

15 MARCH 2013

MAGUY [No last name given]: Good afternoon everyone. My name is Maguy [Sur-ad 2:45:08], I'm the VP for Contractual Compliance. Thank you for this opportunity to present to you. Looking around, a lot of faces I don't know yet. It's never... [Laugh]

No I'm always careful, Brian knows [laughs]. So April 4th is going to be my two year anniversary with ICANN. What a ride. I come from the automotive industry. What a ride. Amazing. I still love it. it's still amazing. The [house and view 0:2:45:41] was my first exposure when I came to ICANN, and it aligns very much with the efforts that we started working towards when we assessed our current state.

From a contractual compliance perspective, the focus of the [house and view] team, if you are just looking at the numbers from the report itself, we were impacted in the recommendation number one, four and five. Which in the next three slides we hope to address and provide you an update on.

In summary, the focus was about improvement to the enforcement of contractual compliance, and improvement to increase communication. And those, as you know, can range in so many different ways. But in mid-September, let's focus on improvements and enforcement, because enforcement is a critical function that we provide, even though we really focus on prevention up front.

But once there is no collaboration in the informal process, we move to enforcement. So we rolled out comment processes across all contractual appliance. Upon my arrival, and I think you heard [Fadhi] say, one of the things that we experienced here at ICANN when I, that I discovered during the current assessment, we had fragmented tools and ways of collecting complaints and enforcing them.

So we went through a very intense effort to consolidate the tools which we are going to be rolling out shortly. But the other important factor was how do we roll out a consistent process? We left WHOIS inaccuracy for the last. It was one of the most complicated processes to address.

So in mid-September 2012, after rolling out the consistent process across all compliance areas, we took an adventure and stood up the WHOIS inaccuracy reporting process. We did, and that factored sure in the time to resolution, which is very important to the ICANN community.

In the past, WHOIS inaccuracy would be reported, and the process can extend beyond 60 days because there were about five different steps that would be taken. Five days then they follow up, then the 45 day follow up. So we shortened it to align with the process that applies

today to all contracted parties for the [INAUDIBLE 2:48:11] registries across all complaint types.

So the process now starts with, per contract we have to give the contracting party 15 days to pursue and take reasonable steps to investigate and correct. Immediately after those 15 business days, we follow up, if it has not been responded to, and we follow up with fact based decisions.

Not telling you what we think you did or what you're going to do, show me. So the improved process here, improved on the quality, the timing, and the effort.

Another effort we launched this year is the year one audit program. One section of the program focuses on WHOIS inaccuracy reporting. I would like to make the audience, it is not in our contractual scope to validate accuracy. It's for us to follow up with the registrars, they are taking reasonable steps to investigate and correct.

So year one audit focuses on the responses, focuses that there is data there. So it's on the population of the field, and access to the WHOIS data. So from an enforcement perspective, process and systems...

The most critical part, as we all know, we can be doing lots of things but how do you communicate and how do you measure it? I've been listening to this meeting since 8:30. We have defined, and we'll be rolling out, start to gradually roll out some of the metrics. But our objective is to get to a dashboard. We today have over 50 metrics, and we've been reporting at the ICANN meetings.

And the metrics, in order for them to be stood up, we have to have the consolidated tool all stood up together, across all areas to be able to do an apples to apples comparison.

So today we partnered even with the working groups on the consumer trust, and a lot of the metrics we shared with them are already developed here, and we hope to start reporting on them. It's going to be by top-level domain, it's going to be by region, even down to the level of a country and a registrar.

In addition to metrics, which we will publish on our website, we also are going to use those metrics for continuous improvement. Continuous improvement applies outward and inward. We are doing and measuring and will be reporting to the community turnaround time, something as simple as that, to the complexity of the type of issues (inaudible) of issues and across which regions.

So we also improved on our reporting. We published our annual report in February, and also ramped up our monthly updates. I do not want to refer to them as (inaudible). We're updating our website to really refer

to them as monthly updates. The idea is to provide on a month-to-month update on the activities without providing the (inaudible) paper. It just gives you an idea of what's going on within compliance.

These updates, and the annual report, are going to be translated. We already started to revamp the website and the web team is helping us set up the code behind it. It's going to be provided in the six UN languages, both the update and the annual report.

The part that will touch each and every one of you, if you've signed onto myICANN, you should in April have access to a first cut of the compliance metrics. Talk about PDP. You guys are having discussions about policy development. A lot of times impact of policy development wants to know statistics and data. We hope to provide that to you without you coming to us.

So we're hoping to do what we call the pull approach versus the push. We provide the data. You can go and have at it. If it's not there, you require different aspects of it, let us know.

You will see what we call an outward facing compliance metrics. We will not share and public the inward facing, because we want to maintain that collaboration and confidentiality as we are working with each and every registrar and registry operator.

So those we have always called report cards that we work directly with the contracted party on and we maintain information. The time we publish is when we issue a breach. That's a commitment that's been publically know. It's in our process and it's published on the website.

In addition to improving on the enforcement, this last slide is really the foundation how we're going to do that. We are rolling out – if you've ever logged a complaint or used InterNIC, it's intimidating and it dates. It's very outdated.

So we're launching an improved and user-friendly navigation system that's aligned with all the improvements to communication. This launch is going to happen within the next few days, and again, it's going to be a gradual rollout where we'll phase out the old complaint tools and bring them into the new one.

We are also going to be providing on that tool what we refer to ask Frequently Asked Questions and Guidance and that will be delivered in the six UN languages. Filing a complaint will still remain in English for this first launch.

So improved customer service is going to be launched based on current complaints, but we will be adding New gTLD complaints to it and we will be adding additional features that the community shared with us. They want to be able to log multiple complaints and things of that nature.

So we have what we call a laundry list. It's prioritized by the upcoming events. We need to be able to be scalable and ready for all the new things that are happening at ICANN. So establishing the foundation, rolling out New gTLD is our priority. So the improved customer interface, the backend, we'll have what we call the Centralized Complaint Management System. Once that is stood up, which is also going to be over the next few weeks, our objective is to complete rollout and the (inaudible) setting of current tools, a couple of those systems. And we are targeting no later than June 23rd we shut down the old system. Now everything is on one system, one process, one management. Compliance will, at the next ICANN meeting, start providing you metrics and apple to apple measurements and dashboarding.

These are the three slides that relate to the WHOIS Review Team, recommendations as it relates to improving enforcement and communication.

BRIAN CUTE:

Thank you. Do we have any questions. Yes, David.

DAVID CONRAD:

So the shopping list of features and systems you're developing, is that publically available or is that an internal document?

MAGUY SERAD:

It's an internal document. What we've been doing, David, as you know, you get all kinds of requests and coming from a very diverse community, you have to sort through it and prioritize it. But we do, at the public meeting, share what are the next steps we're laying out, which is similar to this.

The details behind the scene will be what type of multiple complaints, how do you categorize it? That's the details that's not available. But this is part of the list that we're rolling out towards.

BRIAN CUTE:

Sure, Larry.

LAWRENCE STRICKLING:

This is a very impressive list that you've presented to us. I wanted to go back to the actual text of the Recommendation 4 that said "ICANN should ensure that its compliance function is managed in accordance with best practice principles," and it goes on. I guess my question is in coming up with these activities, what did you turn to to find best practice principles. Where are the analogs or the guides to how other people have done this that you could rely on or learn from?

MAGUY SERAD:

(Charla) is one of the new faces I haven't met yet either. So very valuable question, thank you. I decided on my experience – I am a Master Black belt Six Sigma certified, I come from a compliance experience of over 20 years in different areas, and when we did a current assessment of our existence when I joined in April of 2011, we identified the areas and we put together a three-year plan. I'm not sure if you've seen any of our compliance presentations – three-year plan

that clearly committed to the community to be able to track us. What are we doing?

And all of these recommendations are part of what you call best practices. The only thing that's missing here, Larry, is a dashboard and that's going to come. I want all this stuff as accomplished. Does that answer your question?

LAWRENCE STRICKLING:

I guess, other than your own experience, is there accepted set of best practice principles in this area? If so, where would one find them if they wanted to match up what you've done here – which again, on the surface to an untrained person like myself looks very impressive, but I was just wondering how we would actually audit it against what the recommendation was.

MAGUY SERAD:

Sure. Thank you. Actually, you said (inaudible). I'm going to speak to that, too. For point of reference, as you know ICANN is unique. Point of reference, you (inaudible) our vision – when we established our three-year plan, we also established our vision and our mission and how we're going to accomplish it.

It's to be able to deliver a trusted – to be a trusted compliance service provider. We deliver a very specific service at ICANN for contractual compliance, so transparency, standard operating procedures, communication, consistency, measurement.

You can look on any compliance. We researched across Internet providers, we researched it across different industries, and the words best practices, if you follow up through some of the continuous improvements, sometimes it's over rated. I'd rather refer to it as good practice, because you want to be able to have opportunity to grow when you have good. So again, standard operating procedures, centralized tools, communications, publishing, metrics, eventually dashboarding.

On the audit, Larry, what I'd like to say is we spoke here of a one-year audit that touches our contracted party. Think of it like spring cleaning. We're doing a baseline. Brian is one of our – I don't want to say victims because we get picked on all the time.

BRIAN CUTE:

Participant.

MAGUY SERAD:

Because they tell us, the registrars in North America. They say, "You pick on us. Why don't you pick on other regions." I look at them. I say, "You don't know what happens behind closed doors. I pick on everybody." So we launched this audit to baseline. It's a three-year program because it's very intense across all existing contracted parties. We baseline by the third year, then we start looking at what (inaudible) a factor of an annual audit where you select base on a random selection and behavior.

In addition to that external audit, my team also – we're going through. I'm doing an internal audit. You're going to tell me how you audit yourself. The risk and audit manager in Contractual Compliance is an independent function. It does not touch operation.

Again, based on his knowledge, background and mine, we put together the strategy and the methodology. We're going to audit ourselves and we're engaging through an (inaudible) process the next few months to engage with a third-party vendor to come and audit Contractual Compliance Services and we will make that published to the community. So all these are good practices.

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MARGIE MILAM:

Oh, okay, sure. I was just looking for my slides to pop up. I was asked to provide you an update on some of the WHOIS Review Team recommendations that are being implemented, specifically in the areas of the RAA negotiations and the Expert Working Group activities.

And so, Denise will give you a little bit more background on the rest of the WHOIS Review Team recommendations, but I thought I'd at least highlight some of the activities that relate to access and accuracy as they pertain to the RAA negotiations.

As you know, there's been negotiations on the new contract with registrars and that process has been going on for approximately 18 months. When Fadi Chehadé came on board as our new CEO, he really took an interest in the project to make sure that, one, we were addressing all the areas we needed to address; but two, to bring it to closure very quickly.

And so what we've done since Toronto is engage in negotiations with the registrars to close out as many of the items as possible, and we published last week the series of documents that pertain to the ICANN proposal for the new 2013 REA.

With respect to WHOIS, there are many significant improvements. For example, there is a WHOIS Accuracy Program specification that calls, for the first time, for validation and verification of WHOIS records. So that's a big part of the negotiations that have taken place over this period.

The proposal, if you take a look at it, includes commitment by registrars to validate the field. In other words, the address fields would be tested against some known standard. There's also a requirement to verify the e-mail address or the phone number of the registrant. So that's a big improvement with respect to accuracy. There's also a specification on privacy and proxy services, essentially setting a baseline for those services – and specifically the specification talks about things like

escrow of the underlying customer's data, having an (abuse) point of contact for law enforcement to be able to access information. There's also a disclosure element where the Terms of Use of the service provider will be made available and a requirement to relay the communication specifically that relates to illegal activity. So that's a big step forward in the areas of access and accuracies.

There's also a specification that deals with SLA on Port 43 access. For the first time, registrars are willing to commit to a service level agreement and availability with respect to the Port 43.

And there's also placeholders for transition to new protocols, specifically – and I think Steve Sheng may talk to you about this later today – to the IETF protocol that would enable—

BRIAN CUTE: Did Margie drop off?

DENISE MICHEL: Yes.

BRIAN CUTE: Just so we're following along, Denise, Margie's covering recommendations five through ten in the WHOIS Review Team Report.

DENISE MICHEL: (inaudible)

BRIAN CUTE: I can ask her too. Yeah, and just for folks on the phone, too.

MARGIE MILAM: Hi, it's Margie.

BRIAN CUTE: Hey, Margie. It's Brian.

MARGIE MILAM: Can you hear me okay? Sorry about that.

BRIAN CUTE: We can hear you. No problem. Hey, just before you get back to it – and for benefit of folks on the phone, too – can you just highlight the specific numerated recommendations that you're walking us through from the WHOIS Review Team report?

MARGIE MILAM: Oh, I don't know them off the top of my head. I apologize. Maybe Denise does.

DENISE MICHEL: No.

BRIAN CUTE: Well, you're covering accuracy and access. Correct?

MARGIE MILAM: Yes, accuracy and access.

DENISE MICHEL: I'll pull it up.

BRIAN CUTE: Okay. Thanks, go ahead.

MARGIE MILAM: Yeah, okay. So I think where I dropped off was the Registrant Rights and Responsibilities document, and that document actually covers other

aspects in addition to access and accuracy. Specifically, it's an educational platform as well to let registrants know what their obligations are with respect to the domain and (inaudible) and keeping their information up to date. And so that is also something that we're very proud of, and believe that the Registrant Rights and Responsibilities document will go a long way in both clearing up the rights registrants have, but also the responsibilities. Next slide, please.

Okay. So that's essentially the RAA negotiations. Where we are is that the document is posted for public comments and we invite comments on all of the proposals. The package includes a fully redlined 2013 RAA against the 2009, which was the last version that was implemented and includes all specifications to the RAA. It's a very detailed package of information.

And now the other part I wanted to talk to you about was the Expert Working Group recommendations that relates to developing what we're calling the next generation of data delivery services – data directory services. And the genesis for this was the board resolution in November that essentially adopted the WHOIS Review Team recommendations, but noted that because of comments, specifically from the SSAC from their SAC 55 Report that raised questions regarding the existing policy and whether there was clarity on the purpose of WHOIS.

The board took a two-prong approach to dealing with the WHOIS issue. One, essentially enforcing the current commitments, and that's the first part of board resolution. But the second part is setting off a new activity to really take a look at the need for data directory services and to examine the purpose of WHOIS and to start from a clean slate, if you will. In other words, not work with a system that we have, but invite a fresh look to see if we have got the right approach for dealing with data directory services.

So the CEO was charged by the board to essentially start this new initiative, and that was done through the launch of an Expert Working Group that has just started its activities over the last month and is currently going through a series of meetings to try to come up with a proposed model for these new data directory services.

