

**Transcription ICANN Dublin
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NCSG Privacy & Human Rights at ICANN**

Rafik Dammak: Okay, thanks everyone for coming to this session today. So my name is Rafik Dammak. I'm the chair of the Non Commercial Stakeholder Group. And this session is kind of, say, we are trying here to introduce about all the issues related to privacy within ICANN. So we try to have kind of interactive session and to maybe first we will get kind of introduction from Stephanie Perrin who's at my right to describe about ongoing policy development processes about related to Whois and the impact on privacy. So we are maybe if - when we get our speakers coming to here, I mean, we will - we hear about other position and so on.

So I'm not going to keep you waiting more. And we move now to Stephanie.

Stephanie Perrin: Hi. Thanks very much. My name is Stephanie Perrin for the record. Just a couple of administrative notes, when you're speaking into these mics apparently it's good to be close so I apologize if I am too close. Yes. And secondly please give your name for the transcript.

Now we have a very kind of freestyle discussion planned for today. It's only an hour and a half. And because of the many conflicting activities going on we will have people running in and running out. So there are several people who have volunteered to give us their views on some of the privacy topics. I don't see anyone that I'm going to immediately pass the baton to. But please just raise your hand. Are we in the Adobe room Maryam? Yes. Or if you're in

the Adobe room put your hand up. And the idea is that everybody gets five minutes to talk about where they think the concerns are.

Now just to give you a brief overview of what's coming at us, the biggest PDP that we see coming is the RDDS PDP, which is the acronym for the Registration Data Director Services. As some may know there was a complete revisiting of Whois by an expert working group started in February of 2013 and it wrapped up with a final report and I believe June of 2014.

There has been a board GNSO joint working group that has been contemplating what ICANN should do with that report and how to implement it. And there is any resolution -- a resolution -- a motion in front of the GNSO to move forward and start the PDP and seek volunteers for that working group.

Now that I think it's fair to say is going to be a lengthy process. There's a lot of things -- we collect all things Whois in there, not everything related to Whois will be in there, but there are many many implications kind this move to come up with a new way of doing Whois both technically and from a policy perspective and from an implementation at the registrar level. So that, various people have questions about that.

We had recently a final report of -- and I'm sure I'm going to get this name wrong but there was a Conflicts with Law Implementation Review Working Group of volunteers, kind of an unofficial group that was just looking to see if there was a better way to implement the Whois conflicts with Law policy or procedures.

Now the Whois conflicts with law policy is some 10 years old and it was a fairly I think fair to say fractious group that met on this because many folks felt that the policy ought to be revisited, but that was not within our mandate. So that report is out there awaiting comments. And it's quite an extensive comment period for that, so there might be a discussion on what kind of

comments people might want to make on that. And I know I've got a couple of speakers coming to speak on that, at least I hope they show up. Maybe someone can tell me how exciting all are competing sessions are, is that what's keeping them away?

Then the next one is There Is a Privacy Proxy Services Accreditation Issues Working Group, yeah.

Rafik Dammak: Thanks Stephanie. Maybe if you can introduce first what is the whole ease to give kind of a general overview to the people here. So I think we have like work on the next-generation, so on so just if you can do that, one, two, three minute.

Stephanie Perrin: Okay, how many are familiar with Whois? okay well maybe why don't you let me get through the list, Rafik, and then I'll kind of round around with the basic privacy issues that we have on the table because I've only got one more.

Where was I? Oh yeah, the PPSAI. The privacy proxy services arose in order that people who didn't want their personal information or their company information to appear in the Whois they could hire a privacy proxy service to do it for them. And there are many different kinds of privacy proxy services out there. None of them are at the moment accredited. And it was the recommendation of an earlier Whois review that they be accredited. And I believe that obligation was put into the RAA 2013 agreement.

So this committee has been meeting for I think we're almost at two years now weekly to figure out what the accreditation issues are. And there was a call for comments recently. We received over 20,000 comments, which is a record for ICANN. Even beat out dotXXX or whatever that famous one was.

So a lot of interest in this topic and we are expecting to wrap up and get a report out there somewhere - December is optimistic myself that maybe, if not early in the new year. So there is that.

Now basically, following up on what Rafik had asked, we in the NCUC, NCSG community see a number of different privacy issues that ICANN. There is ICANN as an organization, that in our view has an inadequate privacy policy. And so possibly treats our volunteer information improperly, possibly is not doing what it needs to do with HR information. And then there is ICANN as a data controller setting the rules through its contract provisions for all users on the Internet when they register a domain name because that is of course passed through to the registries and registrars. So those are two kind of different spokes.

We certainly view them as a data controller and anyone who wants to talk about that I can bore you later about it. So we have been drafting what we think is a better privacy policy for ICANN. Sooner or later when we get that done we're going to send it probably to the board. Volunteers would be gratefully received on that because it's kind of petered out with all these PDPs coming but if anyone would like to help us out with that please sign up. So that's kind of the waterfront.

Now the issues about Whois are also kind of bifurcated and complex because theoretically if you have a data protection law you are entitled to have your personal information protected by law. It should not be going into a public directory. We have received lots of advice from data commissioners since the time ICANN was created that these directories don't comply with certainly the European directive 9546 that governs the 26 European states. So all of that material is available and the letters indicating these things is up on the ICANN site.

On top of that there is the issue of whether organizations that are entitled to freedom of association and political activity anonymously, which is a right that is guaranteed in many states, notably the United States, whether they have a right to confidentiality in their personal information behind their website or their contact information behind their website.

So we in NCSG like to protect both of those rights. So that's why privacy proxy services are extremely important. Not all countries have data protection laws and if you don't then you have to use a privacy proxy service. Not all endangered from a human rights perspective groups have the protection of constitutional protection so that we'd like to see the highest standard there in terms of protection of organizations, religious groups, political speech, etcetera. So that's kind of what we see as the privacy issues.

So I think I'll leave it there. Now do we have any volunteers who would like to start off the roving mic and contribute here? No one?

Rafik Dammak: Don't be shy guys.

Stephanie Perrin: Don't be shy. Nobody. Okay. The first poor soul that stumbles in from another meeting is going to have a mic thrust at them. I can tell you that right now. Okay well I didn't want to do all the talking but I will talk about the Whois conflicts with law because that's the most recent. And I'm expecting Christopher Wilkinson to show up and talk about this.

Basically this is a procedure that was mandated by this policy, the Whois Conflicts with Law, that policy was set I believe 10 years ago but I could be wrong. And the procedure is that if - perfect.

