHOIS (inaudible) or not, or just through robust processes and so on, and effective priority within the organization.  And a similar thing with compliance, that there is an effective compliance and this is part of the WHOIS landscape.

So, I guess the question is how much we pull them apart to make them clear so that there isn't confusion about the two.  So, if we ramp up compliance, again, the problem is fixed, or if we put someone in charge of WHOIS, then the problem is fixed, and really we've got two separate issues.

So, I think this is largely what it's about.  It's attempting to disentangle these two issues and give each its own identity, I think.

Kathy Kleiman:         Thanks, Peter.  Let me ask a question.  In that last report, in that last paragraph on the current compliance version, is there an intent to have compliance being a liaison with IETF, or is that part of a larger issue maybe that we've dealt with in strategic priority, just looking at one detail?

Peter Nettlefold:      I'll answer for me, because unfortunately I've been (inaudible) --

Kathy Kleiman:         Yeah.

Peter Nettlefold:      -- Tuesday this week and I was sick as of yesterday, so I actually didn't get a chance to finish my discussion on this part of it.  In my view, I think that probably sits elsewhere other than compliance.  But the section on compliance would purely be about the contractual compliance theme and all the contractual compliance function within ICANN and ICANN's organizational makeup where it best suits how it's prioritized, how it's resourced, what its reporting lines are, and so on.

And then other things, such as coordinating -- so, looking at the text that is currently there, coordinating WHOIS and all its aspects, liaison with IETF monitoring and following with working on standards.  That to me would seem to be somewhere else.  But that's a discussion we've still got to have, I guess.

Kathy Kleiman:         So, do you think we should send this back to the subteam?

Peter Nettlefold:      Yes, that's one option.  Otherwise, all people could give their own view as well.  I'm not protective of it, as such, but if other people have views on this, then it would may be useful to get them early; otherwise, you can go back to the subteam and we can finish our discussions and we can certainly put forward another draft for the next call.

Kathy Kleiman:         Does anybody want to comment on this now?  In that case, let's open up both possibilities, Peter, if that's okay.  Anybody who wants to take a look at it, and Alice, maybe you can add that we'd like everybody on the team, on the review team, to take a look at the circulated language of the Compliance subteam.  But comments should go back to the Compliance subteam because they are still working on this issue and they'll come back to us with another draft and perhaps suggestions for other recommendations that we're working on and other findings.  But it's getting really good.  It's a nice piece of work and much clearer, so thank you.  I think it's a good set of findings and recommendations.

Okay, unless anybody wants to stop -- actually, I don't see strategic priority on the list, so let me ask, as long as we've been touching on it, does anybody know -- I don't have it in front of me -- does anybody know the latest status on our strategic recommendations, our strategic priority recommendations, or who is holding the pen on that? Is that Emily, also?

Alice Jansen: Kathy, this is Alice. Emily is the penholder for the recommendations.

Kathy Kleiman: Thanks, Alice. Good, and she's on the Compliance subteam, of course, so the two -- we'll ask Emily to talk to herself.

Peter Nettlefold: I believe we'll probably be involved with that, too, so we'll take that one on and try to get something on both as soon as we can.

Kathy Kleiman: Great, because there's important things in both. Susan, I see your hand is raised?

Susan Kawaguchi: So, I was looking over Alice's list of responsibilities and actually somewhere I committed top providing some language for this, but we did have in this recommendation previously, and I know I keep harping on it, that a staff member or someone within ICANN would be held responsible or was responsible, put it that way, for WHOIS. And in the ICANN staff comments, John Jeffrey was -- he was named as the responsible person for WHOIS. And somehow it's lost in redrafting the recommendation, and I really think we should --

Kathy Kleiman: In Strategic or Compliance, Susan?

Susan Kawaguchi: Well, it's Strategic Priority Recommendation 3. Previous wording was the board should ensure that a senior member of the executive team is responsible for overseeing who is compliant, and that has been lost in the latest revision. So, I don't -- I mean, I suggested that it be CEO or I thought we should sort of up the standard to a higher level, either CEO or a board committee. But then it was taken out completely, and so unfortunately I'm not remembering why, and was there general consensus in doing that?

Peter Nettlefold: It's Peter here, Susan. I can have -- I've got a lot of chatter on the line.

Kathy Kleiman: Would everybody mute?

Peter Nettlefold: I'll take the question for you. So, I think this is part of what's been going on with disentangling the earlier recommendation 3 into two parts. So, previously the recommendation said it should be a WHOIS priority and sufficient resources, and then switch to the language of Compliance. And then there was a senior member of the executive team.

So, it will be two things that we're going to do as part of this, as I understand it. One is to pull out compliance and focus on compliance. Part of that will be what are the reporting lines? Who is responsible for compliance? Where does it fit in the organizational structure, without being prescriptive, but sort of looking at that.

And the second one will be looking at those same sorts of questions from the point of WHOIS, to the extent that it is a separate sort of standalone issue that should have its own strategic priority.

Now, I recall our discussions about who we point the finger to, so that in effect -- and I recall your point very clearly and I think it's still one that I'm not sure how to deal with, but I think it's a very good one. And that is how do we point the finger at an appropriate

structure or person in such a way that they don't say -- that ICANN can't say, well, we've already done this?

Kathy Kleiman:     Right.

Peter Nettlefold:  And I recall we did actually discuss the CEO, and I think we had the same problem in that the CEO is effectively responsible for everything, so ultimately he is responsible for this already. And within the subteam dealing with this, there was a recent concern raised about a distinction between whether we personalize it or whether we appoint a person, or whether we in fact put some rules, regulations, guidelines around it instead of pointing to a person, whether one is more preferable than the other. That discussion, I think, hasn't reached an endpoint yet. But as with the compliance chapter, like anyone with a view, I'd be -- well, from my point of view I think it would be useful to hear those different perspectives at an early stage.

