
ALAN GREENBERG:

Welcome to the second day of the face-to-face meeting of the RDS WHOIS 2 Review Team. Yesterday, we had I think a moderately good day. We didn't complete the discussion of scope which we had originally called for, so we are somewhat behind schedule. But we're going to try to make up as much of it as we can today.

Are there any issues anyone wants to raise specifically to put on the agenda today that isn't already there? At this point we're planning to go with the agenda pretty much as written, although we may have to make modifications along the way because of our being somewhat behind.

One of the things we're going to try to do today or very soon after this meeting is set the schedule for teleconferences going forward. I sent out a note a while ago saying we're going to try to look at people's time zones, and the basic assumption is that people are capable or willing to meet anytime except midnight to 6:00 a.m., and I asked if anyone wants to alter those times, in other words, if there are people who work well at night and would prefer a later night or an earlier morning, please let me know. I haven't heard from anybody.

UNIDENTIFIED FEMALE:

[inaudible]

ALAN GREENBERG:

You sent me a note correcting your time zone.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

UNIDENTIFIED FEMALE: [inaudible] early morning [inaudible].

ALAN GREENBERG: Okay. I'll take [inaudible]. All right. Has everyone heard what I've been saying? Okay. The remote people may not have. I'll start it over again, and quickly.

We are going to be trying to set a time for teleconferences. I requested everyone if you are not happy with the night blackout time being from midnight to 6:00 a.m., let me know before the end of lunch today. And if anyone has specific blocks – hopefully short blocks of time – where they cannot meet in what we call daytime, please let me know.

We'll try to factor all that in. To the extent possible, we'd like to find a single time that we use every week, since we have decided to meet weekly. If necessary however, if we can't find a time that accommodates everyone, we will find two times that minimize the discomfort and rotate between them. So to the extent that you don't add more blackout times, we may find a single time. If everyone adds a three-hour blackout time because that's their mid-afternoon nap, then we're going to have a harder time finding a compromise. But regardless, let me know by the end of lunch hour today, and we'll try to find agreeable times.

That being said, the meeting that is currently scheduled for this Thursday – two days from now – is cancelled. Some of us will still be in the air, or just barely landing at that point. So the next meeting will be next calendar week. The time and date to be determined.

And with that, I have nothing else in the introduction, and we'll turn it over to Jean-Baptiste to talk about meeting costs. Thank you.

JEAN-BAPTISTE DEROULEZ: Thank you, Alan. Good morning, everyone. Today, I'd like to present a few slides on – so face-to-face meeting planning and costs related to face-to-face meetings.

First, I'd like to start with six steps which are essential for a pre-planning success. So you can see on the screen the first one is select meeting dates, so we start with that.

What is important for you to remember is that when setting up a face-to-face meeting, there are two important deadlines, the first one being the Meetings Team within ICANN needs to know and receive a request 120 days before the face-to-face meeting is actually happening. And the second one is that the travel request needs to be submitted 90 days before the face-to-face meeting.

So the different required actions on this step are quite simple. First of all is to select a primary date and also to identify alternative meeting dates, because you will see in the following steps there might be issues with spending, so sometimes it's always good to have a second plan.

And a relevant step that everyone would agree on is that you need to have confirmation from all stakeholders on chosen dates to make sure that everyone, or at least a majority of Review Team members can attend and that also in terms of support, the team would be present to assist you.

On the second step, it's about selecting the destination, and this varies of course on the availability of venue space. This is why here alternative selections of dates are also important.

When selecting the location, you should remember to include some location that is geographically central for everyone, easily accessible, cost effective – and we'll get back to that – look at whether there are any visa requirements, somewhere that's suitable, safe, and environmentally conducive for a productive meeting, and also of course make sure that also the meeting venues at this location are available.

So it's about two required actions. To summarize, select your primary destination, and just another one just in case.

So here on this slide in terms of destinations, you have some [inaudible] examples, so it's really random. We have listed six different cities to show you an overview of the different costs for attendees. Here for example, just looking at it quickly, you can see that for example talking about average, a meeting in Los Angeles would be way cheaper than a meeting in New York City.