This Expert Working Group would – this information would be used as a foundation for further policy work, and as part of the board resolution that adopted the WHOIS Review Team recommendations and kick off its new initiative, there's a request for an issue report for the GNSO to actually start a PDP on these recommendations once they come out of the Expert Working Group. Next slide please.

And so, as I mentioned, the work is underway. They are engaged in conference calls and face-to-face meetings. We have one scheduled next week in London. There will be an update in Beijing, and so by

Beijing, the community will be able to get a better sense of what the Working Group is doing.

It's led by Jean-Francois Baril who is a very talented executive that brings together an outside perspective in his approach. The Expert Working Group was carefully selected to pick those insiders and outsiders to try to come up with a consensus model that could be sent to the GNSO on what the next level of data directory services would be.

And we also have very active involvement with the board liaisons to the group to help guide this Expert Working Group to come up with this new model. And with that, I guess I'll leave it open to questions.

DENISE MICHEL: This is Denise. Just to answer the question that you raised, Brian, all the things that Margie just presented relate to, in part, recommendation one about making WHOIS a strategic priority. Recommendations 5, 6, 8 which all relate to data accuracy and recommendation 10 which is access, privacy, and proxy.

MARGIE MILAM: Thank you, Denise.

BRIAN CUTE: Any questions for Margie? Avri.

AVRI DORIA: Hi, Margie. This is Avri. I had two questions on the RAA slide and I just want to make sure I understood. On the improvements, have these been agreed to? Are these reflected in the registrar's understandings or is this just something that's still very much aspirational on the ICANN staff side? And also, in terms of the Registrant Rights and Responsibilities document, having read that and seen its very strong on responsibilities but I'm not sure about the rights part, I was wondering what privacy, authorities, or standards were consulted in creating these? Thanks.

DENISE MICHEL: Could you e-mail me your question? And we'll make sure that you and the team get an answer. Is that you, Margie?

MARGIE MILAM: Yeah, sorry. I'm having phone issues. I didn't hear the question.

DENISE MICHEL: Did you hear Avri's question?

MARGIE MILAM: No, I didn't.

AVRI DORIA: Sorry. Yeah, I had asked two questions based on your RAA slide. The first one had been in terms of the discussion of the improvements you've talked about, I was wondering whether these are all improvements that are sort of already in the mutually agreed upon set or are these things that are still somewhat aspirational from the ICANN staff side?

And then, also, on the Registrants and Responsibilities, having read through that document seeing it as very strong on responsibilities but

not quite as strong on rights, I was just wondering what rights, standards, or privacy authorities, etc. – standards – had been consulted in the creation of this document. Thanks.

MARGIE MILAM:

Sure. So on the first question, which ones are agreed to, if you look through the documents, we posted the documents with some of them not being fully agreed to by the registrars.

On respects to the accuracy program, the registrars are in agreement on the validation and verification obligation, but there is a question regarding an additional part of it that is not technically WHOIS but it relates to validation and verification of the account holder information. So that's where the registrars are still doing further work to decide their view on that perspective.

So that require came from the law enforcement community, essentially to have validation of WHOIS records plus account holder information and that's the part that's still up in the negotiations for further discussion.

On the Privacy Proxy Services, there was a general consensus that there would be a privacy proxy specification with very minimal basic obligation, so things that relate to reveal or not in there, for example, but they're going through it now to determine whether what's proposed in the specification of something that they agree to. So there's agreement on the concept of a specification on privacy proxy, but the (inaudible) is still being worked out.

With respect to the WHOIS specification, the SLA in the transition is agreed to. The Port 43 is an issue where the registrars have asked to remove the obligation for Port 43 for those registries where there is sick WHOIS service, because the registries carry all of the information and the registrars feel that that's a duplicate service. So that's one of the reasons that the documents are being posted for public comment, to try to receive further in in that regard from the community on how it feels about the Port 43 obligations and the request of the registrars.

And then the Registrar Rights and Responsibilities document, that is something that was worked with the registrars. They came up with the language that you see in the proposal. The purpose of the public comment forum is to receive community input, so that would be the time where privacy authorities and others can weigh in on whether there should be additional rights that are specified in there. But prior to this point, we had not circulated that document to any privacy or government authorities.

AVRI DORIA:

Thank you.

MARGIE MILAM:

Does that answer your question?

AVRI DORIA:

Yes, thank you.

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CHRIS GIFT:

Thank you very much. Good afternoon, good evening, depending on where you are. I'm here to talk about a number of items detailing with respect to WHOIS, Information Portal, and some automation tools or three to provide more information on WHOIS.

The first item is an Information Portal. The Information Portal is supposed to provide a single stop shopping for people who want to know more about WHOIS and where they should go to either enter in a complaint or who they should talk to if they have an issue with any of the WHOIS records. So right now that data is scattered across a few different sites – InterNIC, some places at the ICANN.org website, and other places in the IDS – to put it all in one place and then promote that more fully so that people would have one place to go to find out that information.

Right now we are working on a plan. The plan is going to be published April 7th for how that will be implemented. So we're working on that right now – on a plan to get that done.

Data accuracy. Data accuracy is pertaining to – there's a couple of things here. One is we are, again – all this together in terms of a plan. The initial plan is due April 7th. Just in a few weeks.

The goal of the data accuracy is to provide dynamic reporting via random sampling. It's the physical sampling of WHOIS records. So it is not supposed to be – at least my understanding right now is it is not supposed to provide reporting on individual records. The goal is to say within geographic regions or within area, WHOIS – or within certain (TLDs) – WHOIS tends to be this accurate; 97% accurate or 95% accurate.

There are some questions about what does accuracy actually mean. What level is that accuracy? Does it just simply mean that the record is complete or incomplete in terms of data? Is the data itself accurate? Then it becomes a bit of a question. How do you define accuracy? How do we even go and test accuracy?

We can do that. We're looking into that right now on how we can go look at that data. But it would be costly for us to move beyond simple statements around whether the record is complete and simple looks at whether the data itself looks like its accurate, such as the zip code or a name or something of that order.

There is a request that we actually – part of the request is actually we step beyond just statistical sampling of data and reporting on the statistical samples, but that we actually report on individual records and send them to the appropriate registrar, saying that these records are incorrect or inaccurate in some way, shape or form.

Again, there is some issue around that. I'm not quite sure. I know this isn't necessarily this group, but there is a question about is that beyond the remit of ICANN to do that, to go around and sample WHOIS records globally and report on their issues and go back. Is that beyond our remit? And again, the accuracy issue shows up. How do I define accuracy? How do I report that to the registrar? How do I test? We're still working that through, but again, we have a plan by April 7th.

Similar, we will have a centralized WHOIS, a global WHOIS search. It will be on the WHOIS portal. I don't see any issues with putting this together, implementing it or scheduling it. Again, we're working on this plan with the rest of the Information Portal and we'll have a date by April 7th. We (don't) have this meeting April 7th. I have such good news. Last slide please.

IDN WHOIS records. This is following on the IDN recommendations that we're working on for WHOIS. While I am, again, working on a plan for April 7th, the reality is that any automation tools around IDN WHOIS records are going to have to follow on after that recommendation, which I think is – the requirements are due July 22nd for IDN WHOIS. So implementing any automating tools will follow that – well, release the requirements for those records.

But I'm stuck with the same issue as the rest. There was a comment around not only do we sample – statistically sample it – but again, we provide WHOIS records to the registrars and I'm back to the same issues. Is that beyond the remit of ICANN and how do we define accuracy – data accuracy? Yes, (Leela).

(LEELA): Well, I just have a question because when you're looking at IDNs, you would also look at ccTLDs, right? So here you have the mix of ICANN going into the ccTLD business, right? Or...?

CHRIS GIFT: gTLD records, sorry. IDN records.

(LEELA): But some of the countries are gTLD-like because they took the fast track or...?

DENISE MICHEL: Yeah. What a particular country decides to do or how it uses its country code is not relevant for the purpose of ICANN having a contract with the registry and registrar. The IDN WHOIS record effort specifically relates to IDN gTLD.

LAWRENCE STRICKLING: I, too, am confused. There aren't any IDN gTLDs yet.

DENISE MICHEL:

This effort would follow the effort to propose some activities around internationalized registration data and Steve Sheng is going to present some of the activities on that. So we're a little bit out of sequence because Chris is here, but it relates to the work that WHOIS Review Team asked – recommended – be done relating to internationalized registration data.

LAWRENCE STRICKLING:

Interesting.

DEMI GETSCHKO:

So together with my participant and colleague (inaudible) IDN issue within WHOIS Review Team and I would say that the recommendations were slightly more detailed rather than (inaudible) here. And of course I always say that unfortunately most of our participants of the WHOIS Review Team, they helped (inaudible) after receiving the feedback from the board on the results of the WHOIS Review Team report.

However, now and after the explanation is given by Steve, I do understand that of course the problem of implementability that exists, and I think all our frustration would end on April the 7th as we are promised.

In fact, answering Elizabeth's question as well, we did consider the possibility of extending what we would like to recommend to offer also on ccTLD (inaudible). However, of course, we don't understand it. According to the mandate, it's all limited to the gTLD. But we always were in favor of the unified approach because in the world of the IDNs, it's very difficult to meet different (inaudible) and different procedures and different requirements for IDN in gTLDs and the IDN in ccTLDs.

And excuse me, I have another remark which I had to make previously during the review of the ATRT 1 report about the multilingualism. When we worked on our WHOIS Review Team, it was translated into Russian as well to other languages and I noticed that the terminology which is used in ICANN documents is different from the terminology which is used by the Russian IT specialists because it's mostly based on the English equivalence and it does not correspond to the wording of our logistical documents. So we have to translate the ICANN Russian text into Russian explaining what we should read here meaning what.

So, finally, I raise this question, but when the report was ready, I think maybe it's even good that ICANN is a standard. The standard language in Russian on the terminology on the (inaudible) which describe the (inaudible) system is proposed and is fixed by ICANN.

So we in Russia have to adapt our own (legislation) and terminology to what ICANN proposes, even maybe if it seems very strange for the Russian ear.

However, my question is whether such issues exist also for other language, not only Russian. Maybe Arabic or Spanish or Chinese. And

who is the final linguistic guru in ICANN who can just really confirm that this Russian is exactly what corresponds to certain English equivalents. Thank you.

DENISE MICHEL:

I'll just answer quickly. I know Sally Costerton had global engagement in communications and has a plan to – or is developing a plan to – address this issue and has some new plans for translation. I'll get some more information to the team on that.

BRIAN CUTE:

Thank you. I just want to ask a question. A couple points in your presentation you said that you bumped into the question of whether it's within ICANN's remit to sample WHOIS data, right? Was that accurate? Was that a point you raised?

CHRIS GIFT:

Sorry, (inaudible). It was broader than that. It was do we have the remit or not? It's not just sample. Sampling – I was a little misstated. Sampling is not an issue. I have to sample to provide data accuracy reports to basically sample it. In the recommendation I had read, it went beyond sampling. It was saying uncover and report inaccurate WHOIS records.

So, to me, that means do I request that all the TLDs send me all their WHOIS records and I have a central data store and I keep track of those? To me, that's the biggest question which I'm unsure of whether that's ICANN's role to do that.

BRIAN CUTE:

Okay. So that's a clarification that there isn't an issue about sampling WHOIS data and that's not preventing you from taking any action here.

CHRIS GIFT:

That's correct. There is no issue around that.

BRIAN CUTE:

Thanks. Any other questions? Yes, Carlos.

CARLOS RAÚL GUTIERREZ:

Yes. When you say an Information Portal, is this a WHOIS Information Portal or a WHOIS Information Portal within the ICANN portals with pages – I want to understand what this portal is going to look like. Do I have to go through the ICANN web pages first or this is an independent portal that ICANN will (feed)...or?

CHRIS GIFT:

That's a good question. We're not entirely sure. I can say this. I can say it will be either a micro – it's going to be something dedicated to WHOIS. I'm hoping that we could have it stand off to a side from ICANN.org. Or, at least if it is part of ICANN.org, it is highly visible. My one fear of putting it within ICANN.org is we already have a lot of information and a lot of content there and it could easily get lost.

So I don't know the exact implementation. Right now I'm thinking it's a standoff site in and of itself and that we promote that and start pushing traffic to that site for people to understand about WHOIS and learn more about it.

BRIAN CUTE:

Sure. Denise.

DENISE MICHEL: Just for your information, on the activities that Chris just ran through relate to Recommendation 3 on outreach, also Recommendation 5, 6, 7, 11, and 14 that are relating to data accuracy in various ways. Again, I'll be sending you guys a table so you have all this in writing.

If there are no more questions for Chris, we have Steve Sheng on the line who can continue the discussion about internationalized registration data and the activities in that area if you'd like.

BRIAN CUTE: Sounds good, thank you.

DENISE MICHEL: Steve, are you with us?

STEVE SHENG: Yes, I'm on the line. Can you hear me?

DENISE MICHEL: Yes. Charla will pull up your slides and you can start anytime.

STEVE SHENG: Sure. So I'm going to quickly go over about implementing WHOIS Review Team Recommendations 12-14 which concerns the support for internationalized data in the directory service. So earlier we had a question about IDNs and its relationship to internationalized registration data, so I just want to clarify a little bit.

The registration data (inaudible) WHOIS data and internationalized meaning they can be represented in a language and script other than U.S. ASCII, or English. Today many registrants – for example, in the ccTRD space – have internationalized registration data.

The second point is internationalized registration data is not – doesn't have to be tied with IDNS. So you could have a purely ASCII domain that could still have internationalized registration data. For example, a dot com registered in China may allow internationalized registration data.

But having said that, I think with the introduction of IDNs at the ccTLD and the TLD level upcoming, this problem will become much more prominent. I think the WHOIS Review Team cost is out in recommendation 12-14.

The way we implement the recommendation is we break those recommendations into four tasks. The first task is to have a working group to determine the appropriate registration data requirements. One key issue in that requirement is to whether to support translation or transliteration of the internationalized data.

And following up that requirement, that needs to be implemented into a data model. So that's the first task. The second task is once the data model is complete, is to put it into relevant registry and registrar agreements (will) have placeholders for those to be implemented. So task one and task two are sequential, so we need to complete task one first and then task two.

Task three and four are to evaluate the current available solutions that support internationalized registration data. These solutions, I think (inaudible) to the ones that currently implement (other) ccTLDs, so those could share a useful example because ccTLDs – although these recommendations applies to ccTLD space, I think the lessons and the experiences learned in the ccTLD space will provide some very useful guidance here.

Another part of the solution we need to evaluate is the commercial feasibility of translation and transliteration systems, (if) policy decides what will happen, how feasible they are. So that's another part of evaluation.

And finally, it's to provide regular updates on the development of this issue. I think WHOIS – this issue touches both the policy and the technical piece and I think both communities needs to be aware of the work the other part is doing.