So, it is certainly something that we've been mindful of looking at this, but not necessarily solved. So, how do we ensure that Compliance and WHOIS both receive the priority and have clear incentives and resources and so on? And how do we do that in a way that is meaningful and implementable? We're still grappling [with that].

Kathy Kleiman:     So, is the intent, then, to make -- it is to make two recommendations out of Strategic Priority 3?

Peter Nettlefold:  Well, that's my understanding. But I'm not clear whether that's everyone's understanding.

Kathy Kleiman:     Okay.

Peter Nettlefold:  Do others have a view on that? As I recall, that was one of the things which we discussed in Costa Rica, was that they were potentially confusing in that if ICANN were to say, for example, that where we are resourcing our compliance functions far more and we're going to change the way that it fits within the organization, that doesn't really solve our point about WHOIS being a strategic priority. And, likewise, if they say, well, actually we're appointing a WHOIS (inaudible), let's say for a moment we do go down the personalizing the issue and we point to the person or something and they do do that, that's not really going to fix the compliance issue. So, in my view, either they need to be separate or quite distinct in some way, although noticing the cross-linkages.

Kathy Kleiman:     James, did you want to comment on this?

James Bladel:      Yes, thank you, Kathy. James speaking, and I don't know if this helps untangle the issue that Peter has raised. I did have a thought, however, of how to structure this recommendation in such a way that it would not necessarily be a dodge on the part of ICANN, but it couldn't be swept under the rug and that it would receive, I think, the level of attention that we would require, that we're intending to require. And that would be to request or require that there be a committee level, a board level committee established that included the ICANN CEO and specifically state that this is beyond just that -- what do we want to call it, that nominal or ex officio responsibility that the CEO has. This is something that exceeds that, that level, and actually goes to something a little more specific. So, that was just one thought or one recommendation on how to give this the attention that it needs while still noting that it goes beyond just that one particular office.

Kathy Kleiman:     And any response? I think that's a good suggestion.

Susan Kawaguchi:  Yeah, I like that suggestion a lot, and I think it should be for all -- the whole WHOIS issue as a priority, not just the WHOIS compliance.

James Bladel:          Right.  Well, for starters it could be this committee would be tasked with implementing whatever recommendations come out of this group, and then -- and requires a follow-up in the reportings that we've seen, for example, from the ATRT, the Accountability and Transparency group.  So, I think that would be the starting point.  And then as an ongoing purpose, this group would be charged with, for example, the measurements or the accuracy measurements, and some of the more long-term overarching goals.

Kathy Kleiman:         And with instructing -- question, and with instructing staff and overseeing staff on the measurements and compliance, as well as policy.  So, one place on the board, but also -- what would we assume that's going to be happening in terms of senior staff, if we go with a board level committee?

Susan Kawaguchi:       Well, in my opinion -- this is Susan -- I think we would hopefully do away with, oh, we can't do that unless we change the RAA.  Or, oh, that's not possible, some of the railroading I think currently goes on with the WHOIS issue and you'd sort of get it out of the staff complete control and into the board's viewpoint.  I think (a) it would be a change, and (b) I would hope it would be a really good change in that they would see -- realize the seriousness of the issue and actually think outside of the box to do something.

Kathy Kleiman:         Thanks.  Peter?

James Bladel:          Just as a thought -- I'm sorry -- just as a thought, the board has to live with the RAA as well.

Susan Kawaguchi:       Well, they do, but I also think, you know, well, I won't go there.  But, anyway, I just think that if the board sort of issues a mandate, fix this, there would be more movement within ICANN staff.  I mean, it's top down.  You're going to get more movement than one or two people trying to work an issue going up.  That's my opinion.

Kathy Kleiman:         Peter, did you want to comment?

Peter Nettlefold:      Yeah, thanks, James and Susan, for that.  I think that's a really useful suggestion.  And just to be clear in my head, it seems to be that we're talking more about the WHOIS as a strategic priority, and in my mind that's where this idea of a board committee including the CEO seems to fit potentially really well.  We'll try to push it out and think it through, but I think that's a really good suggestion.  And then to keep the two issues disentangled, I note that the current wording that's in the recommendation relating to compliance is that we call for an independent report to advise the board on the current structure and look at case studies and benchmarking and so on.

                       So, given that is more of an organizational question, the way that the organization is structured and so on, to my mind it still seems appropriate that there would be a report to look at best practice benchmarking and so on, the compliance.

                       And in terms of WHOIS as the priority, it seems that we could be a little more, not prescriptive but direct in that we could say actually it needs to be a priority and the best way to do that is this, a board subcommittee.  So, I think that's a very good suggestion.  I was just wanting to put it in the context of the two sort of separate issues, and that to me seems like a useful way of framing it.

Susan Kawaguchi:       So, I took fairly good notes of what James had suggested, so I will -- I promise this time to actually come up with some wording and send that to you, Peter.  Would that be helpful?