((Crosstalk))

Stephanie Perrin: Amr, none of my volunteers to speak have shown up. I just said I just said that the last - the next guy who walks through the door...

((Crosstalk))

Stephanie Perrin: No, no I'm talking about Whois Conflicts with Law so you're safe, you're not on that group. Basically I think the registrars were complaining that there was

a trigger mechanism that allowed them to appeal to ICANN to get a waiver from the policy so that they could comply with international data protection law. And the trigger - well there have been various triggers proposed but at the moment they had to get a letter from the data protection commissioner that said, you're not in compliance with the law.

Then they would take that letter to ICANN and request a waiver. That procedure of course puts them in the position where their lawyers are telling them you can't break the law and they won't get a letter from the data protection commissioner until they do because many data protection commissioners don't give a determination over whether something is in violation of the law before something happens. You know, they have a quasi judicial authority in many cases and they can't do it.

The other sort of issue that came up, as we discussed this, was some parties want to make sure that the letter that the registrars get it from someone who has the power to enforce the law. Well in some jurisdictions, and I speak for Canada with some knowledge of the Canadian system, the commissioner doesn't have the binding powers.

If she wants to enforce one of her orders she has to take it to -- I always say she, it's now a he sorry - he has to take that to the federal court. So by definition he doesn't have the power to enforce it. It is the federal court that has the power to enforce it. So therefore you're pushing all these cases to court.

The other thing that was very controversial in the group is if one registrar has to do this and manages to get a waiver why wouldn't the next registrar get a waiver too, it's the same law; it's the same data; it's the same RAA contract, right? So they were -- the policy or the implementation mechanism as it sits forces every registrar to go and apply for this which does seem a little we would call that regulatory burden if this were a, you know.

Now just to top that off, the data commissioners, in the form of the Article 29 group of the European Union, which is a group of -- a working party of data commissioners that was established under the Directive 9546 - 9546 is the well basically the harmonizing directive that makes all nation states rise to the level of that standard for their national data protection law. That each independent data protection authority has their own sovereignty in terms of the nation state and their own law and it just has to be determined adequate by this group.

So when you have the 26 authorities all in the room saying we all think our registrars need a waiver, please execute, that's what they wrote to ICANN. ICANN wrote back saying, you are not a proper authority because they don't have power as the Article 29 working group, but nevertheless they are the authority under the directive. So I believe there is a standoff. There's letters going back and forth and they wrote back saying, would you like each data commissioner to sign it? We can confirm that they were all in the room when the resolution was passed. And I haven't seen the answer to that letter. It's all up on the Website under ICANN correspondence.

So privacy advocates tend to see this as a kind of obstructive approach on the part of ICANN. And there was much discussion about this in the Whois Conflicts with Law working group. So that final report is out there with a couple of dissents. One from me. And therein the appendices. They are part of the report. And one from Christopher Wilkinson, formerly of the European Commission.

Unfortunately he hasn't shown up otherwise I would trust the mic in his general direction. So anybody have any questions on the Whois Conflicts with Law? Yes please.

(Giovanna Carloni): Hello, my name is (Giovanna Carloni). I'm a NextGen participant.

Stephanie Perrin: Lovely.

(Giovanna Carloni): This is my first time. You're talking about data protection directive and the Whois conflicts. And I wonder if you are taking into consideration the changes that the reform of data protection system in Europe is going to bring with the general data protection regulations? So this is my question. And maybe how do one stop shop mechanism would influence may be to facilitate the signature of letters not by all data protection authorities but actually by may be one single authority. I don't know what extent this mechanism can help but maybe if you're considering that. Thank you.

Stephanie Perrin: Yes. People are certainly aware of what's going on but since the regulation isn't really through yet we can't assume that it's going to be operative. That would solve -- I hope it would solve the problem. I'm still mystified about why we are ignoring the letter from other data protection authorities. You know. So I can't guarantee. Michele, how lovely. We have a roving mic and I just finished describing in general terms of Whois Conflicts with Law.

Michele Neylon: Oh you poor thing.

Stephanie Perrin: Would you like to explain that possibly better than I?

((Crosstalk))

Michele Neylon: Excellent. Thank you. Good afternoon. Michele Neylon for the record or transcript or recording or whatever. Dirty filthy registrar from Ireland. Hi. Okay so I'm not sure what Stephanie explained because I obviously wasn't here.

Essentially the situation at the moment is that as a registrar based in the European Union if we have an issue with the ICANN policy around Whois and privacy we are snookered, I think that's the most polite way I can say it. Ask me later this evening after I've had a couple of pints and I'll find a much better way of putting it.

So this workgroup struggled, it was quite long torturous experience, to try and come up with different triggers for the existing policy. The existing policy the trigger for it is quite high. You would need to already be in trouble with your local data protection authority or in court which is, well it's a bit insane. I mean especially if you as the registrar as a company now that the ICANN policy is smack bang against or local law, you know, you're kind of going well this is stupid.

So what we're talking about there is trying to change the triggers to make them a little bit more reasonable and not totally insane. But I'm not sure exactly how that's going to pan out in the end. We published our final report I'll say two weeks ago, maybe it was two weeks ago. With a couple of different options, a few kind of ideas about how that could be changed for the better.

I mean Stephanie and I agree that the current policy is problematic but that's not within the scope of what we are actually dealing with. So if those of you who believe that Stephanie and I are correct that the triggers should be changed please do submit a comment in favor of that change. But going down the rabbit hole of talking about the policy itself being fundamentally flawed while interesting won't actually help because the IAG is dealing with the actual policy, not anything else.

Is that what you want me to say?

Stephanie Perrin: It's what I anticipated you would say. Personally I'd like to address the policy but I realize it's out of scope. Would you like to say a few words about the directory services while you're up there? And if anybody else please raise your hand if you want to speak at this point. Rudi.

Michele Neylon: Pass the mic around.

Stephanie Perrin: Yeah.

((Crosstalk))

Stephanie Perrin: Lovely. But think of what you have to say about...

Rudi Vansnick: Rudi Vansnick. NPOC. And I'm speaking in my personal name. First of all I would like to highlight that I'm living in Europe, I'm living in Belgium. That some of the EU member states don't even respect that EU regulations with regards to privacy so there is already if you want to apply law each country should at least have a decent lot in place if you want to really address the issue at that level.

Secondly, privacy will apply in this case as far as I have understood, most of the cases to individuals, not to organizations or companies, it's essentially individuals who want that privacy be protected. In some ways there are already some rules in place that allows registrant to hide the personal information by applying the privacy rules at the registration. So there is no public data that is published.