What we've been doing is, for example, in the ITF, there's a current Working Group to develop the next generation protocol that would support internationalized registration data. We use the ICANN meeting to invite them to come and give updates to the ICANN community. Similarly, ICANN staff also present what's happening in the ICANN community to the ITF so that both sides are fully aware of the activities.

So those are the four tasks. Number three and number four are already started. Number one will start shortly after the Beijing meeting with number two to follow. So that's a quick update on this topic.

AVRI DORIA:

Thank you. Any questions? No, I see no questions. Thank you, Steve.

DENISE MICHEL:

Thanks a lot, Steve, and thanks for hanging in there with us.

STEVE SHENG:

No problem.

DENISE MICHEL:

And of course the activities that Steve just ran through relate to the internationalize registration data recommendations which are 12, 13, and 14. And now Lynn Lipinski is here to talk about outreach and communication which relates primarily to Recommendation 3 on outreach.

LYNN LIPINSKI:

Hi. I'm Lynn Lipinski. I'm the publications manager on the communications team here at ICANN. I've also been an observer to the side of the room for the whole meeting. I wanted to sit in today, get a broader context. I'm going to educate myself just a little bit more about what the ATRT 2 is doing.

So anyway, it's been a nice ride. Now I'll make my switch from observer to participant and talk a little bit about communications and outreach – the outreach plan we have relating to Recommendation 3.

The communications team – and I work with Jim Trengrove. That's who I report to. And he and I worked on a communications plan related to Recommendation 3. What we saw in the rationale that the board recommendations had was that the CEO needed to have staff create and execute a communications and outreach plan that provides key stakeholders including users the information they need to use with the collection and maintenance of gTLD registration data.

So we broke it into two planks and those are up there with my two objectives on the slide we're showing right now. One is to raise awareness of policy development efforts to answer questions such as why WHOIS data is collected and what purpose it serves.

Now that's a very broad objective because we're actually trying to talk to people about what WHOIS is. What is WHOIS? That's one of my taglines I proposed for that. But talking to people about why we get that data, why it's important, what purpose it serves and involving people in that discussion.

The second objective is to promote the Information Portal that Chris Gift talked about. As an easy way to access the existing WHOIS information and notify relevant parties of data accuracy issues. Obviously that's not in place right now. We can't communicate what's not there. But we will do it as soon as it is up and running, and also work with Chris on the content of that. A lot of what we do is try to write things in plain English. Sometimes we're more successful than others. But we do try to write things in a very clear, understandable language in English and also in making sure that everything is translated. So we'd be doing that for that portal.

This slide just shows who we outlined as the outreach and communications target audiences, and this is drawn from the recommendations. Basically, the ICANN community, the SOs, and ACs, the Internet community itself, IETF, ISOC. Consumer rights and privacy organizations are obviously going to be interested in this, the business community and domain registrant. Those are the audiences we identified as being potentially interested in learning more about this. Next slide, Charla, thanks.

So our basic strategy is to use existing ICANN channels of communications to provide updates, receive public comment, and encourage discussion. With that strategy that we're using our existing communication tools, these are a little list of the fun part for communications people which is tactics. What are we actually going to do to spread the word?

Things that we're suggesting here for topics – we're talking about the WHOIS issue, a kickoff announcement, a news release supplemented with social media outreach. This could be both about the policy

discussions themselves as well as when the portal comes online and when there's something to draw people to, we would use these same tactics.

We'll want to create a fact sheet and brochure in the six UN languages. We want to work with the Global Engagement Team of which we're a part to develop a list of organizations that would be interested in this issue, work with them to find out who are the business community people, who are the privacy organizations in your regional area that we need to make sure they're aware of this debate and discussion and get involved if it's appropriate.

We want to promote program milestones through announcements and social media. We have implemented a speakers' bureau since January 2013, and through that we're keeping a series of basic slide decks up to date for people to use about ICANN, and I would say the WHOIS issue, we could do kind of a WHOIS Basics or my "What is WHOIS?" slide deck that we keep up to date on what's going on.

And then when the portal is up and running, what we'd like to do is create a demonstration video similar to what we did for myICANN, have it done by – if we have the budget, which hopefully we will – to use native speakers of Arabic, Chinese, French, Russian, and Spanish to narrate those videos for us so that they're available in more than just English. If we can't find the budget to do that, then we can subtitle in the other languages.

Basically, for metrics on this – because I have heard metrics and scorecards being an important part of the discussion today – my recommendation for metrics on this would be to track activities and to be tracking the number of public comments, be benchmarking them against maybe another issue, seeing if we're getting more or different people commenting and then consider that a success. We would also count participants in webinars and forums for benchmark purposes. We could compare those to New gTLD program webinars to look and see, are we drawing enough interest into this? And then also we will track through the speakers' bureau the number of speaking opportunities where the issue is addressed and keep a running tally of that so we can take a look at what we've done to promote it at the end and know if we've done enough. That's my last slide.

So our first phase was talking more about the issue itself. The second phase is promotion of the portal and that is it, actually. What a gracious conclusion. Thank you.

BRIAN CUTE:

Thank you. Would you track impressions as well in terms of your metrics?

LYNN LIPINSKI:

We can track, yes. I can track – we can certainly track them on the website. We can track website visitors, downloads of materials. We love

to do that. Impressions – because I’m thinking that’s more of an advertising term to me, so if we were doing advertising, I’d be tracking the impressions number. But we can build impressions from those metrics I talked about.

Say you do a speaking engagement. You get a roll call. Okay, there are 100 people in that audience. And we can keep a tally of that that way and say, “This many people were reached out to through our speakers’ bureau.” We can also do the same for webinars and forums and kind of put together an impressions number because we’re not doing advertising.

DENISE MICHEL: Are you talking about page clicks?

BRIAN CUTE: Equivalence, (rep) equivalence.

LYNN LIPINSKI: Unique page views. No, we track unique page views and we can track how many times. We can track how many times you’ve looked at a page where a document would be downloaded. We can’t quite track how many people have downloaded something, but we can track that.

BRIAN CUTE: Okay, Lise.

LISE FUHR: Could you go back to the slide where you had the interested parties or the stakeholders? Because we’ve been talking about looking at a broader scope of stakeholders like the ITU and I think this could be one of the issues that could be very relevant to a broader community. I see of course you put in business community and registrant, but the governments are very much interested in the WHOIS data and I know my government is really following the work of ICANN on this one and putting pressure on us. So those are your stakeholders too.

LAWRENCE STRICKLING: Did you say ITU is a stakeholder in the WHOIS data? Why?

LISE FUHR: Because you have a broader – you have other people participating in the ITU than in the ICANN.

BRIAN CUTE: Sorry, David.

DAVID CONRAD: With regard to the metrics discussion, I was wondering, have you looked at – a lot of content these days – written content – at the end will have a survey, “Was this helpful to you?” 5 star, 1 star, that sort of thing. Have you looked at doing that sort of thing with the content that’s being produced in this context?

LYNN LIPINSKI: No. We haven’t gotten into that suggestion, but I love that idea. It sums up – no, but I think that’s a great idea. We’ll look into that.

BRIAN CUTE: Oliver.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier. Hello, Lynn. You've been trying to look for me for the past week or so. Anyway, I'm here. Just a question here because I think at some point I was a bit confused about this. But it might be that other group members here are mighty confused as well. How does the work of the WHOIS Review link in with the Expert Working Group on gTLD directory services, which is just starting up right now?

LYNN LIPINSKI: I apologize I was unable to be with you at the start of the WHOIS discussion. I actually have some overview framing slides that answers this question. So in November when the board passed its resolution, it decided to take a two-track approach to this.

So one track is the Expert Working Group, very much focused on New gTLD. Yeah, New gTLD registration data and Steve Crocker is on that group. And then the second track is implementation of, if not the specific recommendations, the objectives of the recommendations of the WHOIS Review Team report. So we have parallel efforts going on here, completely separate really.

BRIAN CUTE: Any other questions? I see none. Thank you very much.

LYNN LIPINSKI: Do you want me to quickly just go back to my slide to make sure I haven't missed anything in this WHOIS?

BRIAN CUTE: Sure.

DENISE MICHEL: 37 I think can go. Thank you, Lynn.

LYNN LIPINSKI: All right. And I'll go through this really quickly. So as I mentioned, it was a November 2012 board resolution that lays out in great detail the board actions and directives to staff for implementing the WHOIS Review Team or Port Recommendations as well as launching the Expert Working Group. As you heard from staff, this spans a whole number of departments, the implementation of the WHOIS Review Team aboard, a whole number of departments within ICANN that we're coordinating.

And as you heard, some are still doing research. In fact, finding and grappling. But as Alan pointed out to me last night, there's still a lot of questions, a bit of confusion, and rather than wait until all of the plans are fully formed, I think what we'll do next week is lay out the comprehensive plan and a table that lays out staff activity as it relates to each recommendation and we'll just note where plans are still being developed and take an iterative approach. There's more information out there about all the different ways that staff is implementing this recommendation. Next slide.

BRIAN CUTE: That would be helpful, thank you.

LYNN LIPINSKI:

And so on Recommendation 1 of the report, which recommends (making) gTLD who was a strategic priority as I think has been mentioned. It is noted that it's a strategic priority, and our existing strategic plan also is highlighted in our operating plan and budget. It's a key focus of the CEO and is part of his performance metrics. And I think Maguy probably mentioned the expansion of the compliance team that reports directly under Fadi. And of course Fadi is very involved in overseeing the improvements to the enforcement of contracts to compliance. Next slide. Excuse me.

He's also weaving this into, as you've heard, to CEO roundtables and has mentioned the WHOIS issue, particularly I think in the registrar (inaudible) registry as well. Brian, you might know. And Margie walked you through in great detail. It's a very important component of the RAA Agreement Negotiations. It's also mentioned in the New gTLD. It's also covered in part in the New gTLD Registry Agreement that's been posted in there, sort of a placeholder there too for potential output from the Expert Working Group.

Ah, the single web page. So our legal team is working on that specific recommendation from the WHOIS Review Team Report, and that recommendation was to collect on one page the relevant guidelines and contractual conditions relating to gTLD WHOIS.

And so, they're working on that and have a target date of, well – a target month – of April. It might be the magical April 7th, but in the very near future that page will be posted for the public. And I think that's it (inaudible). Yeah.

BRIAN CUTE:

Thank you, Denise. On policies, one of the recommendations was that ICANN should create a single WHOIS policy, I believe. Was that Recommendation Number 2?

LYNN LIPINSKI:

Yeah, it's a little confusing the way the team worded it. Their intention was not to create a policy as in a policy development process, but rather create a single policy page, a web page – one location that contained all the existing policy and contractual conditions relating to WHOIS.

One of the first frustrations that the team came across in their early days was – it was very disparate and hard to actually locate all the different places that contained the contractual conditions and policies related to gTLD, to WHOIS. So it's really providing a centralized place.

BRIAN CUTE:

Thank you. Any other questions? No. Are we through WHOIS?

DENISE MICHEL:

That is WHOIS.

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MARGIE MILAM:

Okay. Well, essentially, you know from my responses that we're just in the initiation stage of some of the implementation work on the (inaudible) Review Team recommendation. So the status is probably different than maybe what you heard this morning with regard to some of the ATRT recommendations. I'm sorry. I'm Margie Milam for those of you who don't know me. I'm in the Strategic Initiatives Department. I work for Denise Michel. And the Strategic Initiatives Department is sort of coordinating the effort internally to implement the recommendations. Alan.

ALAN GREENBERG:

Just for clarity, you missed this morning where many of us around the table said these documents arrived too late for us to actually look at them. So you can't presume we've actually read all the spreadsheets.

MARGIE MILAM:

And there's a lot of information there, too. It took us quite a bit of time just internally to answer those questions. I hope you can see in the answers that we've really put a lot of analysis and thought into them and went through several iterations. We apologize for not giving you more time to look at it.

In terms of the main recommendation number 1, I guess, strategic priority, I think it was a good recommendation to make to WHOIS strategic priority. I think you see in the response from staff that we really took this one to heart. It's certainly one where Fadi Chehadé as he came on board embraced the idea that he was needed to be enhanced and to really take a holistic effort to try to fix the problem. So I think that was one. To have a high level goal like that is certainly one that's good as a framework for the other more specific recommendations.

And you've heard this before. One of the, I guess, difficulties with this particular review was that it was limited to the review of the existing policy. And in terms of fixing the problem, as you can see what happened with the board resolution, for example, board resolution took a different approach in the sense that it recommended this new approach – a clean slate approach – to fixing the problem of data directory services and not be limited to what's in the current WHOIS recommendations.

And so I think as part of what we learned and was processed, we learned that some of the issues that the WHOIS Review Team raised, like "how do you improve accuracy?" for example, those sorts of things were more difficult because of the constraints of the current policy. And then the way we approach the issue from – to really get out the main theme, which is fix WHOIS, fix accuracy, is the establishment of this expert working group that you've heard about and you saw in our responses that really is trying to take a clean slate approach to fixing the

problem and not necessarily be tied to all the current limitations of the contracts and the policies as they exist today. Does that make sense?

BRIAN CUTE:

Thank you, yeah. One of the questions that have become a normal course is: how can you measure the fact that it became a strategic priority for the organization? You do have some answers in here in terms of tying bonus for employees and Fadi's compensation. So are there other ways in which this is clearly, in a measurable way, become a strategic priority for the organization above other work items or workstreams?

MARGIE MILAM:

Well, I think certainly having the CEO's attention to this – and Fadi's made it one of his main goals as he came on as the new CEO. Elevating Maguy to the vice president position and really having Denise's team and our strategic initiatives team focus on this as a priority. I hope you've seen a concerted effort across all these departments internally within ICANN to really embrace these recommendations and deliver on what the community expects. Maguy, do you want to add in something about that?

BRIAN CUTE:

Okay. Take a breath. Any questions from the Review Team recommendation 1, strategic priority? Anything online? I don't see any hands. No. Okay. If you'd like to move us to recommendation 2.

MARGIE MILAM:

One more thing before we move on. I think one of the recommendations was to have a committee of the board address this, and in our responses, you'll see that the board felt that this was such a high priority that they wanted to be involved, all of them collectively as opposed to an individual committee. So that was another example of where this is really a strategic priority at board workshops. There's questions often asked about what's going on with WHOIS and it's an important topic that the board continues to monitor carefully. So I just wanted to also highlight that.

BRIAN CUTE:

Thank you. Very useful. Avri.

AVRI DORIA:

Hi. Avri speaking. I just wanted to ask, in terms of in all its aspects, I wonder to what degree, how have you sort of dealt with – maybe you answered this in the questionnaire – dealt with making sure that you've got all of its aspects and such? I'm wondering, has there been an exercise to collect all the aspects?