Peter Nettlefold:      That would be fantastic, yeah.

| Kathy Kleiman: | That would be great.  Thank you.  Very useful discussion on both Compliance and Strategic Recommendations, and some new steps forward.  Terrific.  Anything else people want to talk about on this?  In that case, we move on to proxy privacy, which is still somewhat in the -- but let me just pause.  Is there anything else anyone wants to say? |
|---|---|
| | Okay, then proxy privacy, which is still somewhat between the review team and the subteam.  The subteam has been fairly quiet on this, but we've got some comments.  I posed a version that went back and added in some of our language on proxy and privacy about the ICANN policy vacuum and the use of proxy privacy services by individuals, organizations and companies.  I know Susan and James had responded a bit.  Do we want to talk about this here or would we like to push it back to the subteam?  I think there is a more recent version, Alice, but I don't know if you have it.  I don't think that's the most recent version up. |
| Peter Nettlefold: | No, it's not the one you sent around, Kathy, so I think there is a more recent one. |
| James Bladel: | I just want to point out that I got very confused this week over which version was operative.  So, if we can square that away on this call and (inaudible), it will be progress. |
| Kathy Kleiman: | I think that would be great.  Seth, I know you're on the call and you and Peter had the lead on the original proxy privacy. |
| Seth Reiss: | Well, I'm on the call but I'm actually driving around and I'm going to have to get off the phone in a few minutes to meet a plane, so I can say I haven't worked on it this week.  I was -- so, I really can't add anything other than I agree that the subteam hasn't finished the dialogue. |
| Susan Kawaguchi: | Kathy, this is Susan.  I think one of the biggest disconnects, and I think we do need the help of the whole team on this, is the last language. |
| Kathy Kleiman: | Yes, that's a great idea. |
| Susan Kawaguchi: | The avoidance of doubt.  That was in our final draft report recommendations that we sent out in December.  So, I'm not saying we have to stick to it.  In fact, my suggestion and my last e-mail about this to the -- I don't think I sent this to the whole group, I just sent it to the team, I mean to the subteam, was that maybe we point to the current language in the RAA.  Would that be enough to satisfy -- would everybody find consensus again on that?  But at some point we all had consensus on that language. |
| Kathy Kleiman: | Let's see.  Do you have the language in front of you, Susan?  Is there some way that you and James could kind of summarize?  Because I think the subteam is going back and forth and I see James has raised his hand.  So, first I just want to make sure that everyone listening and listening to the recording at some point knows what we're talking about, even if we have to read it.  I just circulated something that may help.  So, James (inaudible) -- |
| Susan Kawaguchi: | Recommendation 16, is that what you're talking about? |
| James Bladel: | Excuse me? |
| Kathy Kleiman: | I don't have recommendation numbers, but are we talking about the paragraph that starts, "Finally, for the avoidance of doubt?" |
| Susan Kawaguchi: | Yes, that is Recommendation 16 in our draft final report of December. |

| | |
|---|---|
| Kathy Kleiman: | And let me just read it for everyone until we have it -- unless we have it in front of us now. "Finally, for the avoidance of doubt, the WHOIS policy referred to in Recommendation 1 above could include an affirmative statement that clarifies that ICANN regards the registered name holder and the WHOIS data to be the entity that obtains all rights and assumes all responsibility for the domain name and its manner of use." That's what we're talking about right now. Oh, and it's right there in front of us. Good. Okay. James, go ahead. |
| James Bladel: | So, I'm not sure if I'm asking the group to revisit something that was in the December report or not at this point. I mean, it may be the case and if so I apologize, but it escapes me the first time around. But this is an important point, because there is very, I think, clear language in the existing RAA that establishes -- and I'll post that here real quickly into the Adobe box. It's Section 3.7.7.3, and it is a bit of a lightning rod right now in some circles. And it has a couple of important differences, I think, versus this paragraph, and what we're asking ICANN to state in this paragraph versus what is currently contained in the RAA. |
| | And I think that the short story is, if we were to reference that this exists and I just would say -- point that out, that's one thing. But if we're asking ICANN to reinterpret or expand or water down or just somehow materially alter what's in 3.7.7.3, then I think that that is a significant concern, because 3.7.7.3 has some important components that are not contained in this last paragraph. |
| | For example, the component on the concept of a -- it says something like licensing a registered name-holder according to the provision (inaudible) accept liability for harm caused by wrongful use. And I think the key word here is wrongful use. So, not just all use, but wrongful use of a registered name, unless it promptly discloses the identity of the licensee. And I think that is in effect establishing sort of a safe harbor for good actors, that if you are a provider and you have a process to -- and this is what we were talking about earlier when we talked about the reveal process -- when you are presented with evidence of harm. That is one of the benefits currently enjoyed under this section. |
| | So, my concern is that us taking kind of a from-the-hip shot at this in our report could confuse this issue, which is already somewhat convoluted. And then, secondly, I think if I were in ICANN's staff position and I were asked to weigh in on this, I mean, I think they would point to -- and I think Denise already did -- point to the advisory that started to circulate around the time of Cartagena, and was mostly -- not well received by all parties involved. You know, registries, registrars, and even some of the folks who had asked ICANN to clarify this issue. |
| | So, that's my piece on this. It feels like we're circling back to something we did in December. I apologize if that's being taken that way. I think that it is something that didn't really occur to me and I think some of the others until the draft report was presented that this was a potential collision with something that already exists in the RAA. Thanks. |
| Kathy Kleiman: | Thanks, James. Susan, please? |
| Susan Kawaguchi: | So, I'm looking at the comments, the summary that Alice put together for us, and it's interesting that unless -- this may not be all of the comments, I'm not sure. I'm not sure of the data in this document, but on Recommendation 16, the VC and the ICANN staff are the only two that commented, so it didn't cause a firestorm, at least, and ICANN staff references that same section of the RAA. I'm not sure how relevant any of that is, but either others overlooked it or they said, yes, this is great, but didn't comment on it. Obviously, it wasn't offensive to most of the community. |

James Bladel:              Can I respond?

Kathy Kleiman:             Please.  Sure.