Another issue that I revealed in the past several years, in 2009 I have mentioned it this issue during the, it was the first ATLAS we had with that At Large, on the abuse of domain names. And one of the issues that I see when we push too hard to use privacy rules to hide identity is that at the end we will not be able anymore to discover the criminals behind the registrations and that's another issue.

By pushing it in such a way that a criminal is allowed to hide themselves behind that privacy rule makes law enforcement a very hard time to get through it. And that's one of the issues that I've been discussing with my government in Belgium, with the federal computer crime unit and even sometimes with Europol, they said yeah well at some time the issue of having the individual being protected by hiding its identity makes it very very difficult for us to do something when something bad happens.

The course they have to go in so long before they get the real data. So I think that's something we need to consider when we want to install really hard privacy rules that we are not protecting the criminals too. It's just the highlights but I would like to do that we don't use a rule that allows others to do crimes on others.

Jeremy Malcolm: Hello, Jeremy Malcolm from the Electronic Frontier Foundation. So I'd just want a quick sanity check of our proposed response to that Whois privacy on law consultation because although you've said it really needs to be narrow in talking about you know, new triggers that should be added to the existing triggers, we just find the policies so incoherent that it's hard to even respond in those terms.

And we are really rather saying that the whole thing should be turned around and that the registrar or registry, the contracted party should have the ability to self-assess whether they're able to comply with the Whois policy without breaching their own data protection law. And if they figure they're not then really the responsibility is then on ICANN to enforce the policy against them if it thinks that it can rather than putting the onus on them to get legal opinions and to talk to the data protection authorities and get written letters and stuff like this.

So do you think that's a ridiculous approach for us to take or not? We're really trying to say don't put the responsibility on the contracted party, put the responsibility on ICANN.

Stephanie Perrin: Well coincidentally Christopher Wilkinson has just walked in and sat down beside you. And I believe he made that argument in his dissenting report which is included at the -- in the appendices.

Chris, just to bring you up to speed, we're talking about Whois conflicts with law and possible responses to it. So if you'd like to say a few words we'd love to hear what you have to say.

Christopher Wilkinson: Good afternoon everyone. I apologize for arriving late but I've also been involved with the Accountability Working Group which is still going on. What I had to say I think I said in the annex to the report which I believe is available to you all.

Indeed in the first instance I think ICANN should implement best practice and irrespective of national laws it would be quite possible for ICANN to adopt global best practice in the matter of privacy. There are other fields, mainly technical, but there are other fields where as a matter of course ICANN defines what is best practice failing which I made a suggestion along the lines that there's just been a vote.

I made a suggestion that basically in the trigger mechanism field there should be the burden of proof should be reversed. And in that case it would be up to -- the default would be that the registrar would respect national and local applicable law. This is of particular interest in the context of the European Union because there is a regionally applicable privacy law.

And that if that upsets ICANN and if there was a, you know, concrete evidence that this was interfering with the stability of the Internet then ICANN could initiate an investigation procedure to try and correct that. I find it difficult to envisage exactly what those circumstances might be, could be a case where registrars for example were refusing to cooperate or failing to cooperate with law enforcement when under existing regulations.

But on the other hand I pointed out, and I believe that has not been contradicted, that a number of ccTLDs clearly do respect national and local privacy law and ICANN, to the best of my knowledge has never complained about that. So what's the problem? Thank you.

Amr Elsadr: Yeah hi. My name is Amr. I'm with the Non Commercial Stakeholder Group. I just wanted to say that it is actually not unreasonable to expect ICANN to sort of check what the laws are, for example in jurisdictions like the EU. And this has already been done, for example, as part of that thick Whois PDP. One of the recommendations coming out of that PDP was that a legal analysis be formed to make sure that the transition from thin to thick is in compliance with for example, laws in the EU.

A very thorough analysis was conducted by ICANN Legal and they found that there are actually problems. So this is something I think the community should go ahead and ask them to do. Unfortunately, the workaround for this specific policy was not very satisfactory, not from my perspective at least.

But just the concept that you know, you could ask ICANN okay there are problems, there are data protection issues, there are privacy issues, there are laws, there are jurisdictions where you can't force contracted parties to perform certain actions. So please study, don't just leave this up to the registrars. Each registrar having to apply for a waiver to rules in the RAA. No there is an ongoing issue that affects a lot of them and ICANN should not be requiring them to perform these actions that could hold them in contempt of their local laws.

I was wondering whether -- and this is actually a project about conflicts of Whois with local laws. Why was there no legal analysis done by ICANN Legal same as that thick Whois, for example. Things - maybe some of the risks of these could be mitigated during implementation. Was this a recommendation of this group?

Stephanie Perrin: No, and I think that's an excellent question. We were just talking really about triggers. In fact, if you could share the legal analysis that was provided to the thick Whois that would be very useful for the next project which would be the Who2, otherwise known as RDDS. Yada-yada.

(Veger Tien): Yes, thank you. (Veger Tien), from the Council of Europe. I'm very sorry to arriving late also but I was in a policy security meeting which was quite interesting also from privacy and data protection point of view.

I think I have a very important message to share with you here is that the Council of Europe and especially the (TPD) which is the advisory body for the (unintelligible) is very keen on - to get involved more in this issue. I mean, privacy and data protection in ICANN.

So me myself and my colleagues would like to offer our expertise on this level in this respect. I'm one of the officer of data protection authority at the European Union. We are currently applying a European rules. And we also have some expertise, some background and some history dealing with such kind of issues.

ICANN is of course a global organization which has its specificity but I think we can find best examples, we can find common solutions for that. I think personally that one of the most or very well-known privacy and data protection principles can be used, the privacy by design the best thing is to build inside the procedures from the beginning the privacy and data protection considerations.

So I think this is a very good moment of the reshuffling, the reinventing the Whois that we can maybe jump in if you wish. We can really offer our support for this work. Thanks.

Stephanie Perrin: This would be very welcome. Thank you. That's Stephanie for the record.
Pranesh.

Pranesh Prakash: For the record this is Pranesh Prakash from the Center for Internet and Society. And after last week I had a conversation with James Love Whois someone Whois involved in the very early days of ICANN, in the late 90s.

And he pointed out to me how he extensively uses Whois data as part of his work at Knowledge Ecology International in pushing for transparency.

Now most of that work is related to Whois data of domain names registered by corporations. So what I wanted to know is as far as I know there is no distinction between corporations and individuals. But data protection as a concept, as far as I understand, is mostly something that applies to individuals, to people, not the companies.