MARGIE MILAM:

I guess I look at aspects as – WHOIS and one of the issues that was raised in the report was that the policy itself is not centrally located – it's not a central. It's not like it's one policy everyone looks at and we all understand what it is. WHOIS, as it's enforced today, it's basically a compilation of obligations in different places. So you have the WHOIS policies that the GNSO, for example, has addressed. You've got the contracts. Not just the registries, but the registrar contracts as well.

And so when you look at it from all aspects, we're looking at it that, yes, we're looking at it from a contractual perspective; we're looking at it from a policy perspective to make sure we'll get them from a compliance perspective; to make sure the various—

And actually from a technological perspective. Chris will talk to you about the work that he's doing relating to the portal and some of the accuracy testing that he's developing tools for. Yeah, we're looking at it from multifaceted.

BRIAN CUTE:

Avri.

AVRI DORIA:

Yeah. I guess what I'm also looking for is those are sort of very much the internal aspects. Are you looking broader aspects – global, legal issue aspects, various human rights laws aspects? Are you also looking at it in terms of aspects of ccNSO and GNSO even though there's no obligation?

And that's what I mean by how expansive are you treating all? I've just come up with a couple of my favorite things within all.

MARGIE MILAM:

Very good question, Avri. So from the external perspective – so yes, I answered internally – we have a couple things. We've got the Expert Working Group that's working on the new system that hopefully addresses a lot of the current issues that we see in the current policy. The members of that Expert Working Group reflect a broad range of perspective. They're not just members from the ICANN community. We really went out to try to choose people outside of the community to get their perspective on this. And one of the members on that Expert Working Group is someone with an expertise in privacy, and that is certainly something that we're looking into in the Expert Working Group.

And in the Expert Working Group, we have several members from the CC community and they're sharing their perspective on how they deal with privacy issues, how they deal with accuracy and verification. So we're looking at them because they looked at it from different perspectives and inviting them into the conversation as well. So we are also – and we recognize that there's a lot of expertise in the CC community that can help address this issue.

And then in the GNSO there's the PDP process that's going to be kicked off when the Expert Working Group concludes its work, so the community will continue to be involved in this as the process continues. And also the law enforcement community, for example, was also very actively involved in the RAA negotiations on the contract aspect to make sure that some of the WHOIS issues from the law enforcement perspective were taken into account. So, yes, we are looking at it even beyond the ICANN community itself.

BRIAN CUTE:

Thank you, Margie. Steve?

STEVE CROCKER:

So everything that Margie has described is in fact getting a lot of attention. But there's maybe a blurring of a line that we tried at the board level to maintain, which is this. We took the recommendations from the WHOIS Review Team and we said we want to do two things, and they're sort of different and we want to do both of them. One is we want it – as you've heard very clearly – we wanted to step outside of the structure that was imbedded in the words of the Affirmation of Commitments and say we know that the whole framework of WHOIS has been deeply flawed. It's developed over a long period of time and it's not unreasonable that – it's time to finally take a look at that.

And so we set out this new track – Expert Working Group (ensuing). But we did not intend that that should be the only response or that should be the primary response to the WHOIS Review Team recommendations. We said – I don't think we made this clear enough. But I was intimately involved in the process, not just from supervising the board but in terms of actually thinking through this. We cannot predict how long it will take or what the outcome will be, so we cannot put full weight on that and say that is our response. So instead, we said that is our strategic researched – think of it as skunk work almost.

And with respect to the recommendations that have come in from the Review Team, we need to give a direct response to that, and our direct response is yes we will implement all of those recommendations. Never mind this Expert Working Group. So we have this dual track approach of a strong response to the WHOIS Review Team's recommendations in a timely and forceful fashion, and we have a separate activity which presumably, we'll come up with something positive and we'll run it through the process. But there's risk involved in that we haven't seen the results yet and I'm sitting on that Expert Working Group and I can't tell you whether or not we're going to come up with something that is going to be packaged up in a way that says this is a brand new fresh start on WHOIS and it's going to work.

So there's really these two separate things. Although everything Margie said is right, I think it underplays in some sense our response to the WHOIS Review Team's report and recommendations to focus too much energy on the Expert Working Group because that is not the totality, or even in some sense, the main response. The main response is yes we implement each of these recommendations. Then separately we have the strategic activity which may or may not succeed. One hopes it does.

BRIAN CUTE:

Thank you. Questions to the Review Team? Online? Seeing none. Okay, Margie, you can move on to number 2.

UNIDENTIFIED FEMALE:

Yeah. Let's move on to number 2. Yeah, we'll have Dan answer this question.

DAN HALLORAN:

Good afternoon. This is Dan Halloran on the ICANN staff. Welcome to everybody here. It's good to appear before you. I'm on the legal team and I took the lead on implementing this recommendation number 2. It was a pretty straightforward recommendation as these things go and it's now been implemented we can say, so it's the (inaudible) was straightforward.

The job was to create a single document, a single place, collecting all the – it turns out, the gTLD WHOIS requirements. So we have now a page and we did a blog post a week or two ago linking to the page and we can circulate and make sure the committee has access to the page we're talking about on the ICANN website where you can find all of the gTLD registry agreements, registrar agreements, consensus policies, ICANN procedures, etc. that form the working material that ICANN used, day-to-day registries and registrars use and ICANN use to go about following ICANN WHOIS requirements.

The spreadsheet goes into detail answering all the questions. We understood the genesis of it was – I wasn't on the WHOIS Review Team and didn't directly support them, but I imagine they were tasked with the job of reviewing ICANN WHOIS policy, and if I were on that group, the first thing I would do is say, "Okay, show me the WHOIS policy and I'll review it," and the answer would have been, "Well, we don't have a WHOIS policy to show you. It's not written down in any one place." That was prominent in the recommendations – let's get it all written down in one place.

There was a draft that got circulated to the WHOIS Review Team that did a starting job on that. It wasn't too much work. It was pretty straightforward. Collect that, update it, make sure it was complete, picked up some more stuff. There were some judgment calls like, "Should escrow be included, yes or no? Should publication be included?" I think if you go into – we're using WHOIS...now here I'm talking about it and it was the WHOIS Review Team that's actually sort of outdated language. In ICANN lingo, we have the (inaudible) report. (inaudible) talk about this. It's Domain Registration Data and we should be careful when we're talking about the data itself and the protocols, etc.

So this one page collects it all. So this recommendation is implemented. We talked in the spreadsheet about what we learned. There wasn't a whole lot to this one. I think we took the point that there might be other areas in ICANN policy and other issue and topic areas where it would benefit to try to look across the ICANN pages and different SO and AC pages and agreements and policies and try to make topic or issue papers bringing together resources on a particular subject.

That's about what was the usefulness of it. I guess that remains to be seen. I had the web team pull the stats from the server logs and we've

had like 200-something hits in the first couple weeks on this particular page. That means somebody's using it. There will be some work involved. We'll endeavor to keep it updates so as new agreements get entered and new policies get approved, we'll keep that page updated, so hopefully it will be a good resource for people.

BRIAN CUTE: Thanks. Any questions from the Review Team? Just out of curiosity, this is a policy or the result of a PDP process when you finally tracked it all down?

DAN HALLORAN: So the page itself collects. There's literally sections for consensus policies. There's a section for registry units. There's a section for registrar agreements. There's a section for ICANN procedures. So it was a process of collecting all these different pieces, which are the WHOIS requirements. Like the WHOIS Review Team (inaudible) on right away, there is no one paper page anywhere still that says, "This is ICANN's WHOIS policy," written down just like so. You have to kind of find it in all these different implementations.

BRIAN CUTE: Thanks. Any other questions? Alan.

ALAN GREENBERG: Dan, you answered my question before I asked it, but I'll raise it again. We have a really good habit in ICANN of doing monumental work like this and then forgetting it, and not keeping it up to date as the world changes. Please put in someone's (tickler) file that when other things change, this must be kept up to date or it becomes worse than useless because it's inaccurate. Thank you.

DAN HALLORAN: I'm adding a reminder in my calendar as we speak.

BRIAN CUTE: Thank You. Anybody else? Questions online? I don't see any. Thank you, Dan. Can we move forward? How many total recommendations are we walking through? 22. And we have 2 hours. 16. So this is a good pace. Margie or whoever's next.

LYNN LIPINSKI: Hi. This is Lynn Lipinski. I'm in the communications team here at ICANN. Glad to be here to talk about outreach issues regarding WHOIS. This is ongoing. In fact, we're really in the early planning and early implementation stages on this, so I'm not going to have a lot of learnings to share about it from that point of view. But I think that one of the things that is stressed here and was important to us is to see that this – you're talking about the need for outreach that is very proactive and beyond what ICANN normally does, and I think that that is a very good thing to flag for us.

ICANN has a lot of different methods of communicating information. I think that we post a lot of stuff on our website. We make a lot of information available. But what was flagged for me here was the idea that these are people who maybe don't want to be as engaged in tracking the ICANN website every day or every week such as it is looking

for updates, but they want things more spoon-fed to them. So that's kind of what we're looking at as we're getting ready to implement this part is how can we get them information that these particular audiences – the law enforcement, the data protection, commissioners – how can we get them the information in a way that they want it? Which may not be the way that ICANN usually presents it.

BRIAN CUTE: And what did you experience in terms of the feedback loop in terms of the effect of the outreach that you undertook?

LYNN LIPINSKI: We have not begun much outreach yet. We're in the process of gathering that audience – how to reach that audience. So that's kind of the extent of our learnings. We'll know more as we move forward.

BRIAN CUTE: My apologies for the question. In terms of outreach – and if you read the recommendation, there's clearly an inside ICANN community audience and potentially a broader outside audience. Any initial thoughts on how you can effectively hit both audiences? Are there differences in approaching the different audiences that are important in terms of communications, practices, and approach?

LYNN LIPINSKI: In terms of the ICANN audience, it's actually probably easier for us because we know our community very well. We just had this webinar on the WHOIS Review Team recommendations just to give an overview to the community on what we were doing.

If you look at the amendments to the Registrar Accreditation Agreement that's just been published, we've also taken a different approach on outreach as that's one aspect that's included now in the amendment process. We have a new specification, which is this Registrant Rights and Responsibilities document, for example, and it's a really simple I think one-page document that explains to registrants what their obligations are with respect to keeping – maintaining the accuracy of WHOIS and their obligation to do that.

And so we're trying to find different ways of reaching those audiences and, like I said, (inaudible) the contracts we're trying to find ways to do that and then obligations to link to information and that sort of thing. It's going to be an ongoing process. We're just at the very beginning, but that is certainly one aspect I wanted to share.

BRIAN CUTE: Thank you. And another area that we've been focused on, the Review Team, is metrics, implementability. Looking at this recommendation, there's a conclusion that the current implementation of WHOIS services does not help build consumer trust and more could be done to raise awareness and improve its user-friendliness. From your task-oriented perspective, from a communications perspective, how are you going to measure going forward whether or not the communications program has been effective, whether consumer trust has been elevated, whether user-friendliness has improved? Do you have any specific thoughts on

how, after you've implemented this thing, you're going to be able to measure the effect of this recommendation?

LYNN LIPINSKI:

Chris, do you want to comment on some of the – because what you're doing as well has outreach implications. And then the other thing I wanted to share – it was just even further – very premature at the moment – but there's been work on the GNSO side to identify consumer metrics, define consumer metrics and define how you could evaluate consumer trust and we're still at the outset of understanding those recommendations. We understand that ALAC had also provided some clarification on that and we're working on developing the staff recommendations to the board with respect to that. But that certainly touches upon some of the metric work that would also address this issue.

BRIAN CUTE:

Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript. I'm a little concerned about the use of the word outreach here where we started out with outreach to communities outside of ICANN and then we speak of outreach within ICANN. I would've thought this would've been called inreach.

Specifically, when you look at recommendation 3, which is all outreach, the start of the recommendation specifically speaks about finding great interest in the WHOIS policy among a number of groups that did not traditionally participate in ICANN's more technical proceedings. And yet, the recommendation is ICANN should ensure that WHOIS policy issues are accompanied by cross-community outreach. And usually when one speaks about cross-community, it's cross-ICANN communities. There's a bit of a – it doesn't fit very well. And it says, "Including outreach to the communities outside of ICANN." Well, I would've thought that's the primary communities to outreach to.

DENISE MICHEL:

This is Denise Michel. So during the course of the long year and a (inaudible) discussions with the WHOIS Review Team, in particular they highlighted communities like law enforcement that they identified as an important community, if you will, that should provide input on some of the policies and activities occurring in WHOIS but for which there was no official advisory committee or formal place at the table.

And so they very much noted that as an example in addition to perhaps a strong focus on consumers, although they know that they get some of that certainly true through the At Large. They very much sort of encouraged us to look more deeply and consider more deeply those entities that were not represented within the ICANN community like law enforcement and others and make sure that they are brought to the table. Law enforcement is an easy target, but the others is taking more due diligence and thought.

BRIAN CUTE: Thank you, Denise. Olivier with a follow up, and then Fiona and Fiona.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier for the transcript. This I think is fully-supported, but it's just in the recommendation itself. It doesn't actually show that the emphasis is on those communities that are not represented within the ICANN model. Thank you.

BRIAN CUTE: Thank you. Fiona Alexander.

FIONA ALEXANDER: Yes. Maybe it's just a question because this is still early for you all in how you're doing this. But I'm looking at the people that are sort of not part of the normal process even within ICANN and outside of ICANN, law enforcement data protection, these are all parts of government. So law enforcement is very much involved in GAC and involved in the GAC process. That's how they got the law enforcement recommendations for the RAA.

So as you guys are looking at how to important this and speak to stakeholders, they're not (inaudible) or often involved in ICANN through the GAC or further parts of the ICANN model. I'm actually going to talk to the GAC about getting input from governments about how to reach their counterparts and colleagues, because it seems to me, that's what some of these recommendations are getting at.

LYNN LIPINSKI: Yeah, absolutely. That's a great idea. Did I cut you off, Chris?

CHRIS GIFT: No.

LYNN LIPINSKI: It's a great idea for – well, of course we'll be working with the GAC and we also want to make use of our Global Outreach Team that we have in place as well to reach out regionally to people who may not know who the GAC representative is for their country, but we can bring them in in another way if their country's not involved in the GAC.

BRIAN CUTE: Thank you. Fiona.

FIONA ASONGA: In that case, we would look at the spreadsheet (inaudible) on the implementation of the WHOIS Review recommendations. The question we ask on whether or not the review of everything (inaudible) recommendation has been implemented and I think the answer there should be not yet, because you're still (inaudible) all the issues that you have (inaudible) to reach out to all the different (inaudible) and to get them involved.

So then I would like that, for purposes of the record, to change so that then when come back to the (cover) spreadsheet, we are looking at accurate information. (inaudible) you have implemented it and there's not (inaudible) that has not been implemented. However, in the explanation, you have (inaudible). So can we correct the spreadsheet?