James Bladel:              Yeah, so I think, Susan, is that it slipped by a lot of us.  I think that it seemed -- when it's written in sort of plain English, the way it was in our draft report, it seems fairly straightforward and innocuous.  And it's only upon, I think, a closer examination that it says, now wait a minute, this is kind of rubbing up against something that we already have that actually is a little more formal in its establishment of some, not only requirements and responsibilities and assignment of liability, but it also assigns some protection.  And the way it's written in our report, it preserves all the liabilities and responsibilities; it just throws protections out the window.

                           So, I think that's where it kind of caught on.  And, yes, you're correct, I don't believe that was something that was caught on until after some of the folks read the comments and realized that, hey, this is kind of shaping up against Section 3.7.7.3.

Susan Kawaguchi:           Right.

Kathy Kleiman:             So, where do we -- oh, Peter, please.

Peter Nettlefold:          Yeah, I'm not sure I have a -- well, I do have a view, but just in terms of the background for this.  From my point of view, at least, it's very clear why we did this recommendation in our Recommendation 16, and it is in fact to deal partly with the uncertainty that is created by the current RAA.  A number of -- I don't have it in front of me, the comments, all the comments which were made to our initial discussion paper, but it was in response to those that we started to look at this.  Because a number of them said that the current RAA is extremely unclear and it is being widely abused, and that is why our attention came to this.

                           So, we had a number of stakeholders saying that the wording in the current AA around harm and quickly revealing the underlying data and so on, whatever the exact words are, I don't have all that in front of me, were not defined and they are being widely abused, and that needed to be addressed.  And that was clearly why our attention went to this question of who is responsible, where the rights and responsibilities lie.

                           And in Dakar we had a very clear discussion for some time, as I recall, about making it clear that the rights and responsibilities are with the registered name-holder.  And we all acknowledged that that was going to have implications for proxy service providers and it would potentially change their business model, because they would potentially be accepting a greater level of risk.

                           I think this was all extremely clear at the time.  I remember discussing it for at least a couple of hours, so anyone who doesn't recall, I would encourage revisiting those discussions.

Kathy Kleiman:             Does anybody else want to comment on this?  Let me just add, part of the recollection (inaudible) Dakar, that we were talking about those differences between privacy and proxy services.  And although we had put more requirements in some ways on the privacy services, because we were going to recommend -- and this is just for recollection purposes -- because we were going to recommend that they come, we thought, come into the mandatory requirements.

                           In some ways, when I was thinking about it, I remember thinking that this type of provision might actually encourage more people to go under the privacy services because of this liability issue.  That we had done some things that hurt privacy services by giving

them mandatory requirements, but we had done some things that helped them because of this proxy liability issue that we were working on. So, we'd worked on -- I remember long discussions on privacy and proxy. Anybody else want to comment and would anybody like to suggest a way forward on this?

Okay, then. I think this entire issue goes back to the subteam for quick review, the findings and the recommendations, the whole edited version. I will send out a version tomorrow that incorporates what Susan -- now we're talking mostly about the findings, going back to the top of this, the findings. And Susan had asked for a reordering of some items, and I'll just double-check and see if any other changes were made. But who -- James, Peter, perhaps, Susan perhaps, you guys could work on that last paragraph where there is so much -- I mean, this is important stuff. Could you work on that within the subteam?

Susan Kawaguchi:      Sure, I can.

Kathy Kleiman:        Maybe play out the discussion a little farther?

Peter Nettlefold:     Sure. Yes, I'm happy to. And also, I haven't commented on the text which you circulated around, and I do have a couple of comments. Should I wait until you send them out to the broader review team to comment? I don't want to hold things up, or would you like me to comment sort of today?

Kathy Kleiman:        Sure. Comment today and then if there is something specific, I can take notes now and include it in the next version.

Peter Nettlefold:     Where are my comments? I seem to have lost the saved version, but, yeah, it's largely to do with the findings, and much of it I appreciate the balance that has been achieved there. It's mostly to do with the final dot points, I guess, the list of four dot points which are there. I think some of them are repetitive of points which are up at the beginning now. And probably given that the beginning -- it now seems to be sort of top (inaudible) with positive things about privacy and with the concerns in the middle. I'd say I'm not wedded to which order they go in, but I figure that the positive and negative should be bunched together and then followed by a conclusion. So, I'm not sure that makes much sense, to be honest, having just said it out loud. But I'll put some comments in in writing.

I think for example, saying in the final dot points there was a strong consumer demand for privacy and proxy services is pretty much repetitive of the first two paragraphs, which are now in there, which provide a long list of companies, organizations, individuals, what they're using it for. The first dot point there is a rights to privacy. I think it's perhaps a little too blunt and contestable and is already covered off in the initial points.

And so my suggestion, I guess, is for that final dot point list to be compressed into really the conclusion of our findings, which in my mind is the final dot point, that with the appropriate regulation and oversight, the existing services appear capable of doing what we want them to do.

So, to the extent that there are useful things about proxy and privacy, and then that there are some concerns, and then there should be a conclusion of some sort.

Susan Kawaguchi:      Makes sense.

Kathy Kleiman:        Do you want to take the next rewrite, then, instead of it coming back to me?

Peter Nettlefold:     And then send it to the group for comment or back to the subgroup for comment?

Kathy Kleiman:        Probably subgroup.

Peter Nettlefold:     Subgroup?  Sure, I'll do that today.

Kathy Kleiman:        Okay.  But let me ask, before we take it out, now I'm in the third section -- Peter is in the third section.  The section says at the same time the review team recognizes, first bullet point, that there is a right to privacy.  This is something that Milton Mueller asked us at the public forum and NCC followed up with comments on, that since it's kind of implied, they said why don't you just say it?  And so I just wanted to see -- so, let me throw it out there before we -- Peter, do you have any objection to just talking about this briefly?