So when we're thinking about triggers and when we are thinking about what data is made public and what is not made public, can there be a distinction between corporations and individuals on the one hand? One. And the second, I'd like to associate myself with the comments made by Jeremy Malcolm and Christopher Wilkinson because I think that's spot on.

And in addition to that I was asked a question by government official in India and I didn't have -- quite have an answer. So if the folks who have been more involved in all of this here can provide me an answer I'd be grateful. Which is given that consent is one of the core principles in terms of data protection, why can't a best practice just be to allow each and every registrant to say whether they want their information being made public or not? And essentially making, you know, I'm doing this new business that exists of providing privacy services and saying that it must be provided to everyone by default by every registrar.

They must allow it to be made private or to be made public. And that a person should have to think and actually give consent if this information is to be made public. Why can't that be the norm, with a question that I was asked. And I frankly didn't have an answer to it.

Stephanie Perrin: Unless anyone else would like to answer that I think I could plunge in and attempt to answer that. So to the first point with respect to the difference between a corporation and an individual, Holly Raiche is here from ALAC, we

have been very actively discussing this in the Privacy Proxy Services because there was a proposal to restrict privacy proxy services to individuals and not an institution that was - do you remember the exact language? Something to do with doing financial transactions.

Now the problem with that proposal, as I see it, is ICANN's remit stops at the release of a domain name. and when you register a domain name you may not know whether you're going to use it to do financial transactions on the Web. In my view, governments should be regulating the websites that are doing financial transactions on the Web in their jurisdiction that is a matter for regulation in national governments, and indeed the European Union has done so.

So the fact that other countries haven't, if ICANN starts getting in there and saying, well we're going to look after commercial, we're going to look after banking and financial transactions, if you're doing that we're going to regulate you, because that's what the privacy proxy accreditation process is when it gets rights down to it, then I think there's a problem. I think ICANN is overstepping its remit. That's my personal view.

And I expressed it many times on the privacy proxy services group. Now what was the - the next one was in answer to your official, in my view, consent is used far too widely. We talk about informed consent in my jurisdiction. And the average Internet user is not informed about the vast ecosystem that is prying on Whois data. And I use that in a sort of negative way. But there's a vigorous value added services industry that gathers up Whois data.

And they probably haven't thought through any potential danger that might come to them. So for instance, we had in the public comments, to the privacy proxy services, girls who were involved in gaming who innocently registered in full view - who would have thought that crazy guys would start posting death threats and rape pictures to them? You know, who would have thought.

And tracking them down and threatening to kill them because they were feminists playing video games. I certainly would not have predicted that.

The problem with privacy is once it's out it's out. And in fact the hell of being a privacy advocate is when people find out when you're at ICANN they send you all these complaints from people that they couldn't figure out the answers to and you know, a developer who didn't know any better put his real phone number up, can't get it out of the Who-is now, even though he's paying for privacy proxy now, he'd have to pay whoever is running the service \$15 a year to get all of his other registration. That can add up if you're registered a bunch of domain names. So I don't think consent is reasonable in these circumstances. Thanks.

Holly Raiche: Do you want me to go into a little bit more about the commercial stuff?

Stephanie Perrin: That would be lovely.

Holly Raiche: Steve Metalitz is here and a few other veterans of privacy proxy services working group are here. Michele smiling of course. We had a lot of discussion about whether privacy proxy services should only be allowed for individuals and not corporations. Where the discussions became difficult, everything actually became unstuck, was how do you define what is the commercial organization?

How do you define what is a transaction? You know, a charity, if a charity actually goes out and raises money, if they're not a charity but they're raising money for a charitable cause, how do you actually define the line between which there is somebody who should have protection and somebody who shouldn't?

So we started to get into more of those issues. But it just became too hard to define and draw a line such that for registrars they would be something easy to manage. We didn't quite go any further than it's too hard.

Now Steve can contradict me or - true? So it wasn't a privacy decision so much as a how do you actually understand a distinction between the commercial transactions you don't think should have the right to use privacy proxy and others that do? And make it simple so that registrars could actually manage that issue?

Stephanie Perrin: Thanks very much. Klaus, you had your hand up.

Klaus Stoll: I just wanted to follow up - sorry - a little bit what you said. Privacy has so many different levels and one of the major level is, for example, quite simply the human level. What you mentioned, for example, you have in an opt-out things with Facebook and things like that, where the real user really has no idea what he's opting in and out.

And it has something to do which is basic because one of the basic mistakes which has been done with implementation at the end of is the birth defect is quite simply that we push the technology but we didn't push at the same time the awareness and use of the user of that technology and what's going on there so these things have to go hand in hand.

Stephanie Perrin: Thanks. Pranesh would like to respond.

Pranesh Prakash: Just two quick clarifications, right. So the first one I think in a very different domain comment in the world of creative comments, for instance, defining commercial has been a nightmare. So what I am suggesting is just a simple distinction, okay, that if you're an individual registering as an individual then certain kinds of laws normally apply to you.

If you're an individual or if you are registering on behalf of an entity then entities are treated differently under many laws and so that's the distinction that I'm trying to draw not as much between a commercial organization that engages in commercial transactions and certain kinds of things and others

that between entities and individuals. That personal data is about people, not about entities and not about people -- employees of an entity or volunteers of an entity etcetera, who are working on behalf of that entity.

So and the second point, Stephanie, I completely agree with you of the examples that you cited etcetera and about the issue of consent but that's -- the way things currently are where usually if you want it sent opt out process where if you don't want your information public you have to actively opt out, you have to be provided that -- you have to be told that that's an option which many people don't realize.

The registrar usually has some kind of agreement with the proxy, okay so you have to pay extra for privacy. And the question that I was asked was that this is the state of affairs right now. Instead, a registrar whenever you register a domain name, it should ask you, do you want all this information that you provided us to be made public? Or do you want to keep that information private as part of the registration process.

Currently, having registered a few domain names, I know that I'm not asked this question across all registrars. Okay and even then there's the disincentive to actually go the private route because I have to pay additional money for that year on year. Okay so given -- so I think my question was a bit different to what was responded to and just wanted to clarify that.

Tapani Tarvainen: Okay. Tapani Tarvainen for the record for Non Commercial Stakeholder Group. Just wanted to touch a little on this point of consent because as I read it at least Finnish Law and European data protection law consent is usually (unintelligible) acceptable, you can manage the process, personal data consent. But it's not really enough, you still need to have an acceptable reason even for asking the consent. So it's not simply if you get consent because sometimes you have to give consent to get some kind of access anyway. And if the consent is asked or something which is not justifiable than it should not be allowed. (Unintelligible).