BRIAN CUTE: Denise, did you want to? Okay, Chris.

CHRIS GIFT:

Sure. Thank you very much. This is Chris Gift, ICANN staff. I wanted to address a few points – some earlier ones. So first off, I thank you very much about the recommendation of talking to data protection as well as GAC. We actually heard that at the WHOIS webinar as well when we talked about some of these tools that I'm specifically working on and to certainly reach out to that community and those individuals to show them the work in progress and where we stood and get feedback. So we're definitely doing that, but thank you again for pointing that out.

Back to the questions about consumer trust and awareness. They're good questions. Some of those will be dealt with by recommendation number 11 in that we are building another portal – or a portal – to replace much of the work that's out there today.

So I think that will (inaudible) address the user-friendliness. We need to test that, and the way we develop and deploy, we'll continuously test user-friendliness around that to make sure that that's usable. We do have some benchmarks. I'm gathering benchmarks, I should say, from commercial providers of WHOIS lookups, about how many lookups they do on a daily basis, monthly basis, and comparing it to what we have. So I want to make sure that is that a fair comparison and how do we do that? So we're looking at that.

But to the question of consumer trust, offhand the only way we can do that is to test beforehand. We have to test now and we have to test after. So we have to think about how do we do that.

BRIAN CUTE:

Thank you. Avri.

AVRI DORIA:

Thanks. I wanted to return to the subject of the data privacy commissioners and all those folks and sort of encourage you to keep going in the direction of certainly address the GAC if they happen to know of them, but I know of the ones that we mostly know of, they don't know what ICANN is, they don't know what the GAC is. They recognize the problem as soon as it's been explained, so I don't think it's necessarily a spoon feeding, but it's sort of giving them a context for this.

So various people reach out to them, but as I say, they don't know what ICANN is, they don't know what GAC is, they have no relationship even within some of their governments of knowing. And sometimes it's such an extended link of relationships to get to a GAC representative from one ministry to the data privacy commissioner. So I encourage you to keep the wider. I'm not saying don't go to the GAC. I'm just saying you're not going to find them in the GAC for the most part.

LYNN LIPINSKI:

So every government is organized differently. I know our (inaudible)

BRIAN CUTE:

Any other questions on this one? Seeing none online, let's move on to recommendation 4. I'm sorry – Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Brian. It's Olivier for the transcript record. I was just going to make one small point with regards to the use of the word consumer. Chris Gift himself mentioned consumer and then said user accessibility and user usefulness and so on. We really have to think about whether we want to use the consumer or user – one or the other. User actually is a wider catchment than a consumer, and it's a bit unfortunate, historically we started with consumer, that maybe user would be the future. Thank you.

BRIAN CUTE:

Thank you. Recommendation 4. Maguy.

MAGUY SERAD:

Good afternoon, everyone. This is Maguy Serad. I'm ICANN staff Contractual Compliance. So recommendation 4 from the WHOIS Review Team's perspective relates to the overall Contractual Compliance department. As stated in the recommendation and the board resolution, there was a huge gap identified as it relates to the transparency and accountability of the Contractual Compliance Department and the recognition to really implement a more robust scalable and manageable team.

So since my arrival was right before the Singapore meeting, it was one of the few reports I reviewed and started interacting with the WHOIS Review Team before the report was published officially. It was still in draft mode.

But since then, we have put a three-year plan as it relates to the department. Again, recommendation 4 is about the contractual compliance function. The three-year plan spoke to how we are going to take this department and this function to the next level. We were lacking processes. We were lacking solid systems. We were short on resources. So we put a plan to implement it, so the depth and the content of this plan has been reported. The progress has been reported (all) ICANN meetings and at the last meeting I was here.

I think the best reflection that one can take from this recommendation is the progress made from then until now. From a resource perspective, the staffing is much more robust than we had when we started, but the staffing is not only about head count; it's also about skill sets. We have since then not only increased in head count, but also are doing what we call cross-functional training of our staff so we can be scalable in addressing whatever demands come our way.

The focus specifically on that aspect was relating also through our focus on WHOIS training, knowledge, reviews, and getting involved in that aspect.

So from a resource perspective, that's ongoing. You never stop looking. You always continue to look at resources. We've got new gTLD and anticipation for new gTLD. We also have a plan and a recommendation that we're working internally. I'm working directly with the CO and the

senior executives on what are those needed resources and how we can ramp up for those resources globally.

Those decisions on resources are made based on the metrics that we have today which we did not have in the past, metrics relating not only to volume of complaints. In the past, people used to only see volume of complaints. Now, volume is important because it tells you the breadth of issues across the globe, but now we can slice and dice those metrics to a region level, to a country, to a registrar, even down to a reporter level. So we are able to track and manage and deliver and be more proactive in our approach. So resource planning is also tied into how do we plan those resources to support the regions.

From that respect, move on to the next level which was processes. There was a flow chart, and the depth of that involvement or improvement in that space is that now the entire ICANN community, not only the contracted parties – even the board knows the process. I presented updates at the board meeting. Not only on the three-year plan. They're tracking to see how well we're doing and where we need their guidance and support.

But we even presented the process. The process is very important to be able to deliver an effective and efficient function specifically in contractual compliance. So process ensures consistency in an approach and in tracking.

So now to the systems, the depth and effect of the systems. We're starting to see that if you are keeping up through our monthly updates, we are implementing much more robust tools. We are consolidating all the fragmented systems and Excel sheets and all this stuff into a robust tool, which is going to really – the effect of that recommendation alone – people say, "Well, you need ten times more people in new gTLD." It's not only about people. The tools are critical foundation to be able to manage this upcoming volume (by) any organization.

So from that respect, it's still tracking on schedule. It does take time and I think we all realize the ICANN community is impatient when it comes to results. It takes time to roll out, because you have to collect requirements. You have to confirm them. In our ICANN community, a bottom-up approach, we have gone to every stakeholder meeting for review. Not necessarily approval, but consulting on what is the next step we're working towards and if they have an input to us. Not just the contracted part.

The (inaudible) something that everybody's going to be able to support and be on board. The last thing you want to do is say, "Surprise! Here's a process," and everybody says, "I don't understand it." It will create more mess for us.

So from system, from people, from tools, from processes now communication. The best reflection on communication is when people stop you at ICANN meetings and say, "Thank you for writing to us in English simple, clear languages." I always pick on Olivier – and I'm not going to change that habit, Olivier. Sorry. He always – we call him Father Christmas. We look for information on our website. First of all, if you find it, you're lucky to understand what we're telling you. We have simplified the communication and we have made it more direct to the activities, to the real-time information. We're providing monthly updates. We are providing – restructured. There used to be a semi-annual report, which now we publish an annual report totally. Totally revamped it from a point of view update based on the community's expectations, based on the expectations you wanted to see. Budget information. You wanted transparency. So all that, the effect of that, is clear.

The last thing I want to say is the effect of this recommendation is the best thing that I am so happy to see it disappeared from the ICANN meetings. When I first got here, there used to be a forum called "Let's get up on the mic and complain about compliance." I sat through it in Singapore with tears in my eyes. It was a lot of complaints and disappointments. We get through (inaudible). Yeah, not just you. I'm looking at Alice. I'm looking at Alan too.

But no, these were good because – and again, it's not disappointment. It's about expectations not being met. That was Singapore. (inaudible), the same 45 minutes was used only about 15 minutes of it. So the effect of the progress compliance has made is that this forum does not exist anymore because by Costa Rica, people stood on the mic and commented the recognition of the improvements. Are we finished? No. Will we ever be done? No. That's part of continuous improvement. So I'll take questions on that, Brian.

(DENISE MICHEL):

Just to add one more thing quickly. I'm going to put in another plug for myicann.org because Maguy forgot to mention that there is a tab at the top of myicann.org now. You click on it and you get a great visual with the most recent data.

MAGUY SERAD:

Yeah. Thank you, Denise. With that, I can sit here all day and tell you what was done but what we've got coming. But this was announced by Fadi at – where were we last? Beijing. About the metrics. It's one thing to say we're developing them. It's another to provide that access. It's still static and the reason it's static is because we have not really truly consolidated our tools into one. We're working towards that.

What we're working towards for the upcoming months until we complete our system migration is to provide a monthly refresh of that data. We're also going to provide it 13 months back because

everybody's interested in statistics and history data. So thanks, Michel, for reminding.

BRIAN CUTE:

Thank you, Maguy. Alan?

ALAN GREENBERG:

Thank you. I'll take off my ATRT hat for a moment, and as one of the people who made Maguy cry – no, I'm not proud of myself. I didn't think I actually did that. Nevertheless, I think some of the best work that has been done and is part of it are the pages that don't show up on myicann. That is the views that compliance has to monitor what organizations are doing and be able to take proactive action before the complaints come in, or to recognize complaints are coming in. I'm hopeful that that's the kind of thing which will end up reducing the complaints about compliance even more. I'll put my hat back on.

BRIAN CUTE:

Thanks, Alan. So just to underscore – and we would definitely welcome additional inputs from you on this process – things that the Review Team is interested in hearing is where things took longer or things were more resource intensive or things were harder than you anticipated in terms of implementation. I think you alluded to that to some degree, but it took longer to get some of these things in place.

We would like some input on that, because as a Review Team forming recommendations, they need to be implementable. They need to tie to reality and resources and that's an ongoing conversation we're going to have. So those types of inputs would be very helpful to us going forward and crafting better recommendations.

Also, unintended consequences – positive or negative. If you had any additional thoughts on that. And the one specific question, if you could weigh in on, this is clearly a broad sweeping activity in terms of compliance. It was within the context of the WHOIS Review Team's recommendations. Can you put a little color on, specifically with respect to WHOIS and compliance, what the focus is there?

FIONA ASONGA:

Sure. (inaudible) go back, Brian, and address the longer and harder and I think this will relate more to the reflection aspect. Because at the beginning, you said you wanted (inaudible) content reflection. So, let's reflect.

From an ATRT recommendation, the difficulty as we know, it's difficult enough to understand what one wants to do, then add the diversity and the input into a recommendation. The (inaudible) definition of the expectation or the outcome would be helpful. It's all about meeting expectations. That's the first thing I did when I got here in Singapore. Everybody, not just ALAC, how can we help you? We're here to help you. It's like, I really appreciate the intent, but tell me what are your expectations? And I ask that same request of working groups in anything that comes forward to ICANN staff for recommendations, for ideas. It's not a criticism, but it's about, what is the issue at hand? The

more defined and described, the better it is for us to dissect it and address it. So the clear definition of expectations and outcomes will be helpful.

Now, if we take reflection more from an ICANN staff perspective, as I said, you just referenced it, it's patience. We put a three-year plan together. I even had people say, "Oh, not again, that slide." It's like, yes, we will show you the three-year plan because we committed to it. If we do not show you and report on it, how will you know how we are progressing? We laid out the foundation of what we're going to do and we reported on it. It is a longer process. That's why we laid it over a three-year plan. Getting business requirements. It's the analogy I gave to my staff. If we can survive this three-year plan, we can really survive anything that comes our way.

Think of it. If I put in a very simple example that everyone can relate to it, if you have ever remodeled your house and lived in it while you are remodeling, that's a success story. We have not divorced each other yet on the team. We can't. It's difficult to keep the lights on and work. So that's a reflection. Because it would be ideal to say, "Shop is closed. Call me in a year when I finish building that house." But we could not do that.

That's why it took longer, because we still have to deliver and do our job while it's the same team. It's true it's not the same time who is programming, but it's the same team who is quantifying the requirements, validating them. It's the same team who is going to be testing, who's going to be doing the documentation that's going to be customer-facing or user-facing or ICANN-facing. So that's why the difficulty of recommendations. (inaudible) that will be taken into account when recommendations are made. The account needs to be taken into (inaudible) of the task.

So in relation to WHOIS activities, Brian – you asked in last point – we've got a couple of more recommendations that speak to it. But we all know WHOIS has been a very interesting topic. I don't want to use any other adjectives or descriptions. It has got so many different interpretations across the different community members. We just heard different people look at it from a different angle.

But people, what I realized or from a contractual compliance perspective, when we join the WHOIS Review Team, we got invited on multiple occasions for them to bounce off ideas, to discuss, to clarify certain things they were working towards. And since the first meeting, it became very apparent that the scope of compliance was not clearly-defined in many people's minds. So they say, "We need you to do this with WHOIS." We listened to what was their expectation, but up front, we made it clear that sorry we cannot meet your – compliance, specifically. I don't want to speak on behalf of ICANN. On behalf of

ICANN Contractual Compliance, could not meet a specific WHOIS request because compliance has a very well-defined code. It's a black and white scope. We have the contract and the consensus policies that drive what we do.

We did encourage them, since it's bottom-up, to take it through a different venue which was the different working groups and recommendations and RAAs and all of those venues. That was one thing.

From a WHOIS Review recommendation another aspect that it was a challenge to clarify. Again, it's about the clarity of a recommendation, but also the definition of it – I'm skipping to recommendation I think 9. I've got those recommendations memorized. That's sick.

So recommendation 9 was reduce WHOIS inaccuracy based on the NORC study. Well, I have read that NORC study back and forward many times and it was a sample size of 1,200 and it was a very well-defined study narrow in space. But when we went back to the WHOIS Review Team to just discuss that recommendation on many occasions, we clearly – ICANN clearly stated unless you do a different approach to the contract of a policy, there is a different scope for us.

So, clarity on the recommendation, but also understanding the background of the recommendation they're making. Does it exist today? Do we have a foundation to make a difference? Recommendations are valuable if we can meet those expectations of the recommendation. So that would be my feedback, please, to take back to working groups on recommendations. Does that answer your question?

BRIAN CUTE: Yes. Thank you very much. And having a recommendation memorized is not what some would say sick. Some would say that's the point.

MAGUY SERAD: You know, that's (inaudible) work for awesome these days. I'm sorry.

BRIAN CUTE: Something more like that. Sick like awesome.

MAGUY SERAD: They looked at me like, "Man, you're sick." It's like, no, I'm (inaudible). But if I may, one last comment on WHOIS inaccuracy is we didn't stop there. I don't want to say we don't or we can't. We don't do that. No. there is always a way to address an issue.

We looked at the contract and the contract specifically states for WHOIS inaccuracies certain guidelines. Now, of course there are advisories. There are different things that got interpreted so many different ways. You look at the black and white of the contract. There is an obligation. There is a provision that clearly states you have to take – investigate and correct.

So if you just take those two action verbs, for contractual compliance, we rolled out in the process how can we address to take the steps to investigate and correct, again, to be able to address WHOIS inaccuracies. Because we can't just say, "Yes, it's done." We cannot validate if it's accurate, but we can definitely validate if they took steps to investigate and correct.