Peter Nettlefold:     No objection to talking about it, of course.  I think it's important.  And I am scrolling up and I agree, it's probably not covered in the first couple of paragraphs.  I guess the word that sticks with me is the word "right," because that has a number of implications and I'm not sure that there is a right to privacy.

Lynn Goodendorf       Peter, this is Lynn.

Kathy Kleiman:        Lynn, sure, please.

Lynn Goodendorf       If I may jump in here.  I agree with you, that in Europe, for instance, privacy is held to be a human right, that that's not true throughout the world.  And it's not true, for instance, in the United States, and it varies in different countries and different cultures.  So, using the word "right" does have some connotations that I think could mean different things and could cause some unnecessary objections or disagreement with our recommendations.  So, I would prefer not to use that word "right," because I do think there are people on all sides of the issue who would react to that.

Kathy Kleiman:        James, go ahead.  Thank you, Lynn.

James Bladel:         So, well, I disagree with Lynn's statement that we don't have the right to privacy in the US.  I will agree with her conclusion, that we should probably stay away from that word in various ICANN documents.

Lynn Goodendorf       It's not that we don't have a right to privacy, it's -- in the United States, our legal system doesn't view it as a human right; whereas, in Europe it is viewed as a human right.

James Bladel:         Okay.  Well, I think that there has been -- and we're not short of lawyers on this group.  I think there has been a number of constitutional establishments of the implied rights to privacy.  But I think the point, your ultimate conclusion is correct and I think that goes for Peter's as well, is that the word "right" is very troublesome to me in ICANN context.

                      ICANN is not a government; ICANN cannot support or diminish or establish rights that people don't have under the jurisdiction that they live in or choose to call home, or whatever they're subject to.  I think that we get into this sometimes when we talk about transfers.  I have a number of folks that say, well, someone has the right to transfer a domain name, and I say well, normally yes; however, not if there is (inaudible) and the registrar has lost that domain name, for example.

                      So, there are a number of contexts where the word "right" starts to confuse the process rather than clarify it.  So, I think that any way that we can rephrase that that does not use that word, "right" or "right to privacy," or any other sort of rights.  I mean, there is a document now that has been published called -- by ICANN called the "Registrant Rights and Responsibilities" document, which I had some concerns about that for the same reason.  I don't think that ICANN is a rights-making or rights-defending organization, but I'm sure there is a lot of folks listening to the transcript that are pulling their hair out

hearing me say that right now.  But, anyway, that's my feeling and I think that we're all kind of arriving at the same place.

We need to find a way to establish the expectation for privacy.  Registrants may enjoy certain things.  I think as a business service provider we can set some expectations.  When we say we have a right to privacy, then I think the next step is that someone believes they should not have to pay for privacy, which we also disagree with, because that is an expensive proposition.

So, I think it's just a very loaded term and I think that we should stay away.  Thanks.

Kathy Kleiman:    Great.  Thanks for all the color.  Lynn, go ahead.

Lynn Goodendorf    Yeah, just to follow on a little bit more.  At the same time, there seems to be so much attention and emphasis on domain name registrants, and where there is a strong consensus throughout the world is about data protection of people using the Internet and their personal data being collected and used in different ways without their knowledge or consent.  And so the data protection aspects of the people who believe that they've been harmed by these fraudulent uses of domain names doesn't seem to get as much dialogue in ICANN.

And I just add that on to just reinforce again that when we use the word "rights," then that leads to a discussion of, well, what are the rights of the people using the Internet?  So, it's just that much more reason, and James, I think we're in violent agreement, that we just need to choose some other words there to prevent problems.

Kathy Kleiman:    I apologize.  I was on mute.  Violent agreement is always a good thing, and that's great.  Peter, can I pass this back to you for the drafting?

Peter Nettlefold:    Yes.  I've been furiously taking notes.  I will draft something up today and send it back to the subteam for comments.  I'm sure I won't get it all right first try, but I'll try to make notes and move the ball along.

Kathy Kleiman:    Thank you very much, and so some expectation of privacy perhaps, but certainly not a right, and we don't want to establish any rights, if I summarize that in a nutshell, and that there are other concerns as well.  Great.  Unless anybody wants to say anything further on proxy privacy of the subteam, we'll go back to its lengthy work, now quite lengthy work, so great thanks to the subteam on this one.

And data accuracy.  Susan, I think you've got the pen on that.

Susan Kawaguchi:    I sent -- who did I send that to?  I sent it to the whole group today.  I don't know, Alice, do you have that?  Did anybody get it?

Peter Nettlefold:    I got it, Susan.

Susan Kawaguchi:    So, I scaled down the findings.  I don't know, I got a couple of weeks ago I got way too ambitious, and all of this language is pulled out of our report.  I didn't create any new language.  I may have shortened things, but I think it's important that what we say in the findings is what we say in the report, so I just pulled it.  It may not flow together as well as if I just drafted it.  So, the findings are up for revision.  Didn't change -- let me see, I added language into Recommendation 5 that we discussed last call, using the terms that were defined in the NORC study.  So, if that doesn't make any -- if you think it should be worded differently, let me know.

And then my biggest question was on -- we sort of discussed this before, but I couldn't remember. My notes were not very good. So, on Recommendation 7, I had initially recommended that we add language, ICANN should provide a detailed and comprehensive plan within three months after the submission of the final WHOIS review team report that outlines how ICANN will move forward in implementing these recommendations.

So, we had sort of talked -- we had discussed making that like Recommendation 21, or something. And so what I was confused with is should we leave Recommendation 7 as-is under the Data Accuracy, or should both of those be moved, or should we lump them all into one recommendation?

Kathy Kleiman:          Good questions. Anybody have any thoughts? What do you recommend, Susan? Oh, go ahead, Peter, sorry.