And here on this slide, so this is not including air transportation for this destination, as of course this varies depending on who sits on the Review Team and where the meeting is taking place. So this is just an overview of the different costs, and also, costs may vary depending on when the meeting is happening.

Another possibility as you know, and today is a good example, there is always a possibility to organize a face-to-face meeting within ICANN

offices, and here you have the details of the seating available in each of our offices where we can welcome face-to-face meetings.

Brussels is [inaudible] and so Los Angeles is actually the location where we can welcome – sure, go ahead, Alan.

ALAN GREENBERG: On the meeting costs on the previous slide, were those presuming ICANN offices, or renting meeting venues?

JEAN-BAPTISTE DEROULEZ: I think this would be not at ICANN offices.

ALAN GREENBERG: If we can have roughly what the differential is.

JEAN-BAPTISTE DEROULEZ: Yes. And I go over this a little bit later in the presentation. Thank you. [Near] ICANN office.

Okay, so moving on to the third step, when deciding about organizing a face-to-face meeting, it's important to identify what your objectives at this meeting will be, how will the meeting flow and be conducted, and also how many people are anticipated to attend – this is really important information for Meetings Team – and also identify whether there would be any observers, whether you want to have remote participation as well, and whether this meeting would be private or open, and you need to think about the room setup and whether maybe

later on in the process, you will have [inaudible] about dividing the room during the face-to-face meeting for an afternoon or things like that. These are things we need to know, and here you have a list of different setups that can be required for face-to-face meetings.

Continuing on this step, it's important to have a good agenda overview, general idea of the meeting, the number of meeting rooms that are needed – as I mentioned before – the overall budget allocation for the meeting. So here just a reminder, if you look at the fact sheet on the wiki, so the budget for travel is about \$340,000, and so that would be about if I'm not mistaken, if you have about six face-to-face meetings which are scheduled, that would be \$55,000 for the travel budget per face-to-face meeting.

So here, the three important actions are how many attendees are anticipated, how many meeting rooms, which setup will be needed, and also what will be the budget for the meeting.

So here – and I hope that will answer your question, Alan – on this slide, you can see the different costs. So taking into account if you organize that during an ICANN meeting or an offsite venue, or if you organize the face-to-face meeting at an ICANN office. Just at a glance, of course the costs are lower if you organize it at an ICANN office, and the price between doing a face-to-face meeting at an ICANN meeting or at an offsite venue does not change between the two. And just once it's mentioned here again that this is not including air travel. That's only including the meeting cost. Any questions?

ALAN GREENBERG: I have a question on travel. You may be covering it later.

JEAN-BAPTISTE DEROULEZ: [inaudible]

ALAN GREENBERG: When we're talking about travel, I assume we're talking about just the meeting participants, not ICANN staff. Is that correct, or do we pay for staff?

UNIDENTIFIED FEMALE: Staff support that comes to support the work of the team comes out of the same budget.

ALAN GREENBERG: Do we get any discretion on saying how many we want? There are a lot of people in this room.

UNIDENTIFIED FEMALE: For the record, I'm not on your budget. I'm here for other business.

ALAN GREENBERG: We'll talk about that privately. It is however a concern. The other question is, do we know how many of the team members accept travel funds and how many do not?

JEAN-BAPTISTE DEROULEZ: I don't have this information. [Let me look into that.]

ALAN GREENBERG: Please.

JEAN-BAPTISTE DEROULEZ: Yes. As Alice just said, it should be in the questionnaires that we fill in, so we can look into that.

ALAN GREENBERG: And the related thing is, we need an estimate of how many are likely to be at ICANN meetings funded by other sources so we can estimate what the travel costs are for face-to-face meetings at ICANN meetings. I know a significant number of – at least some of the people are in that mode, so I think we need [inaudible]. Thank you.

JEAN-BAPTISTE DEROULEZ: Volker, yes.