Stephanie Perrin: Amr, I think we'd better get to Michele before we get to you. He's been in the queue.

((Crosstalk))

Michele Neylon: Sorry about that.

Amr Elsadr: I just wanted to add...

Michele Neylon: Leave him be. Leave him be. Let him talk.

Amr Elsadr: Sorry. Sorry. This is Amr again. I just wanted to add to what Tapani said that sometimes of consent is provided and issues arise EU law also stipulates that consent may be withdrawn. And although this does not have a ritual active effect but still it is an option. Sorry Michele.

Michele Neylon: I love getting Amr to apologize to me. Okay I'm hearing lots of different things from different people, some of it is quite interesting, others a little bit...

((Crosstalk))

Michele Neylon: I rarely speak as the head of the registrars unless I actually go to the mic and say I'm speaking as the chair of the registrars you can take it but I am not speaking as the chair of the registrars. Don't worry. You're not one of my members are you?

((Crosstalk))

Michele Neylon: Okay, just checking because if any of my members the problem they can tell me. No, I'm not speaking as chair of the registrars. Whois is a hot potato. It's been discussed to death for years in ICANN. It's not going anywhere fast. Talking about consent, talking about what you would like to have in a utopian

universe is really really nice and fantastic but unless you actually start focusing on something concrete there's no point in any of us coming to these sessions.

So, I mean, if you can talk about something more focused it would be helpful. So for example there's the public comment period on the triggers so, you know, some of you, gentleman from EFF was talking about what kind of response they might want to put in for that, and that's useful and that's something concrete.

Talking about complicated nuanced aspects of consent and various things like that is not going to really be that helpful unless you can get the GAC members to engage, maybe, but I'm not even sure if that would actually help. I mean after ccTLD level most of these things are non-issues.

And speaking to Rudi's question around, you know, getting at data and all that kind of thing it's not really an issue. I mean you look at most ccTLDs even where they offer a level of privacy, if you are law enforcement or whatever you can get there, but there is a proper due process for that.

In the gTLD space, if you don't want your data in the public Whois you will need to pay for that. You can't expect us as registrars to breach our contracts. Pranesh, if you want to get out of Whois you need to change -- get the policy changed. That's...

Pranesh Prakesh: (Unintelligible) how can that happen?

Michele Neylon: Okay but the question you asked was asking us, the registrars, to do something which we can't do.

Pranesh Prakesh: No, my...

Michele Neylon: Yeah, but that's what you asked.

Pranesh Prakesh: This is Pranesh again for the record. I was asking a question that was asked to me by someone else. And the question that was asked of me was about engaging with the Whois process, the next generation RDS process and about how - about this as an outcome of all of that and to say that it should be up to the individual registrants. And my question is -- and I couldn't say why that shouldn't be an end state.

So I'm not asking registrars to violate their contracts or...

((Crosstalk))

Michele Neylon: Good don't, because we won't, no.

((Crosstalk))

Michele Neylon: Maybe if you paid us enough money we might consider it but for free, no definitely not.

((Crosstalk))

Michele Neylon: ...very upset with us. And then our friends from the IPC would definitely be very upset with us.

Pranesh Prakesh: I'll buy you a beer this evening for protecting my privacy.

Michele Neylon: That's really not enough. Now I mean if the question is around the outcomes of the RDS conversation I don't honestly think you're going to see that. You know, the EWG, Stephanie and I and others, actually I don't see anybody else in this room who was on that, we came up with a bunch of different recommendations and some of them are realistically probably completely unworkable.

I mean part of the issue is that with Whois it's used as a football, it's used as something as a proxy for a lot of other things. I mean people use it in all sorts of weird and wonderful ways. I just don't know how you're going to get a solution, sorry.

Stephanie Perrin: Okay, I think we have agreement, you're going to discuss this over a beer tonight. No. Let's be clear. We have (Peter) and then (Monica Zunneret) and then Volker Greimann in the queue. And if I could just respond to Michele saying this isn't helpful, our goal here was -- I'm condensing it somewhat -- our goal here really was to bring people up to speed with the state of what's being discussed in terms of privacy in an informal way, not like a drafting session. We'd be happy to talk to anyone who's interested in drafting afterwards if you want to join us in drafting would love to have you.

That the idea was to bring newcomers and folks who maybe haven't focused on privacy just a general awareness of some of the issues that we're busy thrashing out because the insiders are only too painfully aware. Thanks.

(Peter): Yes, thank you very much. Just one thought about the consent issue. I'm 100% agree with the previous speaker that I really think consent they cannot be the solution. It's too differently interpreted all over the world. It's too complicated, too integrated such as structure as ICANN I think. And more importantly I think it cannot be a matter of choice whether we want to give the individuals, data subjects, privacy or data protection. It has to be built in the system at the first place. Thank you.

(Monica Zalnieriute): Thank you. So (Monica Zalnieriute) from NCUC. And I would like to echo one some of the concerns I guess or general mood here because I'm both an insider and an outsider I would say. So I've been working on data protection issues for a little while now. But I think I still don't really understand all the issues around it. And I just would like to perhaps discuss what could be the strategies to change those things. And because Michele just said well on Whois we've been discussing it for many years now.

And indeed, what in fact we can change because I think one of the strategies that we have now is to work internally for example with the cross community working group, let's say we're trying to promote the human rights internally and push ICANN to adopt corporate social responsibility policies including some other issues like free speech, not just data protection. But I think that will take -- that is a long process.

But what could be other strategies especially to engage for example with the DPAs and push ICANN just like they pushed Google, for example. We never considered any other harder options which could perhaps make ICANN to reconsider some of the policies faster because I think that could be an option for a joint action of several DPAs in the EU to - just to write a letter to ICANN and say look, if not then perhaps we can pursue legal action, just like they did for other corporations yeah, we never even thought of it. But maybe that needs a lot of engagement with the DPAs to consider what strategies could be developed.

I don't know, these are just thoughts because I think the more different levels we approach this issue the better it might happen because just internally I don't think we without external big pressure we could achieve a lot area I don't know. That's my sort of idea. Thank you.

Stephanie Perrin: Just to respond to the that while the microphone moves, it's Stephanie Perrin for the record. They have been engaging since -- well Italian data protection Commissioner prior to (Butarelli), Professor (Rotota), came to the - or it could have been (Butarelli) came to the Rome ICANN, that was like 10 years ago, 15 years ago. So it's not as if the DPAs haven't engaged. The problem is the way to engage if somebody has got to complain against the registrars.

