

Chris Pelling:Good afternoon all

Graeme Bunton:This is a super well attended IRT.

Alex Deacon:my travel is already booked - so I will unfortunately not be able to attend :(

Chris Pelling:Sorry cancelling the name is a tad harsh, I think it was said that the registrar could deal directly with the registrant

Sara Bockey:Amy - could you speak slower please

Chris Pelling:@steve - you are very quiet, can you speak up a little please ? :)

Amy Bivins:My apologies, Sara, I will do my best to slow down

Vicky Sheckler:+1 alex

steve metalitz:@Theo could you give examples of large unaffiliated p/p service providers?

Theo Geurts:i can do that on the list

steve metalitz:@Susan good point. Presumably if you notify registrar they would "become aware" of unaccredited provider.

Susan Kawaguchi:@Steve agreed but I think we need to be very clear that we would expect compliance to take action if the registrar does not

Vicky Sheckler:agree w/ steve and Susan

steve metalitz:@Amy, where in the PDP report do you find this language?

Mary Wong:@Steve, it is Recommendation #15 in the Final Report.

Amy Bivins:See page 12, item 15

Graeme Bunton:Lemme see where that is Alex

Graeme Bunton:and I'll see if i can bring that to the group.

Mary Wong:Full text of the recommendation: "A uniform set of minimum mandatory criteria that must be followed for the purpose of reporting abuse and submitting requests (including requests for the Disclosure of customer information) should be developed. Forms that may be required by individual P/P service providers for this purpose should also include space for free form text. P/P service providers should also have the ability to "categorize" reports received, in order to facilitate responsiveness. P/P service providers must also state the applicable jurisdiction in which disputes (including any arising under the Illustrative Disclosure Framework in Annex B) should be resolved on any forms used for reporting and requesting purposes."

Alex Deacon:Thanks Graeme

Tom Kinstler:@susan and @steve, As a corporate registrar, if someone contacts us to let us know of an infringement or a problem with a registrant we will forward this on to our client straight away, however as we also do brand protection we also have to do some contacting of registrars ourselves and have found

that the only route we can take to get an answer is to open a complaint with ICANN as certain registrars are unresponsive or apathetic to infringements of trademarks.

steve metalitz:pls repeat instructions

Graeme Bunton:I mean, i don't know how you sell a service without telling people what it costs

Graeme Bunton:unless I am missing something.

Chris Pelling:Green check mark I think

Vicky Sheckler:+1 graeme

Susan Kawaguchi:I agree why would it not be disclosed?

Griffin Barnett:I tend to agree Graeme

steve metalitz:Agree.What is mandatory to be published in TOS is spelled out and does not include pricing. But pricing needs to be in TOS provided to customer.

Darcy Southwell:The WG didn't specify that it needs to be in the terms of service

Chris Pelling:no point putting it in general terms of service - cause no one reads it

Alex Deacon:I think I assumed it would be disclosed on the website -

Darcy Southwell:Just disclosed

Chris Pelling:it will be on the main website at the end of the day

Greg DiBiase:I just think it needs to be disclosed

Griffin Barnett:If it's disclosed, why not require it be in the general public-facing ToS?

Chris Pelling:QUESTION: Amy, why does ICANN think it should be in the TOS ?

Vicky Sheckler:based on teh chat, it sounds like there's a third optoin - not disclosed in TOS, but yes disclosed publicly on the website.

Susan Kawaguchi:@Vicky I agree with that

Sara Bockey:Just to the customer... why would it be in the TOS?

Chris Pelling:+1 Darcy

Sara Bockey:Agree with Darcy

Greg DiBiase:+1 darcy

Roger Carney:+1 Darcy

Eric Rokobauer:+1 Darcy

Darcy Southwell:+1 Graeme on pricing changes!

Vicky Sheckler:agree w/ Graeme re: pricing disclosed publicly, but non necessarily in TOS

Darcy Southwell:What is the language from the Final Report on this issue?

Darcy Southwell:That language likely answers the question.

Sara Bockey:I need clarification on the type of notices

Vicky Sheckler:agree w/ Darcy

Sara Bockey:Agree with Darcy

steve metalitz:These details are up to service, the requirement is they have to tell customer whether or not they will be notified.

Ashley Heineman:Clarification - the LEA subgroup is looking at this issue in the context of LEA related disclosure, correct?

Vicky Sheckler:agree with steve

steve metalitz:Is this AB13 we are discussing now?

steve metalitz:Hard to answer this question with regard to all uses of the word "timely"

Amy Bivins:Hi Steve yes that is one of the references, there are a few

steve metalitz:Waht is the Spec 11 workgin group Theo refers to?

steve metalitz:\*working\*

Chris Pelling:Hours or business days COMMENT

Susan Kawaguchi:can you repeat that?