VOLKER GREIMANN: Just a small question about the catering and dinner cost. These seem rather on the high end. Yesterday was very nice, but it wasn't \$150 per person nice. And catering \$75 per day, I have to drink a lot of these every day to make up \$75, so is this just a budgetary estimate on the high end, or is this actual cost that's calculated and paid for what we consume?

JEAN-BAPTISTE DEROULEZ: I believe those are really estimates, and if you look at the detail of catering, that's not only for lunch. It's for breakfast, lunch and all that goes around. That's also an estimate, because depending on the location, you will have really discrepancies of prices.

UNIDENTIFIED MALE: [inaudible]

JEAN-BAPTISTE DEROULEZ: Microphone, please, if you... Any other questions?

CATHRIN BAUER-BULST: Just to say that indeed I think there's a number of us who are at ICANN meetings anyway, so that might be an easy way of reducing cost. And I for example, have responded to the questionnaire in agreement with my hierarchy – as we called it – the commission that I would be funded by the commission for all my travel to ICANN plenary because I'm going to be there anyway as part of the GAC delegation. And so I would not incur any extra travel cost for coming to the meetings. I think that's a position that a number of us are in, which also advocates for trying to pull together the face-to-face meetings and the ICANN plenary. Otherwise, I would also have to be funded by ICANN.

ALAN GREENBERG: That was one of the questions I asked Jean-Baptiste to identify so we can come up with realistic costs for each of the types of meetings.

JEAN-BAPTISTE DEROULEZ: We'll do that. Thank you for your questions. Moving on, the three last steps are more steps for your supporting team. [inaudible] and completing these three steps, so the MSSI Team will submit your request to Meetings Team, and that will trigger several notifications which you are now aware of.

First of all, you will have a Meetings Team event planner assigned who will answer your different needs. There would be a notification sent to the Travel Team, to the Security Team, and this is why you have received this security sheet before this face-to-face meeting. Notification to the Meetings Technical Services team to prepare everything and make sure that, for example, if you ask for [a remote] participant that they can listen to the face-to-face meeting. And just a reminder that all requests for face-to-face meetings need to be submitted at least 120 days before the identified meeting date.

So the following step is about submitting the travel request. If you remember, that's 90 days before meeting date, and also the Constituency and Travel Team, I'm just reminded that it's really important that Review Team members respond in a timely manner when requesting their flights. And also just a reminder that you will receive in any case any time a face-to-face meeting is scheduled, so welcoming us to new travelers, but also some information for approved travel dates.

Moving on to our last steps once all the previous steps have been finalized, the MSI Meetings Team will coordinate all the different logistics to make your face-to-face meeting happen and ensure that you have a productive face-to-face meeting. That's it. And we'll look into the different questions that were raised today.

ALAN GREENBERG:

Thank you. I have a real concern over the 120 days. As we get towards the end of this project, if we feel we need a face-to-face meeting to be able to complete it, planning that four months ahead of time is not likely to happen. So are we saying that's a drop dead we cannot do it and the whole project will be delayed, and publishing a report will be delayed? Or can we find ways around that?

UNIDENTIFIED FEMALE:

Alan, we work with the Meetings Team to make sure that facilities are available, and it just depends on the request. For example if it's a meeting at an ICANN office and facilities are available, that's one thing. If it's a matter of them securing spaces at hotels or other venues, there are contracts and other things that come into play, so the 120 days is sufficiently long to anticipate any types of needs. But if you already have an idea that one of the ICANN offices could suit your needs, I'm sure we could work with the Meetings Team to see how to tighten that timeframe. But I think you understand contracting, negotiations and such is what brings the time up, as well as getting reasonable travel bookings for air travel.

ALAN GREENBERG: Just for the record, is there anyone in this group who has trouble entering the U.S., and the Los Angeles office?

DMITRY BELYAVSKY: I'm afraid I will get trouble on getting visas because of current situation between Russia and United States.

ALAN GREENBERG: Thank you.