Peter Nettlefold:        I was only going to fill the void, but if -- so, I was going to start by thanking Susan for the work on this one. In terms of the findings, I think it does lots of good things. One thing I was going to suggest is the middle paragraphs of the findings seem to be a bit -- or at least some of them are the bits where we back directly to our scope. So, we talk about law enforcement, we talk about consumer trust, and so on.

In terms of readability, what we are trying to do, and I think in the privacy proxy recommendation is we've dot-pointed those out. So, it might be worth -- so, we have a number of findings and here is our dot-point summary of how the picture sits against the bits of our scope -- the law enforcement, the consumer trust, the meeting existing policies, whatever, those sort of little heads of power that we have. So, it might be worth drawing those out.

Another little potential flag is the use of the word "quasi-regulator." I'm not sure I have a better alternative and it is something that we've been grappling with throughout this process, how to refer to ICANN's role. I wonder whether the quasi-regulator will cause us more problems than not. I think it's actually a phrase that I've used myself for want of a better term. But I just put it out there that we may want to focus on that particular word at some stage.

Susan Kawaguchi:      That is in the report, so that language was existing, so --

Peter Nettlefold:        In that case, it could be my fault, but I do recall, for example, that from the notes anyway, the call with the compliance [staff], that ICANN did not think that it had a regulatory role. This is something that the GAC is interested in. We've actually asked the ICANN board to discuss that with us in Prague, ICANN's role as an industry regulator, to try to get to the bottom of this interesting question. But it is something we just may want to be mindful of. I don't have a better alternative; I just know that it may raise eyebrows somewhere.

Kathy Kleiman:          Yeah, it really does. It's going to raise eyebrows, more than eyebrows in other circumstances, so I think you're absolutely right.

Susan Kawaguchi:      Could we agree on oversight, of which ICANN has oversight, or something, or is that not strong enough?

Kathy Kleiman:          Where are we in the findings or recommendations?

Peter Nettlefold:        I think, just to borrow from the proxy one, which we've been doing some wording on, we actually recommend there, the first part of the recommendation, I think this one hasn't been questioned too much, is that ICANN initiate processes to regulate and oversee

something.  So, we seem to be comfortable in the privacy proxy one saying regulate and oversee.  Maybe that's clearer than quasi-regulator.

Susan Kawaguchi:     Maybe it is just regulator is the problem, because to regulate and to be a regulator, to me, there is a distinction there.

Peter Nettlefold:     Yeah, so maybe if we change it from a quasi-regulator to saying the industry which ICANN regulates and oversees, something like that?

Susan Kawaguchi:     Okay.

Kathy Kleiman:     James has suggested in the chat room, "administer."

James Bladel:     I'm throwing out some ideas here, because I think the concern is that a lot of these words may have different -- some of them we may encounter have very strict legal definitions, depending on which government we're viewing them through.  So, I think when you use "regulator," for example, in the US, it has some connotations, where if you use "administrator" or "commission," something like that in Europe or something, it raises some red flags.  So, yes, we have to find something that is sufficiently vanilla that it doesn't trip over any definitions.

I always use "manage."  I think one of the things that ICANN refers to itself quite a bit is as a technical coordinating body, so "coordinates" might be another word.  So, anyway, just brainstorming here.

Susan Kawaguchi:     Let me go back to where I pulled that from out of the report, because I was just pulling language, and see if in that context it appears differently.  I think in a larger body of the report, the quasi-regulator did not stand out so much putting it in the findings and we're not comfortable with it.  So, we would need to change it both places.

Kathy Kleiman:     Right.  I like that idea of consistency across what we're highlighting as well as going back and -- and that's what you really did in the findings here is you pulled it out of the report, so now that we're going to change it, we have to go back and --

Susan Kawaguchi:     So, I can work on that and send it out to the group again.

Kathy Kleiman:     That sounds great.  Thank you very much, and thank you for doing this as a subteam all your own.  Much appreciated.

Susan Kawaguchi:     It wasn't that big of a deal, really.  It just took me a while.  Okay, I will get that.  I'm just making notes to myself here.

Kathy Kleiman:     Peter, go ahead.

Peter Nettlefold:     Yeah, just a couple of other observations.  One also in the findings, where the last part of the first paragraph we talk about concerns about accuracy were raised in responses to our discussion paper.  I think we should also acknowledge that we heard them in our public sessions and elsewhere, you know a pretty consistent theme.  I think we should make it clear that it's been widely made -- communicated to us that this has been a concern.

And one other question, I guess, Recommendation 5, putting in the language that (inaudible), which I think I've already indicated that I agree with.  I think someone -- and I think others have as well -- we try to be very clear and link it to the NORC definitions in a way that makes sense.

In Recommendation 6, the language of unreachable, WHOIS is still there. Is that something that we would update or is it meant to be different for a reason? No, update, okay.

Susan Kawaguchi:    No, I'll update. I was just focusing on 5. I'll update. I was just focusing on 5 and should have looked at -- I was focusing on 5 and 7, to tell you the truth. I will fix it.

Peter Nettlefold:    And then the actual question you asked in terms of what do we do with Recommendation 7 if we had a standalone one, which talks about having facts and figures and so on. I think my view is just having a look at it now is that it's probably not needed in the accuracy section. Recommendation 6 already sort of talks about having annual accuracy reports on an annual basis. And then if we have a recommendation -- what was it, 21 -- it's going to be that we have annual status reports on progress towards all of the goals.

Then, I'm not sure what 7 is left doing. I think, unless I'm missing something, I think it could probably disappear. That's just my preliminary review and I'm happy to omit -- well, not happy to omit something, but that is my initial thought (inaudible).