Darcy Southwell:Sorry - can you please repeat?

steve metalitz: It is on page 71

Darcy Southwell:I will need to read the language in the Final Report before voting (I don't recall that deliberation).

Sara Bockey:+1 to Darcy

Griffin Barnett:Nonetheless, the WG recommends that ICANN's Accreditation Program include a requirementfor all accredited P/P service providers to include on their websites, and in all Publication orDisclosure-related policies and documents, a link to a either a request form containing a set of specific,minimum, mandatory criteria, or an equivalent list of such criteria that the provider requires in orderto comply with such requests (including with reference to the proposed Disclosure Framework forintellectual property-related requests). The WG also recommends that P/P service providers berequired to state the applicable jurisdiction in which disputes (including any arising under theIllustrative Disclosure Framework in Annex B) should be resolved on any forms used for reporting andrequesting purposes.

Mary Wong:As part of Recommendation #15: "P/P service providers must also state the applicable jurisdiction in which disputes (including any arising under the Illustrative Disclosure Framework in Annex B) should be resolved on any forms used for reporting and requesting purposes."

Griffin Barnett:I think that is the applicable language?

Mary Wong:@Griffin, yes I believe so.

Vicky Sheckler:issue to some extent is that there nonetheless has to be a nexus to the p/p provider or the user. agree w/ Susan's recommended approach

Griffin Barnett:I agree there probably needs to be some nexus

to the service provider; they can't just select any jurisdiction  
Graeme Bunton:Do you have an example of that? Where the privacy service is in a different jurisdiction for foiling request purposes?

Graeme Bunton:Canada

Vicky Sheckler:i think whoisguard claims panama, though I believe it is related to hamecheap

Vicky Sheckler:namecheap. sorry

Sara Bockey:Can you repeat that

Vicky Sheckler:isn't this the same question about timely raised preriouvsly? Is the spec 11 working group Theo mentioned looking at this?

Chris Pelling:if affiliated there is no need to double up communications

steve metalitz:@ Vicky This recommendation (#16, page 13) does not include the word "tiimely"

Vicky Sheckler:yes - think there should be a recommendation on timing on relay

Chris Pelling:COMMENT: If it was not in the original report, then why are staff putting it in ?

Darcy Southwell:Which page is your slide language from in the Final Report? And do can you share the link to the Final Report?

Griffin Barnett:Link to final report:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_gnso.icann.org\\_en\\_issues\\_raa\\_ppsai-2Dfinal-2D07dec15-2Den.pdf&d=DwIFaQ&c=FmY1u3PJP6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8\\_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe\\_5iHWGlBLwwehFBfjrsjWv9&m=L0McbdrP1yHOWCOiI-D-xm6\\_WmVC8RxufsIS76TpsIE&s=hYCJPw6kCluLiRNGUMDHdzBHiod4g1jKMJrXwuVh0VM&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_gnso.icann.org_en_issues_raa_ppsai-2Dfinal-2D07dec15-2Den.pdf&d=DwIFaQ&c=FmY1u3PJP6wrcrwl13mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWGlBLwwehFBfjrsjWv9&m=L0McbdrP1yHOWCOiI-D-xm6_WmVC8RxufsIS76TpsIE&s=hYCJPw6kCluLiRNGUMDHdzBHiod4g1jKMJrXwuVh0VM&e=)

Sara Bockey:It would be helpful to be looking at the final report if we are going to be discussing it

Griffin Barnett:I think the text we are discussing appears at the bottom of page 13

Darcy Southwell:@Staff - Which page is your slide language from in the Final Report?

Sara Bockey:these snips for discussion are not working for me...its very confusing

Chris Pelling:question: how is ICANN using the positive or negative scoring ? I mean, say only 1 registrar was in the convo, and 20 other stakeholders, or, vice versa - how is ICANN using this ?

Darcy Southwell:I think it's far better to discuss actual PDP language first before voting on anything.

Amy Bivins:Ok, Darcy, thanks and noted. I'll start putting the

language in the slides

Griffin Barnett:AGree with Susan

Amy Bivins:Hi Chris, we are looking at the scoring to see whether there is general agreement or disagreement among the group--if there is a significant subset that disagrees then we need to consider the issue more

Theo Geurts:something with timezones also making things short ;)

Chris Pelling:Thanks Amy

Vicky Sheckler:sorry - i have to jump off the call early.

Stephanie Perrin:Agree with Susan, this was a hot topic. It seems logical that there has to be some kind of time limit, our discussion as I recall was somewhat charged by the discussion of repercussions for failure to respond.

steve metalitz:+1 Alex

Theo Geurts:+1 Alex

Sara Bockey:If it's general in the report then it was likely intended

Mary Wong:@Sara, yes, the staff recollection is that the recommendations were meant to be general principles, with specific time frames, formats and other operational details to be worked out with the IRT during implementation.