So we communicated to the registrar to contracted parties. We also published it in our monthly update, and part of the WHOIS follow-up process for complaints, we request documentation to help us really know that it was followed up (inaudible) time – like the 15 days. It was followed up for process. We've got traceability of those.

And if those items are not provided and there's not been a change to the WHOIS data, we follow to enforcement. So people always ask for WHOIS for compliance. It's like, why aren't they in the enforcement? (Why haven't) you breached? Because there's been a lot of heavy lifting and work up front. We only breach when there's no collaboration.

BRIAN CUTE:

Thank you. Any other questions? Olivier?

OLIVIER CRÉPIN-LEBLOND:

Thank you very much. This is Father Christmas. I'm here to make Maguy cry. Thank you, Brian. It's Olivier. I'm looking at the moment at the responses you gave on the consolidated responses document. One question. You mentioned internal ICANN stakeholders and external ICANN stakeholders. Would you care to explain which ones is which or who is what?

MAGUY SERAD:

Yes, absolutely. Contractual Compliance does not function in a silo. Internal stakeholders will be the different decision-makers or consultation or – part of a process map. You have to identify who are the different roles and responsibilities.

So this was specifically related to process building. So when we put together the process map – the high level – the process map of how does the compliance approach work and then we took it a step further to the informal process and the enforcement process, we identified different roles and responsibilities. And the roles and responsibilities were split internal and external stakeholders. Internal stakeholders are internal ICANN departments. Something as simple as finance because today they manage the financial obligations, but they escalate to us when they cannot.

We have our liaison team – the registrar and registry liaison team. So they manage the relationship with the contracted party. We sometimes – not sometimes. In the process map, there are different touch points to inform them as internal stakeholders or consult. Same thing with our legal staff. We inform them or consult.

And those internal and external are defined in (inaudible) ICANN staff or registrar, registry or the complainant. Does that answer your question?

OLIVIER CRÉPIN-LEBLOND:

Yes, thank you, Maguy. It's Olivier again. Next question, then, is with regards to your answers with regards to how far you've gone for each one of the points which were raised – and I noticed a lot of 100 percents, which is great. But then I also looked at myicann.org and the compliance report. And note that these are not in real-time. These are put together, I gather, by hand somehow or are these automated? These are automated, yeah.

Is there any barrier to having those in real time? Because this one goes up to from October 2012 to February 2013. I'm of the now generation. I want it now.

MAGUY SERAD:

So to add to your point, Olivier, the status that I reflected – compliance reflected – in this Excel sheet is in relation to the three-year plan and to the Review Team recommendation. So let's please make sure that's clear.

As I said, the third year in our plan is continuous improvement and continuous improvement is bringing on the real time. As I mentioned earlier, the metrics and I think I also spoke about it in Beijing. Something else we also continually bring on is additional outreach activities to the ICANN meetings and by region. So all of these activities are happening. Again, the metrics will be real time. What we put together here was a first test and the team – what staff is working now on is to bring data from January up to April, and that's going to be the next update. I already gave Chris a head's up. Like I said, until we have the consolidated tools, then it will be an interface handshake between the tool and the reporting for real time.

And again, we provided those updates at the Beijing meetings. By ICANN 47, we have specific milestones we will get to, and no later than ICANN 48, we are working targeting to have the real-time reporting.

BRIAN CUTE:

Thank you. Any other questions? We need to keep moving to get through all the recommendations. Thank you very much, Maguy. I see nothing online. Let's move to recommendation 5. We have just under an hour left, so we should have ample time if we move smartly. Recommendation number 5. Who would own that in terms of reporting?

LYNN LIPINSKI:

Sorry. It's me, Lynn Lipinski--

BRIAN CUTE:

Okay. Thanks, Lynn.

LYNN LIPINSKI:

With ICANN Communications. I was just taking a quick look at what was up on the screen. So this is recommendation 5, the idea that we are – that ICANN – is widely and proactively communicating accurate – the

requirements for accurate WHOIS data, including to current and prospective registrants, and that we want to use all means available to progress WHOIS accuracy, including any international WHOIS data as an organizational objective.

And so, obviously, parts of this we want to roll out as the consolidated tools are made available when we are able to show people more information about WHOIS data and consolidated accuracy.

Really, with this one, we felt like the baseline for this recommendation was the fact that ICANN hadn't expressed the need to put forth outreach on WHOIS accuracy. It hadn't been something we had been proactively doing. Now we are looking at it as part of what we do every year as part of communications, as part of our regular outreach, that this is part of our responsibility to talk about the importance of this.

Let's see. We have the plan in place to the point of implementation. We're still in the start of it. We believe that we have a lot of work to do in terms of talking to people about WHOIS data and what the rights and responsibilities are. It just goes back to what I was saying earlier about our need also to engage people who are outside of the normal ICANN community and get them involved in the conversation.

BRIAN CUTE:

Thank you. Questions? Fiona.

FIONA ALEXANDER:

Do you think this new Registrant's Bill of Rights exercise helps in this regard or do you (inaudible) divorced or separate in some way?

LYNN LIPINSKI:

I believe so. I mean, I'm probably the most familiar with it. It was designed to make the WHOIS obligations understandable at its very basic level. Once the RAA is finalized and is the new agreement, then we anticipated that there would be a communications effort that goes along with that. I mean, I know that was something that Fadi made very clearly when we came up with that concept that it was something we wanted to share beyond just within the ICANN community. So yeah, I do see that as being a good avenue to reach out to people that we traditionally haven't reached out to.

BRIAN CUTE:

Other questions? Seeing none online, let's move to recommendation number 6. This is Olivier.

OLIVIER CRÉPIN-LEBLOND:

Brian, I'm very sorry. It's Olivier for the transcript. Can we go back to number 4? I forgot one question on 4.

BRIAN CUTE:

Certainly.

OLIVIER CRÉPIN-LEBLOND:

Just a quick one. sorry for this Maguy. I was looking at the document again and it mentioned in there the compliance function not having clear reporting and accountability with regards to the finance side of things and budgets. I have to read the report. Here we go.

Consolidated responses to ATRT-2 question WHOIS recommendations implementations final. Quote from the WRT Report on Recommendation 4: “Despite substantial efforts made, and dedicated staff, the Compliance function has suffered from lack of resources,” etc. etc. And “We find that basic information, for example on staffing, budget vs. actual spend, and key performance metrics, remain difficult to obtain.”

With regards to the budget, I see that all of your operational stuff is out there in myicann.org. With regards to the budget and your internals, is this also made available one way or another?

MAGUY SERAD:

Thank you, Olivier. This is Maguy. The budget has been made available through the annual report. So what we’re doing is, on an annual basis, we put the budget and the spending and the different categories. And it’s an effort where I’ve aligned with Xavier, our CFO, to ensure that the communication on the budget is aligned with what is reporting to the board and through the finance committee.

So if you would please, if you’re interested, take a look at it in the annual report, the intent is to provide it on an annual basis like many organizations do. So if there’s a specific interest or question, let me know.

BRIAN CUTE:

Thank you. Okay, recommendation 6.

CHRIS GIFT:

This is Chris Gift with ICANN staff. I’ll take lead on this to start. Principally, because I have a question, and need some further guidance from this group around because of the effect of the recommendation. So specifically, it’s related to both 6 and 7 and it refers to the NORC data accuracy study that we really need to reduce – report on, in terms of number 7. But the goal I think is still number 6, which is to reduce the number of WHOIS records that have substantial failures – (full) failure as defined by that report.

So originally, I was looking at automated tools to do that, but as I reread the NORC report and see how they’ve defined those two failures, it requires a telephone call. I have to call them. Which is fine. We can do that and I can outsource that and have that done on a quarterly basis or whatever. I just see several implementation issues. I can’t really do that on a real-time basis or it will probably start to get expensive. I just start to see these tradeoffs around cost.

So I just wanted to bring this to the table about this recommendation. I’m still thinking it through. And also I wanted to know if it would be possible to come back with alternative with either alternative definitions around what is accuracy. Either that or come back with a proposal saying, “Here’s how we can implement it and here are the cost implications of keeping to that accuracy statement.” Is that appropriate? Why don’t we have a dialogue about it.

BRIAN CUTE:

Carlos.

CARLOS RAÚL GUTIERREZ:

Just a comment. I think the people who are dealing with this on a real-time basis, they're worried about timeliness, not about cost, afterwards. If I get the feedback right that we get in GAC from the law enforcement administration (inaudible) death or life situation that has to be solved immediately. If we, by the end of the year or by the end of your report, make the call or not, it's a totally different story. So I don't know if we can limit it to cost or if the cost should be incurred at the ICANN level or at a different level, but we should go back to effectiveness of the measure.

And if I listen to you – and I think the responsibility at the ICANN level is pretty high, it's not immediately – then I would answer to you, yes, of course not. Maybe the cost is not reasonable. But that doesn't solve the question. We have to go a little bit deeper.

BRIAN CUTE:

Steve and then Alan.

STEVE CROCKER:

So a series of short comments. First of all, I think this is an excellent example of a kind of advice with a generic set of questions that I have been socializing. Is the advice clear? How much will it cost and is it feasible to implement; and what resources takes us to the second question. Then, is it appropriate advice and is it in scope and so forth? This resonates very strongly on the cost question and what resources it takes to do that.

Second point is I think it makes – I can feel that it makes perfect sense from Chris's point of view to be asking for further guidance, but I think you're off by one. This is the Accountability and Transparency Review Team. It's the WHOIS Review Team that provided (inaudible). So these guys get to say, "Oh. Well, we didn't write this."

BRIAN CUTE:

You beat me to the punch, Steve.

STEVE CROCKER:

Yeah. (inaudible) "How many things are wrong with this picture?" kind of model in my head. So I was (inaudible). With respect to this life or death question, how urgent is it and so forth, it's actually part of a bigger, more sensible question. How effective is the things that say law enforcement asking for? Will it really make a difference in the job that they do? And if they got everything they asked for, would that be an important difference or not?

So I've tried to have that conversation a bit with principally Bobby Flaim, but others. And the state of affairs is an acknowledgement that that's a reasonable question. But there isn't any machinery in place to actually go pursue that. There isn't an institute or set of people who know how to do that who are tied into law enforcement but were not on the front lines of either chasing criminals or bugging us to go and improve our WHOIS system.

And I really think that in the larger picture, that's the kind of question that has to be asked. To draw a little bit of an analogy, when the police department comes to the City Council and says, "We want a bigger budget so we can put more cops on the beat," City Council gets to ask, "And what will that do in terms of reducing crime?" and there better be an answer and it better be verifiable. So if the crime statistics go down and there are fewer muggings and more business and tourists are happy, then that's good. And if, on the other hand, it's just a big expense and it's not doing anything, well then it's a harder case to sustain.

I don't think that we've got the framework in place to approach the overall problem from that perspective. And just speaking personally, I would like to sort of nudge things in the direction where we enlarge that and do it in an effective way. So it won't be just can we enforce the contracts as is, but can we take a look at the real problem out there. What is it that's trying to be solved?

BRIAN CUTE:

Thanks, Steve. Let me echo what you said earlier, which is that this Review Team has its own mandate and did not write this recommendation. That being said, a couple of thoughts occur as I'm listening to both you and Chris. Clearly, it's the WHOIS Review Team who had a specific objective in mind here when they crafted this. So to your question of "Is there some other way to attack the problem?" they may sit across the table from you and say, "Yeah, you're right. There's a better way and we encourage you to go do that." But we're not in a position to make that judgment.

And it does also get to the question of: have you been given a recommendation that is truly unworkable or too difficult to implement or not? And I think, from our perspective, what would be helpful to us in our process which leads to an assessment and recommendations at the end of the day is your direct thinking on all those points. And if your research and assessment and conclusions are this is not workable, then tell us why and lay it out and provide the rationale, and we take that on board in our workstream and assess that and come back to you with our follow-on thoughts or recommendations. Alan?

ALAN GREENBERG:

You covered the gist of what I was saying, but with a different ending. It's clearly not our scope to fix the recommendation and the right people may not be in this room to answer this question. I suspect they're not. But I think we need an answer to how did the WHOIS Review Team get to the point where that was in the final report, without any checks and balances and discussions with ICANN staff along the way?

As I said, I don't think the right people are in the room today, but I think that's a really important question for us to understand. Thank you.

BRIAN CUTE: Steve, go ahead. Then Avri.

STEVE CROCKER: So the question that you just asked, Alan, actually obviously applies to the particular thing, but you could take that same question and say, gosh, that is a potential issue for every one of the review processes, so what is the process for these reviews and can any of them – it could be the ATRT or it could be the SSR or it could be whatever gets into that mode.

So there's a question that really is overarching and is one that's very much on my mind, and as I've said, my response to that is to steer us toward a little check and balance on all advice no matter what quarter it comes from based upon those kinds of questions. But it would be good I think just thinking about the AoC framework and the whole (inaudible) of the AoC that there be some reality checks or some at least resource checks built into that process.

BRIAN CUTE: Avri, then Alan.

AVRI DORIA: Thanks. Steve, I'll avoid quibbling about the word "all advice" at the moment for AoC advice versus other advices. But one of the things that I think also fits in is what we have at the moment is you only have a feedback loop on the recommendations from the Review Teams on a multi-year basis. In other words, if the Review Team puts in something there that when you get it is totally incomprehensible or you feel is totally workable, do we have mechanisms that allow a post discussion that can help resolve that?

And so what I'm asking is, is there a sort of secondary level? Second level issue that this group needs to look at is not presumed that they're going to get it wrong or presume that they're going to off the rails or not take something into account, but presume that they could come out with a set of recommendations that, for want of more neutral terms, aren't well understood and therefore need something. But the group is already broken up, etc.

STEVE CROCKER: Right. Well, there are two possibilities that come quickly to mind. One is that there is in this iteration – the next Review Team could say, "Gee, would could get into this problem. Let's go do a dry run or let's check. Let's get input before we write our final recommendation." They do that work. I think at least – well, we'll say it this way. The SSR Review Team said that that's what they were going to do because they wanted to avoid that, so they tried to—

The other possibility would be to adjust the process a bit so that when a Review Team delivers its final report, it does not disband and that process then continues from there.

BRIAN CUTE: Alan, then Olivier.

ALAN GREENBERG:

That discussion we already had this morning, for some of you who weren't here, on the implementation policy (inaudible) of how do we follow through. Steve, your comment is correct on what happens if a recommendation gets to the board that isn't implementable. I was more concerned about how it gets to that stage, because I think part of our responsibility is to make sure that the review process can work and can function. That seems to be a whole. I raised it now because this is the first recommendation we've seen today that really fell through the cracks that badly. So I think it's a good model that we could use to try to understand.

STEVE CROCKER:

Is it really the case? I don't know the answer to this question. Is it within scope of where the Accountability and Transparency Review Team to address the process of doing reviews?