CARLTON SAMUELS: One quick question. When you have to travel for a couple of days to come, one of the things that has always bothered me is that sometimes, they set the meeting so I come tonight and start in the morning, or come today and I start in the morning. If you're traveling a 15 to 17-hour stretch to do that, it's very difficult, and I hope we don't have to run into that here.

ALAN GREENBERG: Are we supposed to be talking about arriving in the evening and the next day, or anything the previous day?

CARLTON SAMUELS: No, arriving the evening the next day.

ALAN GREENBERG: All right. I certainly understand. Any further questions? Thank you.

The next item on our agenda are briefings from Trang and Akram.

TRANG NGUYEN: Thank you, Alan. Negar, are you going to set us up for the briefing?
Thanks.

NEGAR FARZINNIA: Good morning, everybody. Welcome to this meeting. We're going to start the last set of WHOIS implementation briefings we had planned for this team. As you recall, we had a couple of recommendations from the first briefing session we had that got rescheduled. We are going to include all of the remaining recommendations in today's briefing, and this will wrap up the briefing on the implementation of the recommendations from the WHOIS review.

Excuse me for just a moment. We seem to have some difficulties with the slide deck. For everyone on the line, we're just going to reload the presentation. Please bear with us for just a moment. Thank you.

Okay, everyone. I believe we are ready to get started on the briefing. If I could have everyone's attention, please. Thank you for your patience. We have reloaded the presentation, so let's get started with the last WHOIS briefing implementation. At least it makes it memorable this way.

As noted before, in this briefing we're covering the remainders of the recommendations. We'll be going over Recommendations 1, 2, 3, 6, 7, 9, 15 and 16. And then we can do a happy dance, because this is it. All right.

UNIDENTIFIED MALE: [inaudible]

NEGAR FARZINNIA: I don't think – yes, but –

ALAN GREENBERG: Next item on the agenda.

NEGAR FARZINNIA: All right. Starting with Recommendation 1, we've broken it out into sections because the recommendation was a fairly detailed one. On recommendation 1(a), the board action was that they are in agreement that the gTLD WHOIS program is a strategic priority for ICANN, and the Board requested for the CEO to oversee improvements to the enforcement of the contractual conditions relating to WHOIS in the Registry and Registrar Agreements. Trang, please give us a bit more detail on this, on the implementation.

TRANG NGUYEN: Thanks, Negar. This recommendation has been implemented in a few ways. First, WHOIS as a strategic initiative has been reflected in ICANN's five-year strategic plan in their objective 2.1, which is foster and coordinate a healthy, secure, stable and resilient identifier ecosystem.

In addition, we – as in ICANN – have also added an overall coordination oversight and management role for the WHOIS portfolio in GDD. This

role will not only monitor the progress of this Review Team but also the RDS PDP Working Group with a view towards implementation of the recommendations that will come out of those two groups. And the role will essentially be able to oversee the various activities that are happening in verticals.

As you know, within ICANN we have subject matter experts assigned to each of the WHOIS-related initiatives, for example RDAP, WHOIS procedures by handling conflicts with local laws, etc. So for each of the WHOIS activities, we have an SME.

This role will actually be sort of an overall coordination and management of those discrete activities, just to make sure that there's someone looking at the interdependencies between those discrete activities, identifying opportunities to leverage synergies between those discrete pieces, implementation purposes and improvement purposes.

As it relates to the second part of the Board-adopted action plan for this recommendation, we've also added WHOIS obligations to the 2013 RAA, and in terms of enforcement of WHOIS-related contractual conditions, you have heard our Compliance Team provide an update on their work in the last two meetings.

Some of the things that they've done is making improvements to the compliance system that's implemented, procedures and processes, additional reportings and metrics, and they've also performed outreach to registrars globally to educate them about the provisions of the 2013 RAA.

Akram, did you want to add anything to that before we move on to the next one around how ICANN is managing WHOIS as a strategic initiative or how Compliance is managing the WHOIS enforcement?