Sara Bockey:thanks, Mary

Sara Bockey:Then it is good we will have more of a discussion

Chris Pelling:agree that it was for abuse, however, I agree with the speaker now

Chris Pelling:as UK law enforcement normally request the information be not passed on

Mary Wong:In the Final Report, only communications required by the RAA and ICANN Consensus Policies must be relayed. For all other electronic communications, P/P providers have two options (as Steve is now saying).

Mary Wong:Language of Option 2: "Relay all electronic requests received (including those received via emails and web forms) from law enforcement authorities and third parties containing allegations of domain name abuse (i.e. illegal activity)."

Theo Geurts:@Mary, what is illegal activity?

Theo Geurts:Phishing? I rather see the Registrar or hosting company contacted rather than a privacy provider.

Mary Wong>Note that there is at present no LEA Disclosure Framework, so developing such a Framework could shed light on how to handle Disclosure requests (as defined). For the moment, the Final Report says "accredited P/P service providers should comply with express requests from LEA not to notify a customer where this is required by applicable law. However, this recommendation is not intended to prevent providers from either voluntarily

adopting more stringent standards or from cooperating with LEA."

Graeme Bunton:I suspect that's true Steve.

Janelle McAlister:+1 Steve,

Theo Geurts:Agreed Steve

Mary Wong:@Theo, the WG referred to the relevant provisions of the RAA and also noted the GAC Safeguards in considering what might be considered illegal activity or malicious conduct.

Ashley Heineman:As a USG rep, happy to go back to US LEA and seek clarification on their view, but believe Steve's interpretation is correct.

Theo Geurts:Thanks Mary

Chris Pelling:The abuse report should be provided to the registrant

Mary Wong>Note that the WG did not define "abuse"; as mentioned above, the report references the RAA, PICs and GAC Safeguards to illustrate malicious conduct and illegal activity.

Darcy Southwell:@Staff, which paragraph in the Final Report?

steve metalitz:Is there confusion between relay and abuse report.? Relay is a defined term.

Griffin Barnett:I think the pertinent language in the Final Report is: "All third party electronic requests alleging abuse by a P/P service customer will be promptlyRelayed to the customer." This seems to suggest that the contents of the abuse report would be provided to the Customer.

Mary Wong:@Darcy, the Relay recommendations are #16 in the Final Report.

Alex Deacon:+1 Susan

Griffin Barnett:+1

Darcy Southwell:@Mary, Given the first bullet, I didn't think we were discussing relay

Alex Deacon:Registrant Email:

[e849v6767uy@networksolutionsprivateregistration.com](mailto:e849v6767uy@networksolutionsprivateregistration.com) vs. Registrar Abuse Contact Email: [abuse@web.com](mailto:abuse@web.com)

Mary Wong:The WG did not prescribe what goes into the Relay communication sent by the P/P provider to the Customer, or what form that communicatio is to take, only what should be Relayed (either mandatory as in RAA or Consensus Policy requirements, or as an option).

Graeme Bunton:NetSol! Someone send Alex a discount code...

Alex Deacon::)

Mary Wong:@Darcy, I believe we're discussing Relaying of the LEA requests "containing allegations of abuse" (language in Rec #16) to the Customer; i.e. what about/in the requests is to be Relayed.

Griffin Barnett:I believe this is the pertinent language from the Final Report: "The WG considers that a "persistent delivery

failure” will have occurred when an electroniccommunications system abandons or otherwise stops attempting to deliver an electroniccommunication to a customer after a certain number of repeated or duplicate deliveryattempts within a reasonable period of time. The WG emphasizes that such persistentdelivery failure, in and of itself, is not sufficient to trigger further provider obligation oraction in relation to a relay request unless the provider also becomes aware of thepersistent delivery failure."

Griffin Barnett:I don't see the phrase "reasoable limits" that you quote on the slide in this language....is that found somewhere else?

Griffin Barnett:Nevermind, found it in the next paragraph: "As part of an escalation process, and when the above-mentioned requirements concerning apersistent delivery failure of an electronic communication have been met, the providershould upon request Relay a further form of notice to its customer. A provider should havethe discretion to select the most appropriate means of Relaying such a request. A providershall have the right to impose reasonable limits on the number of such requests made bythe same Requester for the same domain name"

Theo Geurts:i will help

Graeme Bunton:Thanks Amy

Alex Deacon:thanks amy

Vlad Dinculescu:Thanks all

Mary Wong:Thanks everyone

Theo Geurts:thanks

Chris Pelling:Thanks Amy

Griffin Barnett:Thanks bye all