And, you know, Michele, get in the queue. I don't think they're very keen on that. So over to Volker, thanks.

Volker Greimann: Thank you. As a registrar, yes, we're not very keen on not. First point, you need a bigger room because this is a topic of interest and apparently you've all gone. I just wanted to report back from the public safety working group whose the session I just attended and it was an interesting spirited debate and it was also very clear that the publication of private data in the Whois there is a problem there.

The unhindered access to private public data is a problem. There are of course reasons why this may be allowed. The law enforcement may be one of those issues. But on the other hand when we saw the presentations that were given to us there, it was shown to us very explicitly that private public - that public - private data in public Whois is mainly used to catch stupid criminals to allow not so stupid criminals to take over their business. That was the at least my take away from the presentations in a session.

The good part about this is the government, the GAC and law enforcement are now starting this discussion. And they have people from the European Union and data protection people from the European Union that are also able to participate in that. That channel is I think very helpful and we should follow that and support that channel because getting those parties engaged we as registrars have worked for a long time to get law enforcement more organized, more engaged as a quasi-working group. And this is the start of that.

And I think by engaging with those people at that level I think we can achieve great things. Thank you.

Stephanie Perrin: Very much. We have Holly in the queue next, if we could get the mic over. Thank you.

Holly Raiche: Yeah just an update on Whois conflicts and sort of where we got to, if I haven't already talked about it. Have you talked about Christopher Wilkinson's suggestion?

Stephanie Perrin: Yes.

Holly Raiche: Have you talked about the idiocy of almost the whole issue?

Stephanie Perrin: Yeah.

Holly Raiche: Have we decided that in fact Christopher's second option is better? That was the option I'm talking about is have a high-level policy statement that all registrars comply with regardless of jurisdiction. Good. Glad you got there.

Stephanie Perrin: Don't give away the mic. We really should have a preliminary discussion about the privacy proxy working group because we haven't gone into some of the issues there. We've been kind of stuck on Whois conflicts with law. And there's quite a few issues there.

((Crosstalk))

Stephanie Perrin: I kind of think David got out the door and I had him -- oh there you are.
Perfect.

David Cake: What you want me to say particularly?

((Crosstalk))

Stephanie Perrin: ...dealt with the commercial one so maybe...

David Cake: Right.

Stephanie Perrin: ...some of the other issues.

David Cake: That's a very good question actually. There's a lot of other issues in that working group and you probably will have to remind me of some of them especially as Kathy and - now you can help.

((Crosstalk))

David Cake: The Proxy and Privacy Services Accreditation Issues Working Group has been -- is one that somewhere near the end of its -- what's been a pretty long and hard process and a lot of people in there with very strong opinions. But I'm sure -- just saying to Steve Metalitz last night, we're all starting to feel it's been a long and difficult road but there may be an end in sight.

We discussed at length things like the issue of whether proxy and privacy -- the issues proxy and privacy services are really the one mechanism that you can use sort of legally and according to policy to have a domain name while not making your contact and personal details into Whois public.

But then the details of how they work are incredibly important. We've discussed in particular the issue of whether or not commercial use of them was permitted and that was a very complicated issue as been earlier discussed. We've also talked about issues like what exactly - under what conditions are they required to reveal if people have tried to contact you and you haven't responded. How does that - is that a grounds to remove your proxy registration or reveal it to the inquiry?

How that works. We've had - what other big issues...

((Crosstalk))

David Cake: Yes. We've had a lot of discussion about well, okay if we're going to regulate proxy and privacy services should this mean we are going to regulate lawyers who register domain names on behalf of their clients and then claim legal confidentiality or some of that, why, you know, are they getting a different -

why are they getting a different deal just because, you know, just because they're lawyers.

And we'd have differing opinions, we're going to have essentially not quite a dissenting report but an annex that is not part of the main report talking about how we might deal with particularly intellectual property related claims and how we deal with those. It's been a really long issue, long report. The commercial use was absolutely the most contentious issue. We got -- normally ICANN public comment periods get a handful, like you know usually a dozen or two reports. We got a couple of public campaigns for input led to us something getting 60,000 responses which were all very similar...

Stephanie Perrin: Twenty.

David Cake: Twenty. Twenty? Twenty? I thought it was - okay, 20,000 responses. I've got the number wrong. But 20,000 - they were all very similar but still the number was astonishing for an ICANN process. And including some - and some individual responses with an extraordinary number of people signing on to joint letters and things like that.

Privacy clearly it's an issue that when you go - people outside ICANN care about hugely and they just don't realize that we deal with it so often, and when they do they get very excited indeed I think as shown us. What other issues have I missed?

Holly Raiche: You've missed our...

((Crosstalk))

Stephanie Perrin: Name.

Holly Raiche: Holly Raiche for the record. You've missed the model as to circumstances under which intellectual property people would have access to the data. Now

this ties in with - in many of the responses that were made in the petitions in response to the public comment, used terms like no, never, except, if there is, and acceptable, legal and what - the terminology that said without legal...

((Crosstalk))

Holly Raiche: No, no, without - no it was legally justifiable or something. And what we had to do was try to unpack what that means. And understand whether we could use our understanding of a particular phase and attach that to the process that we put in as a sample for the steps that intellectual property people would have to go through before the data was released - the contact data was released.

So we actually, in the public comment period, sorry, in where we are now, it's a matter of looking at that annex and seeing if we can actually accept that this process of all of the steps required, all the information required before a request is made, and then coming up to what are the options. If you are an individual or if you are the registrant should you have the right to - well first of all you have the right to be contacted and a request is made.

Do you then have the right or should it just be an option at the registrar's discretion to say, I don't want the details released, and to avoid the release. You want to do it? I just quit. I just - I'll hand in my domain name and should that option is available is another difficult one.

In terms of the lawyer issue it was really - it's a large issue. For those of you who actually are into this stuff you will have read the final report of Whois. And there - the term "privacy proxy" the distinction that was drawn in that report and the one that should still stick in people's minds, a privacy service is actually a privacy service and the name of the service provider is what goes in the Whois data.

Proxy is more an agency arrangement. Now it mainly is lawyers but it can be other situations where somebody is acting as an agent for something else. It's conceptually different. From day one though we have treated them as the same thing and then suddenly got -- come to a screeching halt, well what are we going to do about lawyers because they are agents and way back when we said we're going to treat them all the same, and because we didn't distinguish now we're stuck with distinguishing.