NEGAR FARZINNIA:

Okay. Thank you, Trang. Moving on to the next section of recommendation 1, in response to the recommendation that WHOIS forms the basis of staff incentivization and organizational objectives, the Board directed for ICANN org to incorporate performance of the WHOIS strategy into the incentive program for the CEO, and that the CEO is responsible for appropriate staff incentives. Trang, please walk us through this.

TRANG NGUYEN:

Thank you. For this recommendation, ICANN CEO's performance is tied to the strategic objectives and the strategic plan for the organization, which as I mentioned does include WHOIS. And from the perspective of staff, our performance is tied to projects that are mapped to those strategic objectives, which also include WHOIS.

NEGAR FARZINNIA:

Okay. Moving on to the third section of Recommendation 1, the Board action is as follows: consistent with advice from SSAC, Board directed the CEO to create an expert working group to create materials to launch GNSO policy work and inform contractual negotiations as appropriate. The working group output was expected within 90 days and it was expected that it would include a strawman model for managing the

gTLD registration data. The output will also form the basis for an issues report to accompany the Board-initiated expedited GNSO policy work that was expected to result in this policy consensus. And lastly, the Board also called upon the registrars, registries and the staff to address the working group's output in contractual negotiations and registry contracts as appropriate.

TRANG NGUYEN:

Thanks, Negar. As you all know, the outcome of this recommendation was the formation of the Expert Working Group on gTLD Directory Services, which completed its work in June of 2014, and their recommendations are currently serving as input into the RDS PDP.

I believe that the first WHOIS Review Team recommendations, these recommendations came out in May of 2012, so some of these recommendations also serve as input into the 2013 RAA negotiations.

NEGAR FARZINNIA:

Thank you, Trang. That is correct, and we talked about those changes in the previous briefings. If there are questions follow-up to those briefings in addition to what we have already received from you, please do let us know.

Moving on to I believe the last section of Recommendation 1. The Board action directed us to develop appropriate reporting of these improvements as pertains to the aspects of WHOIS and the policy development process.

TRANG NGUYEN:

Thanks, Negar. From a reporting perspective, we have done reporting to the community at ICANN meetings on the status of various WHOIS-related work. We've also done announcements and blog posts, as well as websites and webinars.

Moving forward, as part of that overall coordination, management role that I talked about, we will also try to provide sort of an overall update on the status of all activities that are going on to interdependencies, etc., via a roadmap. So hopefully that will provide a holistic view into all ongoing WHOIS activities.

AKRAM ATALLAH:

Thank you, Trang. Basically, I actually think it's important to remind everybody that before Trang took over the role of the coordinator of the WHOIS activities, Jamie Hedlund, before he stepped into this role of the head of Compliance, he was in charge of WHOIS coordination. So this has been implemented a while back.

We put all of the work in WHOIS under one person, and we treat it as a product instead of actually just a set of projects so that we can make sure that the right and knows what the left hand is doing, make sure we coordinate across all the activities and we leverage the work from one project to another.

We have done roadmaps that included all the policy development, that showed all of the pre-implementation work as well as the implementation that was required from the contracted parties. These roadmaps have been shown at least in the last two years. In every

ICANN meeting, there was a session on WHOIS and the updates were presented. Thanks.

NEGAR FARZINNIA: Thank you, Akram. This wraps up Recommendation 1. Are there any questions for Trang or Akram on this recommendation? Susan, go ahead.

SUSAN KAWAGUCHI: Did the CEO get [it done]?

AKRAM ATALLAH: And I didn't get the CEO [inaudible]. I don't know, but I think that this work was mostly done before with the prior CEO, and I think he got [paid on that]. Otherwise, he would be probably suing us. I'm just kidding.

VOLKER GREIMANN: When we concluded the 2013 RAA, he was very happy, and a very big smile on his face that we finally had a deal. And he mentioned something about his bonus there.