BRIAN CUTE:

Yes, it is. Absolutely. That's part of what we have to do. And I have to suggest, just for myself, too, I was only in ATRT-1. There were two other review teams and what I'm struggling with is the fact that – and I don't say this in a critical way; I say this in a neutral way – the fact that the chair of ICANN and ICANN staff has been at the table in all Review Team processes – in ATRT-1, Denise, you were with us every step of the way. I need to put some thought to was there something about the structure of the interaction or the dynamic of the interaction that didn't allow for or invite staff in or the chair in in that manner so that along the way as we were around the table developing these recommendations, somehow is that implementable, that might be a resource issue, didn't come to the floor.

STEVE CROCKER:

In the time-honored method of getting two or three envelopes when you step into an organization, I'll simply blame my predecessor.

[laughter]

BRIAN CUTE:

Thank you. Denise.

DENISE MICHEL:

There's I think a few questions I'll try and unpack here. With regards to WHOIS Review Team, there was a sort of formal staff response on draft recommendations and there were instances – this being one of them – where the team chose to go in a different direction and not completely take on board staff's advice and issues. So they're an independent team. Of course that's their right. So we're still left with – and I wouldn't say falling through the cracks. I would say that's an over statement.

But we are working through some scenarios and doing some research and due diligence and talking broadly about the best way to meet this over-arching objective here. So that's one thing.

I guess on the ATRT-1 certainly a different CEO, a different approach to the brand new teams. And we learned a lot from it as well. So in the subsequent teams, we had that ongoing, you know. And with each

team, we got better at it. We had more staff, more interaction, a lot more back and forth and checks and that type of things. Much more collaboration.

BRIAN CUTE:

Clearly a point we need to focus and build on. Any other questions for anyone? Fiona.

FIONA ALEXANDER:

Yeah. I think – to make sure Steve doesn't get let off the hook too easily. My recollection on all of these Review Teams – and I could be wrong – is that each Review Team has gone out for stakeholder input and had sessions at ICANN public meetings, has put their recommendations out for draft feedback from different constituency groups, has met with the board and had board exchanges.

So if there's, I guess, a thought to be shared, it's not the Review Team or the staff. It's everyone's in this example. But, I don't know, maybe you can correct me if maybe the board didn't meet with this team or go back and forth some. I know the GAC provided advice on the recommendations. But I'm assuming that all those different constituency groups took advantage of providing comments in the public comment process and engaging with each of these Review Teams in the ICANN public meetings on these things. If that tactic doesn't work, then that's something that we should take a look at.

BRIAN CUTE:

You raise that point, Fiona. Just one example. If I recall correctly in ATRT-1, the team met with the board in Brussels, which was in the data collection phase of the work. I don't think the team met with the board after we published our recommendations – we did? Where? Okay. Okay, then the point stands. We need to take a careful look at the process and how it's worked and understand why that dynamic of exchange about implementability (inaudible) take place.

STEVE CROCKER:

I remember sitting through a presentation of the recommendations, but it seemed to me that – what I recall – was that they were basically done and there wasn't as much room to fix them and it was in a public setting so that it was a (inaudible). You could take questions, but it wasn't a kind of forum where you could get in and say, "Well, look, if you do this, it will have this consequence," and then try to untangle something like that.

But irrespective of whatever it's been in the past, we now have some accumulative experience about this. And my feeling is that part of it is specific to the AoC review process, but some of it is actually more generic and I've seen a similar syndrome in advice from other kinds of bodies. And it's all perfectly natural. There's nothing sinister about it all. It's kind of just an emergent property of you get a bunch of people together, think about something very hard, they think that they've got it and they write recommendations and then there's a surprise when that

doesn't actually match what the people who have to deal with it think when they see it.

BRIAN CUTE:

And if I can add one more thought – sorry, Chris – I know that there was certainly an awareness in ATRT-1 in terms of working with staff on the board that we needed to be objective, we needed to be independent, and it can't be viewed or perceived by the community that somehow ICANN and the organization has influenced its own review. And that's understood. I think that's understood by everyone. And I also believe that if we're thoughtful, clear, and transparent about the way we go about our interaction, then we will show that that's not the case at the end of the process and that we can all shoot for. Chris and then Margie.

CHRIS GIFT:

Sorry, Margie. This is Chris Gift. I apologize. I haven't failed on this one yet. I just want to be clear. I'm still working on it and I still want to achieve the goal. Anyway, I just want to be clear on that.

BRIAN CUTE:

Thank you. Margie.

MARGIE MILAM:

I think that – expand upon what Fiona said. One of the difficulties with this particular report was that it wasn't embraced by the GNSO Council. Alan can probably remember the discussions that took place. The report was sent to the GNSO Council and the GNSO Council refused to endorse it. All they did inevitably was just to come up with a statement about whether they thought it required a PDP or not, but they wouldn't even look at the recommendations and there wasn't support for the recommendations in the GNSO Council.

So as you do your work, you might want to think about what happens in an ICANN scenario where there is a report with all these recommendations and it's not embraced by some of the important SOs and ACs that have influence – theoretically should have influence – on it because it is a gTLD issue, certainly within the scope of the GNSO PDP process, and yet the council did not embrace these recommendations and that left staff with a difficult situation in looking at that.

BRIAN CUTE:

That's a good point. Interesting question. Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Brian. I wasn't actually going to answer that. I think others might answer this first, and then I'll.

BRIAN CUTE:

Alan.

ALAN GREENBERG:

I think Margie raises an interesting question. I think this is one of the first items that went to the GNSO asking for GNSO blessing and the GNSO did not know how to handle it and the GNSO—

If all parts of the GNSO agree it's easy, if some parts disagree, there is no established process. And with the double-housed GNSO, it's very hard to say the majority of or two-thirds of because the definitions are

somewhat arcane. I think we – ICANN – and I don't think this is the group right now – need to address that kind of thing because there was a very strong feeling about much of the WHOIS report in the GNSO. It wasn't unanimous, and not being unanimous made it difficult to (head) a process.

And I will personally add there was, perhaps, a little bit of ineptness in handling it because of new people being involved at that very time.

BRIAN CUTE: So just for clarity, the WHOIS Review Teams explicitly requested GNSO support for their recommendations. I don't think ATRT-1 did that. How did that happen?

UNIDENTIFIED FEMALE: Actually, the Affirmation of Commitments requires that every Review Team report is posted for public comment, and of course the boards solicits and specifically asks all the SOs and ACs to respond as part of the board's consideration before the board takes action.

BRIAN CUTE: Right. So, for comment, but not asking specifically for the support of an SO or AC. It's a different question.

UNIDENTIFIED FEMALE: Right. The board didn't ask for support. The board posted for public comment and specifically asked the SOs and ACs to provide their input to the board on the reports and recommendations. And what we got from the GNSO was a deferral that the GNSO was not going to provide input, but that constituencies and stakeholder groups would. I can run through who submitted what, and who opposed and who supported, but it was a mixed bag.

BRIAN CUTE: Thank you. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript record. I'm a bit concerned that we're going back to the source of how pie was invented. I wanted to go back to item number 6, where Chris started this whole dialogue by letting us know that the recommendation was not pursued so far. We seem to have a stumbling block in the potential cost of the implementation of number 6.

So the question I have for Chris is, have you found out what the cost might be? Because at the moment, I'm not sure whether we know. Do we?

CHRIS GIFT: No. We have bids that are outstanding, just from the indication from two organizations. Just indications I received, you know. Depending on how we implement whether it's monthly, quarterly or annual. I can provide those figures later if you'd like. I don't have them in front of me.

OLIVIER CRÉPIN-LEBLOND: Thank you, Chris. It's Olivier again. The question – I'm asking this question not to get an actual number, but to actually find out whether you are looking at these costs and looking at the cost of not doing, not

performing this. Because obviously there is also a tradeoff and a potential cost or potential risk for ICANN as a whole if this doesn't get implemented. I would've thought that the decision on whether to go forward or not is not a question of the number, but a question of the risk involved.

CHRIS GIFT: Thank you. That's a very good point. We're not going to not implement this. It's just a matter of how we do it. Do we do it to the full substantial as it mentions there, which requires phone calls and setting up? Which we can do and I'm pursuing that path and I'll definitely get back to everybody about that. The alternative is to do something slightly less, do the automated checking without a phone call. We can go a long ways just with that alone. So at the very minimum we'll do that. I'll implement that path, and give further feedback if that is not sufficient and keep going forward and try the phone calls if necessary or wait for guidance and do it all. But keep moving forward, regardless.

OLIVIER CRÉPIN-LEBLOND: Thank you, Chris. It's Olivier again. Is there anything that today blocks you from moving forward?

CHRIS GIFT: No. No, I don't see anything that blocks me from moving forward.

OLIVIER CRÉPIN-LEBLOND: So this is just a snapshot. What we're seeing now is just a snapshot, which I guess is incomplete but it's not your final say. We can't go any further. You can't, okay. Thank you.

BRIAN CUTE: And again, from this Review Team's perspective, understanding your process, understanding your analysis, understanding the challenges or obstacles and if there's a decision to not fully implement or not implement at all, a rationale and an explanation as to why. That would be useful input to us. Thank you. Anything else on this one? Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier again. And sorry for coming back to you. It just came back to my head. Do you have any timetable of when you believe this might be implemented forecast?

BRIAN CUTE: I was afraid you were going to ask that.

OLIVIER CRÉPIN-LEBLOND: (inaudible) Chris.

CHRIS GIFT: Close. Very close. Yes, I have a timetable of late August. I'm skeptical about it right now, but I'm not backing off until I know more.

BRIAN CUTE: Thank you. Okay, we have 20 minutes left in this session. That was a very important conversation that we just had. We're certainly going to follow up on that in the course of our work. But let's move forward and try to make our way through the balance of the recommendations with 20 minutes to go. So, number 8. Well, 7 is the output of 6, correct? So let's go to 8.

MARGIE MILAM:

This is Margie. Eight addresses the contractual issues. Essentially, implementing this recommendation, you have to acknowledge or take into account that what we've introduced – and the negotiations may not necessarily be accepted by the contracted parties. In the documents that are posted for public comment, the proposed final 2013 RAA, we do have some language that tries to tighten some of this up.

But things that maybe could've made it a little better that may not have been fully agreed to by the contracted parties. So it's just something to take into account as well when you're looking at recommendations that when it requires either a change in policy or a change in contract, that it's not something that ICANN alone can dictate and that you have to take into account that, as a dependency, will it make it through the GNSO? Will it get consensus from the GNSO if it's a policy issue? Or if it's a contract issue, would the contracted parties agree to this as part of the terms?

So that's part of the dynamics of what goes on with some of these recommendations that relate to contracts, because we certainly did take them into account in our requests for amendment changes and we were vigorous in our advocacy forum. But at the end of the day, if we're trying to produce a document that's accepted by the contracted parties, we may not be able to get everything that the Review Team asked for.

An example is even the issue we just talked about a little while ago about calling someone on a telephone. One of the RAA amendment topics relates to validation and verification of WHOIS records. Well, as part of the law enforcement recommendations, there was a request to have all the phone numbers verified. In other words, that there would be some sort of verification number for telephone numbers. We got tremendous pushback from the contracted parties on that because of the cost of doing that all over the world. So we ended up backing down from that amendment proposal and left it the current situation where you can verify either the phone number or the e-mail. But that's clearly an example of where sometimes the recommendation, if it requires a contract change, may not get the support of the contracted parties.

CHRIS GIFT:

Margie, the recommendation seems to allow for what you just described, because there's an "if else" clause in it saying if it's not feasible – and I'll quote the words, because it's important. "The board should ensure that an alternate effective policy is developed." I guess I'm addressing the question to Steve. Does the board really have the mechanism to be able to do that?

STEVE CROCKER:

Yeah, so that's one part of the potential problem. And the other is the form of advice like that presumes that there is some sort of solution, and what happens if there isn't? It's supposedly beyond the power of the board no matter what we would do to actually create a solution to

something that doesn't have a solution. There's a reality check that has to be in there somewhere.

Many of the times that I'm involved in discussions like this, people come at me and say, "The board should do X." And of course the board, per se, doesn't do anything except pass resolutions and move paper around and give directions to the executive. The execution is all done by staff. I think there's a general understanding of that. But sometimes I'm in the position where people say, "No, no, we want the board to do it." That's a non-starter. In fact, to the extent that the board actually tries to do something and sends people out or goes and talks to people or whatever, that's actually a breach of the proper role of the board. So we get into those kind of conundrums.

I don't know. That's kind of a meandering answer to your question. But I think, on the balance, the answer is no.

CHRIS GIFT:

There's an expression in English which I've never understood and the expression is "the proof is in the pudding." It very much – the board can require a policy be developed. They may even get that done. It's not going to be proven to be effective or not until after it's implemented.

I think this is an interesting lesson in writing recommendations. I don't know how we embody it in our report or in our recommendations, but I think there's some interesting lessons in just the raw wording of this kind of recommendations. Thank you.

BRIAN CUTE:

Any other questions? I don't see any hands online. Yes, Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Brian. It's Olivier Crépin-Leblond for the transcript record. Question on the percentage completion. It says 50% as the RAA is under discussion, etc. etc. The question being, is the WHOIS recommendation that we're looking at here one of the really contested – hotly contested – ones or is that not something that is currently contested?

MARGIE MILAM:

I guess there's aspects of it that are fine. We have commitments in language in the new RAA that basically tries to beef up the enforceable part of it – (inaudible) chain of contractual agreements. That language seems to be fine.

The graduated sanctions, that's where we got into a lot of pushback when we tried to really get a more vigorous compliance obligations. And we do have some in the agreement that's posted. It may not quite be as detailed as the recommendation. So 50% meaning that we've got a long way. We've got agreement from the registrars on the formative agreement that's being published. It's now part of the new gTLD program. All of that is why I picked 50%.

OLIVIER CRÉPIN-LEBLOND: It's Olivier again. For something like this, is ICANN in a position where it can just push this through?

MARGIE MILAM: I don't think that ICANN – if you look at Fadi's approach to a contract, he's trying to very much have it be a collaborative approach to the contract, so it's just not consistent with the way we've approached contracts to basically say, "This is how it has to be and we will not accept any other version of it." That's just not the role that we've taken in with respect to the registry agreement and the registrar agreement. I don't know, Dan, if you want to comment on that issue.

STEVE CROCKER: Let me just comment on a small point of craft. This 50% completion resonated very strongly with me, because Denise, I'm sure, will remember vividly when the first set of recommendations for ATRT-1 came out, my attitude was this is very important. We're going to implement these and we're going to know where we are with them. And the first version had 25, 50, 75% and 100% (marker) points on that.