Susan Kawaguchi:    Well, and, actually, you had sort of highlighted it for me, that I have always read 7 as WHOIS overall and not just the data accuracy, and you pointed that out either last week or the week before. So, it doesn't make a lot of sense to leave 7 without my revision, even, in the data accuracy. To me, it should be pulled out and moved. So, if we renumber all of these recommendations, we may confuse ourselves ridiculously, but at this point I think we almost have to. So, I don't know if the group would -- you know, the team agrees with that?

Kathy Kleiman:      With the pulling out of No. 7?

Susan Kawaguchi:    Yeah, and not deleting it but moving it to either a different section of the recommendations. But it's not just pointed toward data accuracy, it's for WHOIS in general.

Kathy Kleiman:      No. 7, okay. Because I thought what Peter was saying is that No. 7 might be redundant with what we're already doing. Is there a way to merge 6 and 7? Not to the same report, but to the same recommendation?

Susan Kawaguchi:    Well, I think -- okay, unless I'm -- I don't know, Peter maybe you should speak for yourself instead of me trying to speak for you.

Peter Nettlefold:    I'll have a go at it. So, if everyone has got open the -- looking at the document, it's on our Adobe Connect room. So, there is Recommendation 6, which talks about having accuracy reports on an annual basis. That is clearly an accuracy measure and I think that probably should stay with the accuracy recommendations.

Then Recommendation 7 is at least annual status reports on progress towards achieving the goals published, and they should include reliable figures. I think that what Susan and I, if I understand correctly, are both saying is that one is broader than just accuracy. This is to do with how are we going, implementing all of our recommendations including the ones about privacy and proxy and IDNs, and what-have-you.

And the text below there, where the revised recommendation moved to last Recommendation No. 21, and on my screen anyway it's highlighted yellow, is a proposal to, I guess, almost expand on the existing Recommendation No. 7, and take it out of the accuracy section and make it an overarching recommendation. So that we're asking the board to report on its progress including facts and figures and so on regularly on all of our recommendations.

So, if I understand correctly, it would be getting rid of No. 7 from part of our accuracy and making it Recommendation 21, broadening it so it applies far more broadly.

Susan Kawaguchi:     That's my thought, yeah.  I would agree with you.

Kathy Kleiman:       Okay.  So, we delete 7 and then put this in as 21, although it may be come 20, when we have deleted 7.

Susan Kawaguchi:     Right, or not to confuse matters, break up my new revised, what was 7, and break those into two recommendations.  So, leave 7 as it is, but move it to 21 or 20, or whatever -- move it to another section, and then have the recommendation for the detailed and comprehensive plan be a separate recommendation.

Kathy Kleiman:       But both at the end, because these are both things we want them to do after they've seen all of our recommendations.  This is how they begin to report back to us and the whole community.

Susan Kawaguchi:     Yes.

Kathy Kleiman:       Anybody object to that, deletion -- not deletion of 7, but putting it - creating two recommendations at the end out of what is the yellow highlighted text?  Any objections?  At least for the people on the call, you've got our full support.

Susan Kawaguchi:     Okay.

Kathy Kleiman:       Great, and I think that would be a lot more readable, too, to have it broken down into two.  It's hard to ignore and deny that it exists.  Good.  Okay, unless anybody has anything to add thank you so much for the discussion on that, and moving on from data accuracy to Recommendation No. 3, which hopefully Alice will put in front of us.

Alice Jansen:        Kathy, Recommendation 3 is strategic priority, so --

Kathy Kleiman:       So, we already did it.  You're right.

Alice Jansen:        But we did have the Recommendation 17.  It was decided last week that no follow-up action was necessary unless one of your edits were substantive, but I don't think you have had time to forward your edits, have you?

Kathy Kleiman:       I haven't.  Emily and I still need to iterate on that a little bit.  They were tweaking things.  Nothing major.

Alice Jansen:        Okay, good.

Kathy Kleiman:       So, D, Accreditation, I think James and I still need to iterate a little bit on that.  James, I don't think we've done anything on that this week, have we?

James Bladel:        Not since I -- I think I sent a draft, some language.  That was a couple weeks ago, so, yeah, we need more work on that.

Kathy Kleiman:       So, with apologies we'll get back to you.  And similarly with IDNs, is anybody on here, Sarmad, Wilfried, Michael?  I don't think anybody -- so, let me update you.  We are meeting tomorrow, and you're more than welcome to join us.  We're meeting tomorrow with two members of the ICANN staff, Steve -- Alice, help me with their names, please.

Alice Jansen:        Steve Chan and Francisco Arias.

Kathy Kleiman:       Arias.  And we need to talk with them about their backgrounds, but from my
                     understanding and having seen them at some past workshops, they are among ICANN's
                     liaisons to the IETF.  They are at least doing some work with the IETF.  They are
                     involved with protocols, WHOIS protocols, so they have been the ones assigned by
                     ICANN staff -- and, Denise, if you're still on the call, feel free to jump in -- to talk with
                     the subteam, Sarmad, myself and Michael and Wilfried, and to talk with us about the IDN
                     Recommendations 18, 19 and 20.

                     Michael has drafted some nice -- I don't think it's been circulated to the whole group yet -
                     - but some nice revisions on those recommendations.  They are shorter, tighter, more
                     concise, more direct -- I mean, they're good.  And so we've circulated, with the
                     permission of the subteam, we've circulated that to ICANN, to these two members of
                     ICANN staff, to see if this solves some of the issues that they've raised.  So, we'll have
                     this big discussion tomorrow and report back to everyone as soon as possible.