So there are a few hurdles to go. I think that's the only sort of rundown of it -- issues that we've got. Wednesday morning.

Lee Hilbard: Okay hello everybody. My name is Lee Hilbard. I'm from the Council of Europe. (Peter) has already spoken before when I was in the public safety working group meeting. I'm involved in that. I'm involved in the GAC working group on human rights and international law and the cross community working party.

I mean, you probably some of you already know that on 3 June this year the Council of Europe, 47 countries adopted a declaration with the words, ICANN, human rights and role of law in the title. That's probably never happened before.

And although it's addressed to governments, to member states, it addresses the issue of ICANN. And for the first time you will see the words human rights role of law, communities and all the words that you're using here probably.

And we have a mandate now to go forward and explore arrangements to help ICANN, the GAC, and the communities, you, in your work to ensure balanced approach to things like, you know, Whois, etcetera. (Peter) is here to mobilize the 47 country data protection supervisory authorities and he will go back in December and he will talk to them and we will try to work out an action plan I hope or something which can serve you.

So that's what's really clear to bear in mind is that we're trying to bring that in. I just wanted to ask you if you can help us identify the specific key issues. We cannot cover everything I imagine that we can address certain salient points in terms of, you know, stepping back and having a consensus position on a specific issue and that could be entertained by the 47 countries if it was really important enough. It might take a year or two to come through but it could help shape the position on Whois if they think two years' time or a year and a half time.

So I would really hope you can help us and (Peter) to really signal the key issues which you need a serious concerted governmental approach response which is written and signed. Thank you.

Stephanie Perrin: Thanks very much grade we can undertake to do that.

David Cake: And can I just say, to save time, I've already just ask them if they'll be involved in the RDDS working group.

Steve Metalitz: Thank you. I'm Steve Metalitz. I'm the cochair of the Privacy and Proxy Services Accreditation Issues Working Group that's been mentioned many times here. Graeme Bunton from Tucows is my cochair. And there are about half a dozen people in this room that have been very active and constructive participants in that group.

Can I ask, as you probably know, we published a draft report in May. Can I ask how many people in this room filed a public comment - in the public comment period either your own or on behalf of something else? Thank you. I appreciate those, you know, I saw about eight or 10 hands up. And I think those comments have been very helpful. There were a lot of them, there were not 60,000 but there were quite a few.

And we've done our best to go through them and reflect the concerns that were expressed and the issues that were identified that weren't in our initial report.

So I just wanted to give the status report that we are working, as several people have said, toward the final report. We hope to have that done by December in time for submitting it to the GNSO Council in December. And as somebody mentioned, there is a public session Wednesday morning at eight o'clock, and I don't know what room number it can but I'm sure it's on the schedule, and we will provide some more detail there.

That I think we are near the end. We still have a lot of more work to do. And I just want to thank the people in this room who have rolled up their sleeves and work hard to try to bring this across the finish line. I think we're getting there. So I just wanted to give a status report. Thank you.

Stephanie Perrin: Holly.

Holly Raiche: Just on the offer of privacy commissioners getting together and talking, if I can go back to Whois conflicts and the rather silly situation that it puts registrars in i.e. they go to ICANN to find out what privacy law is which is a bit silly. One of the suggestions that was made in an annex was that there be an ICANN wide, global wide general policy as to what privacy is in relation to Whois information.

Because right now we've got the process, as you've all heard, that is unworkable. Registrars don't even use it. It doesn't help in dealing with them conflicts where there is a request for Whois information and there is a privacy law. It's a conflict. So if there were global agreement on the respect that should be given Whois data, the situations when it can reasonably be provided or not at that level it would be really really helpful.

Stephanie Perrin: Thanks very much. We have about 15 minutes last. Perhaps it's time to open the floor to more questions. I know I tried to do that at the beginning of the meeting that there are more people here now. Does anyone have any questions or comments? Yes. Okay very good.

Paul McGrady: Paul McGrady, an IPC member to the Privacy Proxy team. But I don't want to talk about that. Are there other human rights issues besides Whois or is this only about Whois today? Thanks.

Stephanie Perrin: We basically said at the beginning that privacy issues at ICANN fall down on two sides. There's ICANN as an institution and whether it has a decent privacy policy, and we think maybe no. And then there is privacy as a data controller, ICANN as a data controller. And basically most of the action is in Whois. So that's what we've been focused on. And of course there are many PDPs going on related to Whois.

Now I would invite my human rights colleagues who are sitting at the back if they wish to talk a little bit about ICANN and human rights. Do we have any volunteers? Niels.

Niels ten Oever: Hi all. This is Niels ten Oever for the record. And to answer the - to answer real quickly is that we will be discussing many more human rights issues in the cross community working party on ICANN's corporate and social responsibility to respect human rights which is Wednesday morning from 9:00 to 10:15. And then you can also help us shape the work on that in the working session from 5:00 to 6:00 or we will be discussing what will be doing upwards to Marrakesh. So that's the quick rundown. We will be doing much more work there.

We developed a report up to the session of which I got some paper copies, which I am also happy to distribute. As you know we're also working on human rights in the Cross Community Working Group on Accountability where in Work Stream 1 after the transition we're working on getting a

commitment to human rights in the bylaws which right now seems to be a commitment from ICANN within its mission, within its scope and mission to respect human rights as recognized in international law.

And then in Work Stream 2 we will work out what exactly means and how we're going to operationalize that. And there are many ideas about that and there are many different human rights that come into play and that's definitely not only privacy but I think this session dedicated to privacy exactly - solely so I will not hijack the session to talk about the other work. Thank you very much.

Stephanie Perrin: And we in turn won't hijack your session to talk about privacy, I promise, even though the room wasn't big enough. Anyone? Any other questions, discussion? I'm sorry to see that Rudi has gone because I don't think we really responded to his very valid concern about law enforcement because that's the axis where we are really arguing half the time between whether criminals are using that and whether we need open Whois.

Michele wants to talk to that.

Michele Neylon: God yes, of course I do. I mean, you know, as a registrar and as a hosting provider, you know, we get abuse reports about different types of activities. And we invariably will have contact details for our clients. Now what's in the Whois isn't actually important in that instance.

If somebody is distributing malware or some other kind of well, clear-cut crap, junk, whatever you want to call it, as a hosting provider, you know, we deny access in some ways. If you are the registrar of record and the only thing the domain name is being used for is - so maybe one that's algorithmically generated domains or something like that, if distribution of this kind of material you can pull it. If it's child abuse material you can pull it. Those kind of things are simple and straightforward.