I said, "How do you know? What do those mean? What is the difference?" I said, "Let's get rid of that way of talking about it and let's tie them to very specific measurable mark points along the way, milestones (inaudible)."

And so for each recommendation, Denise put a lot of work in and created intermediate milestones that were specific things, the last of which was this is now imbedded in our processes and it's part of our standard operating processes.

Oh. And then when Fadi came in, he said, "This is really important stuff. I will go make this happen." So I stepped back away from overseeing the process on a fine-grain basis and Fadi took it on.

With some (inaudible), I have to say I'm quite surprised that this business of 50% completion has crept back into the process. I don't know where it came from. I tried to drive a stake through it and it didn't (inaudible).

BRIAN CUTE: Thank you. Olivier?

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. So it seems to me that ICANN has to act in the public interest. It's a line which I think has been taken recently more more-so than ever before. Carlos just mentioned there – it sounds like what I'm advocating is top-down. It's not at all top-down. The recommendation was put together by the WHOIS Review Team. It was a multi-stakeholder set of people. It went through the whole process. There was a review process, etc. and it was judged that it was in the public interest that this recommendation gets put forward.

So I don't understand how just one part of the community – the contracted parties who are discussing and who are negotiating this agreement – are able to block this in a way for whatever reason it is.

BRIAN CUTE:

Carlos.

CARLOS RAÚL GUTIERREZ:

I'm sorry. I just had time now to look at your statistics. I think they're wonderful. I think there is a clear separation between prevention and enforcement (inaudible) month by month. They are separated geographically, so if you can improve the WHOIS results with these soft tools, why do you need to go into such a deep discussion, like changing the whole contract system?

Or to go back to your initial question, if you make calls and you will be able to show improvements on a month by month basis, well, it might be interesting to spend quite some money. But if not, then just continue the way you are doing it.

And I'm bringing, in relation to this, to the other one I'm in. If staff is able to show that there is an improvement just by following and making statistics transparent and available, I think that might be pretty efficient in terms of (inaudible) worry about the efficiency of the recommendations. It might be a pretty efficient result and the other one might be interesting, but very difficult to reach.

BRIAN CUTE:

Thank you, Carlos. Olivier, and then we'll move onto the next.

OLIVIER CRÉPIN-LEBLOND:

Thank you, Brian. I'll be very quick. The problem here comes with the enforcement part. There doesn't seem to be – or there doesn't appear to be – on the previous (RA) any way to enforce the WHOIS. And without enforcement, there is therefore no accountability. That's the only concern. This is why there is this hole.

CARLOS RAÚL GUTIERREZ:

Yes, but I listened from you – I'm sorry – that enforcement is the last resort, and we should go back to that statement. At what point do you go into the enforcement (inaudible)?

BRIAN CUTE:

Okay. We're going to need to move on, just as a matter of time. Good conversation. We'll pick it up again. Number 9 is where we are, correct? Who's got this one on staff? Maguy?

MAGUY SERAD:

This is a combination of you and I. Margie already spoke to that, but if I may point out to something I pointed earlier. When we receive recommendations, to Avri's point and everyone else's, we did come back and clarify that the annual WHOIS data reminder policy does not track effectiveness. It's only about reminding the registrars to remind the registrant to update the data based on the contract date.

What we do in the audit for that specific policy is to ensure that they did send a reminder policy and they sent it based on the language and the

contract as they have agreed to with the registrant. So we had made that very clear point to the WHOIS Review Team. To date, it is not tracked and there is no baseline and we cannot execute to it.

BRIAN CUTE: Just a question. When you say not tracked, though – I heard everything you said. What I zeroed in on was metrics to track the impact. So where is that specifically problematic – tracking the impact? Is it a matter of seeing changes in the WHOIS data that we're subject to the notices and tracking that as a possible impossible?

MAGUY SERAD: It's yes to both. Like I said, the policy only states the obligation to send the reminder, and the registrars do not document the impact of it and we are not – we don't have the visibility to the impact of that policy. It's only was the policy – did they send a reminder per contract? So the metric of the impact of the policy does not exist. It's not tracked. It's not measured by anyone.

BRIAN CUTE: Could it be?

MAGUY SERAD: Everything is possible. You have to start at the source. You have to start at the source where it's tracked recent policy – reminder A, has it changed or not? Then that has to come (inaudible) towards us to be able to manage it. Because the changes are happening at the source when the reminder is sent.

BRIAN CUTE: In consulting with the registrars, was there concern? Was there a willingness to try to develop this type of metric or tracking mechanism, or did the registrars suggest that this was unworkable?

MAGUY SERAD: So the compliance team did not consult with the registrars on this, but in a dialogue, we did speak about, "Do you track this information?" when we're talking and engaging about areas of improvement, and many had stated it's not. But again, we cannot enforce it. The only enforcement here is: are you sending the reminders? Are you sending them per contract? There's nothing in the policy, and that was the response that was provided that states you must track each reminder. You must track the changes based on the reminder and track the accuracy of those changes. There is nothing in there that (inaudible).

BRIAN CUTE: Thank you. Avri, then Alan.

AVRI DORIA: And this may just be a silly question, but it's possible for you to tell when the contract dates are and when those notices should have come out. And it's possible for you to tell whether people did make changes in their information in some proximate time to the contract anniversaries.

Because also looking at the part there that says if it's unfeasible with current system. But I'm just wondering, if there was even a way to correlate that those messages went out and it correlated with – at the same time, we notice that there's a blip up in people correcting or,

“Nope, you sent the messages out. Nothing ever changes.” Is that something you could’ve done without registrars? I’m just curious.

MAGUY SERAD:

So we do – (inaudible) was run as an annual audit on itself. Now, this audit of the policy itself – an annual reminder is sent – is incorporated in our three-year plan. So if I may address, the first point you made, do I have visibility to the contract? The contract is between the registrar and the registrant.

So when we audit the specific policy, we request a sample size of domain names. We ask them to send us the agreement and we set (inaudible) to send us the reminder that was sent and we validate the date. So we do not have direct visibility to that contract, and the way we ran the audit, like I stated, is based on a sample side. We do not look at every agreement. Sample size of the domain names, look at their contract date, look at the reminder policy. Was it sent according to the policy? And we do not have visibility to the (blimp) you mentioned. It is between the registrar and the registrant. We look at that date. So the policy is the registrar sending it to a registrant who owns the domain name reminding them.

AVRI DORIA:

All right. But the date on which they’re supposed to send that is the date you would know of without consulting with the registrar. The contract date is in the information, correct?

UNIDENTIFIED MALE:

(inaudible) WHOIS Data Reminder Policy says at least annually, and I think it’s up to the registrars to decide they could send them all out on January 1, they could send them out a week before. So I think what you’re getting at is, theoretically, if you had all the compiled data of all the registrars, you could do some kind of big data scanning on blips and when (inaudible) were sent and cross-correlate, but no one at ICANN has that data and we take a lot of coordination and planning to figure out how registrars do it.

And I think in some of the talk with the WHOIS Review Team, we talked about just the difficulty of matching this little – I don’t want to say little – but this rule that says annually send this notice. Trying to match that up with WHOIS accuracy, which is hard to measure anyway, and then (inaudible). So it’s more complicated.

ALAN GREENBERG:

Thank you. I’m of very mixed emotions on this one, because I’m not at all convinced it’s a practical thing that would be affected if we did it. Given that, with the understanding that registrars can send their notices at different times, but certainly for the largest registrars, you could probably find out what the pattern is. The data is all available through commercial services for the renewal date and when WHOIS data changes. It’s tracked, and for enough money, you can get it all.

So it’s something that could be done. Again, it comes down to let’s do an analysis of whether this would be effective, and again, I find a – it’s

another one of those recommendations, by the way, which has a second sentence saying, "And if this is infeasible, then here's another way to go about it."

Again, it's another one of these recommendations that makes me feel uneasy because it was perhaps not un-implementable but difficult certainly in the general case. And it's not clear that the resources it would take would generate enough benefit from it. Again, it's identifying to me a process in the review process and formulation of recommendations and the interactions getting close to the end that I find very bothersome. Thank you.

BRIAN CUTE:

Thank you, Alan. Denise. Then we'll move on.

DENISE MICHEL:

Just quickly. Throughout the whole discussion and the work of the WHOIS Review Team on this issue, the background and the feedback they got from staff is that the WDRP was not currently the right tool to get (inaudible) the same quality of data. And so, yes, the message that they got from staff was what you're asking me for, what you want to do with WDRP, is not feasible.

And so, ultimately, at the end, they tacked on if it's not feasible, come up with a new policy. So that takes us into the work that's occurred with the RAA, and of course the Expert Working Group which is (inaudible), and the board's direction to launch a new GNSO policy development process and the draft issue paper and all that.

BRIAN CUTE:

Thank you. Let's move on, because we're at the hour, as quickly as we can skip through the rest of the recommendations and at least get your initial inputs, please. Recommendation 10, privacy and proxy services. Who's this?

MARGIE MILAM:

Margie. So essentially – listen, we're definitely implementing in the RAA documents that have been posted, there is an interim specification on privacy proxy services to be followed by community dialogue to develop a policy with regard to privacy proxy. So I think that one is pretty self-explanatory.

BRIAN CUTE:

And status is in process.

MARGIE MILAM:

Yes. In the process.

BRIAN CUTE:

Okay. Any questions with respect to recommendation 10?

MARGIE MILAM:

There's one thing I would point out. The report actually specified what the Privacy and Proxy Program should address, but it didn't say how. For example, it would say you need to have a standard for reveal – you know, a standard reveal process. Well, as staff, if you're in negotiations, how do you put that into a contract? We have no idea what the reveal

rules should be; hence the (inaudible). That's why it's getting sent to a PDP process, to get community input.

So from your perspective, as you're guiding future Review Teams, I think recommendations like that where they give some broad statement, but there's not real clarity on how to implement it would be helpful. They gave a laundry list of things the Privacy Proxy Program should address, but it wasn't really clear how.

BRIAN CUTE: So that specific question is part of a PDP. That's how you decided to manage—

MARGIE MILAM: Essentially, yes. So the way we ended up was coming up with a shell – a basic framework – of minimal obligations that we felt we had a good understanding of what the obligations should be. But anything related to reveal or relay, that just brings in so many policy issues that essentially were not included in the RAA.

BRIAN CUTE: Thank you. Fiona.

FIONA ALEXANDER: I think the way you guys are handling this one is quite good, but just to keep in mind these Review Teams, whether it's this one or the WHOIS one aren't just a substitute for an ICANN policy process. That's probably why they didn't tell you how to do it and what you're doing sounds like the right thing, actually.

BRIAN CUTE: Thank you. Anything else on recommendation 10? Online? No hands. Can we go to 11? Sure. Is that Chris Gift?

CHRIS GIFT: Eleven is fairly straightforward. I thought the recommendation was clear. It's in progress, in status. I see no roadblocks to implanting it. Pretty straightforward.

BRIAN CUTE: Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier for the transcript. Chris, in progress, do you have a percentage for this?

CHRIS GIFT: Yeah, it's probably around – it's very low, but it's going to move rapidly. So right now it is scheduled for end of July.

BRIAN CUTE: Thank you for not answering with a number and making Steve shake his head harder. Any other questions on recommendation 11? No, okay. Let's move to 12-14 which cover IDNs, Internationalized Domain Names.

UNIDENTIFIED FEMALE: And we have Steve Sheng on the phone to address these. Steve, do you want to address them grouped or one by one?

STEVE SHENG: Sure. I think as a group is better. So recognition 12-3 deals with internationalized registrations data. That is (inaudible) registration data that is represented in language and scripts other than English or Latin.

So the WHOIS Review Team asked us to form a working group to determine the requirements for internationalization and we are doing that right now. So both 12 and 13 are in progress and are scheduled to be completed early next year. No roadblocks identified so far.

BRIAN CUTE: Were those comments with respect to 12, or 12, 13, and 14 in terms of status and completion? Did you hear the question, Steve?

STEVE SHENG: Sorry, I didn't hear it. What's the question?

BRIAN CUTE: I said were your summary comments in terms of the status and projected completion date with respect to recommendation 12 only or 12, 13, and 14, all of the tasks?

STEVE SHENG: That's 12 and 13 completion date, estimated completion date. In terms of the implementation, 12 would need to go first. That is to define a requirement and a data model. Then the following (inaudible) is recommendation 13. With respect to 13, we had already built some placeholder language, for example, in the proposed 2013 RAA, and in the (inaudible) registry agreement, there are also some placeholder language asking registries to implement new protocol that can support internationalized registration data. So those are already in progress.

BRIAN CUTE: Thank you very much. Any questions in the Review Team for Steve – 12, 13, or 14? I don't see any questions. No hands online. Okay. Steve, thank you. Recommendation 15. Who's got this one?

UNIDENTIFIED FEMALE: The issue related to 15, providing a detailed comprehensive plan regarding implementation three months after the report is submitted, part of the challenge with that is the board – as is required by the AoC, the board took action on the WHOIS Review Team report six months after it was submitted, which is the deadline, in November.

So there was a disconnect there with the requested implementation plans and the reality of when the board approved the team report and then staff started working on ways to implement it.

So subsequently, we've used various mechanisms to interact with the community and provide information on the implementation direction (inaudible) to the recommendation an extensive blog posting laying out the completion key task completed, helping serving tackles and a grid that lays out the recommendations and actions. We also did a webinar that was well-attended and we posted extensive information about all the recommendations and the implementation work there, and we will be following that up with additional various types of mechanisms to continue to provide this information in various ways to the community and interested members of the public and also build in some reporting and tracking on each of the recommendations.

We'd like to use our (At Task) System that we recently launched and are providing to the public. So we're looking at a way, hopefully, to make this information accessible using that so we're not recreating the planning and tracking that we're already doing internally on these various recommendations.

Then since I've got the mic, the last recommendation is the annual report, which of course we'll be providing at the appropriate time.

BRIAN CUTE: Thank you. Any questions on 15 or 16? No. looking around, looking online, seeing none. Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you, Brian. It's Olivier for the transcript. I just had a comment on 14 earlier, the IDN. It says, in one of the boxes, more information will be known in August 2013. I whether we could put a placeholder for us to receive that more information in August. I know it will be late in our process, but it will be interesting to be aware of what progress is being achieved.

BRIAN CUTE: Thank you. Chris?

CHRIS GIFT: Yeah. We should probably do that, but at the same time, I think I need to regroup with Steve, because whilst he's answered 14, I'm also part of that and I think that date came from me, because I thought Steve was going to be done in late July or August, but I'm now hearing there's a date shift. So I need to regroup with him and let me get back to you guys about the—

BRIAN CUTE: Okay. With that caveat, that's an outstanding request to the extent that you have data for us in that timeframe, or when you do. Thank you. Okay, nothing else on 15 or 16? Okay, thank you all very much.