                     Is there anyone who would like to join us on that call?  If so, we'll make sure you get the
                     contact information.  Going once, going twice.  Okay, if you change your mind, feel free
                     to let me and Alice know.  You know, in the IDN world, this is fun stuff.  There has been,
                     as with other areas of WHOIS, there have been some bottlenecks that have been going on
                     for years.  And I feel that here, as in other areas, we're beginning to untie some knots and
                     set up some communication where there hasn't been as much communication across --
                     there seem to have been some lines and some walls that were put up, and we're helping
                     tear down some of these barriers and encourage communication where there hasn't been,
                     and that's a good thing.

                     Okay, that's the IDN update.  Any questions about that, or comments?  Okay.  Then, item
                     4 on our agenda is anything we want to discuss about the general revisions to the chapters
                     and the final -- well, let's start with general revisions to the chapters and then we'll talk
                     about final report timeline.  Seth, are you still with us?  I thought you were on your plan
                     by now, in which case, safe travels.  No, okay.

                     The team that was working -- how did we leave this last time, does anybody remember,
                     with Emily, how we left chapter revisions?  I know Omar and Seth are doing -- will look
                     at the whole thing and do a final edit, but are people editing individual chapters?  Are we
                     all going back to our own chapters?  Does anyone remember?  If not, we'll leave it for
                     Emily to update us on this.

Peter Nettlefold:    I don't have an answer -- it's Peter here.  I guess I'm not returning to anything I've
                     redrafted because until we have a clear view on the outcome, I'm not really sure what I
                     would be doing.  So, the stuff I drafted on privacy proxy, for example, on compliance
                     seems to be -- I think we know where we're going.  I hope we know where we're going,
                     but I'm not really sure how I would redraft anything yet.  So, I'm not sure what the
                     mechanism was, but just to confirm that I haven't done anything, I guess.

Kathy Kleiman:       Me, neither.  I think all of us are waiting on finalizing the findings and recommendations,
                     which makes sense.  So, let me suggest that we add this to the next call as something --
                     but maybe we should talk about final report timelines.  We're rapidly approaching the end
                     of April.  Do we think we can have all the findings and recommendations by next week,
                     have all of that language finalized?  Does anyone think they can't?  I think we're getting
                     awfully close.  So, then it might take a week -- okay, go ahead, James, thanks.

James Bladel:        I can finish my assignment by next week, but I think to say that we're finishing all of our
                     findings and recommendations, I think maybe it's better to say can everybody bring back
                     their assignments to the group by next week.  But, I mean, to say that we would then --

Kathy Kleiman:          Sorry, that's what I meant to say.

James Bladel:           Okay, okay.  Maybe I misunderstood, sorry.  Thanks.

Kathy Kleiman:          No, good point.  Have it all back to the group by next week.  Okay, then unless anyone has any thoughts on timelines, I'm going to pass that to Emily for decisions.  It looks like we're pushing out a little bit beyond our end of April deadline.  Does anyone have any huge objection to that in light of holidays and things like that?  I think we've done a good job and done the best we could.  Go ahead.

Peter Nettlefold:       It's Peter here.  I obviously don't have any objection because I'm not sure that it's realistic to do anything else.  I will just flag it that from my personal point of view.  As soon as the gTLD applications are made public, I'm going to get dragged very heavily into the GAC early warning process, which is going to take up potentially quite a lot of my time.  It doesn't mean that I won't be able to participate in this group, and I will obviously continue to participate until it's finished.  But turnaround times and things like redrafting chapters for me will slow down a little bit.

Kathy Kleiman:          Okay.  Peter, do you think it would be a good idea to make this Friday -- I don't know if it's possible -- but this Friday a deadline for the revisions to the recommendations, or is next Wednesday okay, giving about a week, then, for participation with the chapter revisions?

Peter Nettlefold:       Yeah, I can't imagine -- I think Wednesday is more feasible.  I'm really not suggesting that we change anything.  It will be up to Emily to decide timelines.  I'm just sort of flagging that -- and I guess everyone is busy all the time, but I'll have a new level of busyness potentially next month.

Susan Kawaguchi:       Yeah, and I think everybody could be in that situation.  It depends on who has applied and what they've applied for.

Peter Nettlefold:       Yeah.

James Bladel:           Are you dropping hints, Susan?

Susan Kawaguchi:       What was that?

James Bladel:           Are you dropping hints, Susan?

Susan Kawaguchi:       No, I made it very clear that we have not applied, but I am a little --

James Bladel:           That's why I felt it was safe to joke about it.

Susan Kawaguchi:       Yes.  But I am very concerned about those who have applied, how's that?

James Bladel:           Well, let's not get our cards ahead of us here.  Let's demonstrate first that ICANN can actually run an application system.

Susan Kawaguchi:       Yeah, we may never know who applied.

James Bladel:           Those of us who operate very technologically complex, 24/7 high up-time systems are kind of, going to roll our eyes next time ICANN preaches to us about (inaudible).

Susan Kawaguchi:       Yeah, I think there's a lot of people not very happy at ICANN right now.

Kathy Kleiman:  True enough.  True enough.  Do we think April 30 is still going to be the rollout?  Anybody --

Peter Nettlefold:  It depends whether ICANN is able to do its initial checks and so on whilst it's looking at the system at the same time or not, I guess.  How much confidence they have in what (inaudible) in the system, which I --

James Bladel:  Maybe they already have.  By sharing application data across different users they were -- there was a community base administrative check.

Susan Kawaguchi:  Thanks, James.  They could spin that, you know?  That's pretty funny.

James Bladel:  They just need the right PR.

Kathy Kleiman:  Well, it is 8:30 straight up.  Is there any other business?  And if not, thank you for an excellent discussion.  It was terrific.  I will send -- Emily will have the notes.  I'll also send her a separate note, and thank you so much.  Good night, good morning, bye-bye.