The issue around the -- sort of this law enforcement access to public Whois is that they are incapable of providing us with any metrics. Absolutely incapable. We have repeatedly asked them for data. They have never supplied us with any data.

However, we can provide data showing how many domain names, how many websites, potentially how many million email addresses, how many million users were impacted when we have been forced to disable websites attached to domain names that we've been forced to suspend due to emails bouncing.

Now when it comes to a lot of these discussions there's lots of hair-fairy terms thrown about and some of the stuff is absolutely ridiculous and goes off into really strange places where we can't really take it. I mean, ICANN has a fairly narrow remit. It can't replace governments. It can't force us as private companies to take decisions that countermand the decisions of government if we fall into their jurisdiction. I mean, you know, we're quite narrow there.

But it's technical. Technical means there's data. Data means you're able to base your decisions on that data. You know, when it comes to the law enforcement side of things it would be helpful to get the statistics. We're - some of us were in the - a session about illegal pharmacies, unlicensed pharmacies and everything else. You know, doesn't matter what they say but they're actually able to give you numbers, statistics. You know, X-thousand domain names, Y-thousand websites, Z number of whatever.

But the law enforcement has not been able to provide us with any data. Unless I'm missing something. Volker, you - no? Any - oh okay, never mind.

(Ayden Férdeline): Hi, (Ayden Férdeline). I'm a participant with the NextGen at ICANN program. I just had one question. You mentioned that your most recent call for comments received in the order of 20,000 responses. And I also heard from David that many of the consultation responses shared a similar sentiment. I was hoping you might be able to articulate, please, how these

responses were analyzed and how these key themes were identified because 20,000 seems like a considerable number of responses for - is it 16 representatives - to analyze.

Stephanie Perrin: It's clear we didn't count them well in our group. We have numbers varying from 60,000 to 20,000.

((Crosstalk))

Stephanie Perrin: Basically we split into subteams to analyze the different comments. There had been a framework for the comments so we divided the topic areas. And there was another group called No Comment Left Behind where we actually created a spreadsheet of the comments. And if someone had signed a petition and said something that - whatever they said - was plugged into the spreadsheet. So it's a work of art.

I don't think that - I'm not sure whether that's ever going up on the ICANN Website but that's what - will it? Will it? Yeah. Okay. So we have...

Holly Raiche: I think so.

Stephanie Perrin: So we do have a massive spreadsheet showing how we analyzed this. Volker, do you want to jump in here and help me out?

Volker Greimann: Yes, Stephanie. Just to complete the picture, we in the working group did not read every single one of those emails. They were prepared for us by staff, they were analyzed by staff. And then categorized. A lot of comments used the same text so these were grouped into one comment and then said so and so many people sent this comment. If they added something that was broken out and added to something else. So we did not read that many emails, we just had the spreadsheet that staff prepared for us that broke these comments up into different sub categories and these were analyzed, which was still very significant number of individual comments that we had to read.

David Cake: And then two of the 20,000 comments there were two sort of public campaigns that provided templates. So a large, you know, a large percentage of them were very similar. But that still left several hundred that were not and that we had to analyze individually, some of which were quite extensive. So it has actually been a, you know, a few - a couple of months of very solid work just analyzing the comments or more. Just analyzing the comments has been - was a big pile of work which we have been doing I think tried to do very thoroughly.

Stephanie Perrin: Yes, and let's be clear, there's two different spreadsheets we're talking about. The No Comment Left Behind, we put them all in; the other review template is what was given to the main working group. So thanks. Paul, yes.

Paul McGrady: Thank you. Paul McGrady again. I was coconvener with Kathy Kleiman on subteam 4, No Comment Left Behind. And in terms of process so there's a spreadsheet with about 15 pages with blurbs about some specific comments that were there. And then there's a second document that overlays that which was our subteam's attempt to summarize those. And so when you read them, read them sequentially. The big spreadsheet and the summary and then how it came out in whatever the final report ends up looking so you can see sort of how it goes.

Even taking out the comments that were - and I want to use the right word because I don't want to send anybody in the room and I got in trouble once for referring to it wrongly so please, I'm not doing this on purpose if I screw it up...

((Crosstalk))

Paul McGrady: But even if you take out the...

((Crosstalk))

Paul McGrady: Even if you take the out the comments that appeared to be based on templates, is that fair, there were still a lot of comments. It was a very robust comment period. And so I really encourage you guys to find that stuff on the ICANN page. I think it's in the wiki for this group. And but read them sequentially. Start with the big spreadsheet, then the summary, then the final report so you can get the flavor of how we did our best to not leave a comment behind. Thank you.

Stephanie Perrin: Thanks very much, Paul.

((Crosstalk))

Stephanie Perrin: Oh we have one more - a question online. Maryam Bakoshi will read that for us.

Maryam Bakoshi: The question is from (Mamet). Has anyone in the room first thought on the ECJ on safe harbor data transfer? In particular I wonder ICANN says escrow be done in EU countries already. True?

Stephanie Perrin: That's...

((Crosstalk))

Stephanie Perrin: That's - Michele was just about to escape. Yes, we certainly have thought about safe harbor but I don't think we can really do it justice in the four minutes. So if we could get that person's contact information perhaps some of us would correspond with them.

((Crosstalk))

Stephanie Perrin: I would just say that it's early days yet.

Michele Neylon: Stephanie, I'll keep this brief. As chair of the Registrars I reached out to ICANN staff to get some clarity on it because it's, at the moment, Iron Mountain is the only escrow agent that European-based registrars are using. So we're waiting for a response from them.

((Crosstalk))

Michele Neylon: Oh okay we have an update. Sorry, Volker was...

((Crosstalk))

Volker Greimann: Small update on this. I've been talking to ICANN staff and other providers that are offering this service that are EU-based. There are discussions and negotiations already ongoing between ICANN staff and these providers and they're looking to provide a solution for registrars. So currently American only escrow option will become supplemented by a European one. No promises though but that's the current state.

Holly Raiche: I hope everybody has read the wiki-leaks version of the TPP because it actually has a statement in there that contact details must be made public. And that's 12 countries. And we Australia have signed. We haven't ratified but we have signed. So there's, you know, read the TPP.

Stephanie Perrin: Yes, that's a whole other topic that we will be looking at shortly. I hope that answers the question that the caller had on the Adobe chat. But if not please feel free to contact me, Stephanie Perrin, again for the record. Thanks.

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