NEGAR FARZINNIA: Okay. In that case, let's move on to Recommendation 2. For this recommendation, in response to Recommendation 2 which asked the Board to oversee creation of a single WHOIS policy, the Board directed ICANN org and the CEO to create and maintain a single public source

that compiles current WHOIS requirements for gTLD registries, registrars and registrants in one place. I'll turn it over to Trang to give us a little more background on this.

TRANG NGUYEN:

Thanks, Negar. This page has been up for a while. We do have one single webpage on ICANN org that contains links to all WHOIS contractual provisions as well as consensus policies, and moving forward we will try to get this page updated at least on a quarterly basis.

I also want to mention – as you all know – that there is that RDS PDP Working Group that's going on right now to determine if and why a next generation RDS is needed. As you all know, there's not one single policy right now, so what we've done is we've just created the single page on ICANN org, but we'll see what comes out of the RDS PDP.

ALAN GREENBERG:

Trang, my recollection is the recommendation did not say create a single policy, but said create a single policy document. And I really find a set of URLs of links not to meet that criteria. Any comments on the rationale?

TRANG NGUYEN:

Alan, can you clarify what you have in mind in terms of a single policy document?

ALAN GREENBERG: I think of a document as something someone can actually read, as opposed to clicking links to disjointed things which are hard to frame how they're connected and how they impact each other.

The intent was so that a regular human being – a user perhaps – could simply read something and understand what WHOIS is and how it is managed and what the rules are for it. And pointer to the somewhat obscure policy documents, original policies, I don't find that is the same thing.

TRANG NGUYEN: We do have a WHOIS primer that was created when we launched WHOIS.icann.org that does attempt to provide that sort of overview that you're looking for for sort of the person on the street type thing. It was written with that sort of audience in mind.

Does it go into deep explanation of all of the WHOIS consensus policies and contractual provisions that each registrar or registry are obligated to know? It doesn't, but that WHOIS primer does g I've sort of an overall general overview of what WHOIS is.

ALAN GREENBERG: Any further questions? Go ahead, Volker.

VOLKER GREIMANN: I'm looking at the page right now, and basically, if I know what WHOIS is and how it works, this helps me because it organizes everything into a very good structure. But if I don't have any idea, that makes it hard to

figure out just because I don't know what the policies actually say. I would have to look into each policy to see if that's something that is relevant to me if I have no idea.

I also note that certain policies that just touch upon WHOIS but modify the policy in some sort of shape or affect me as a registrant are not listed here. For example, when I look at the transfer policy which now has an owner change provision that locks domains against transfer when I change the ownership, that's a WHOIS issue that touches upon WHOIS but is not actually a WHOIS policy.

It should be in some form or shape referenced, but there are elements within other policies that touch upon modifications to WHOIS or other WHOIS-related issues that are not listed here right now. I'm not saying this is bad. I like this page because it helps me, but it's not complete yet. It's the work in progress.

ALAN GREENBERG:

If I may continue, the intent of the original thing is the Review Team realized that WHOIS is a rat's nest – forgive me – of interacting policies phrased in terminology which is not necessarily going to be conducive to someone who is not already knowledgeable, understanding it, and was recommending that something be done so people could understand it. And I've raised that I don't think this meets the criteria, and Volker I think has generally supported that.

So as much as I abhor the concept of replicating information in two places in different words, because that's hard to keep synced and hard

to make sure it's accurate, that is what they were looking for, I think.
We have Akram and –

TRANG NGUYEN:

Yes, and I want to – so Alan, I think one of the things that should be done here is to identify the needs and who the target audience is that we're talking to. Clearly, the single WHOIS policy page, like Volker said, is intended for those within the community who are versed on WHOIS and are just looking for sort of one single place that they can go to to look at everything.

Separately, we've recently launched a registrant education work where we are intending to provide this information in an easier to understand format for registrant. So what you talked about relating to transfer policy, that's actually the next blog or piece of information that we are going to come out with within the next couple of weeks or so.

So we are trying to explain the various facets of WHOIS to the registrant as it is helpful to them. Not all aspects of WHOIS may be applicable to registrants, but for the aspects that are applicable to them, we're directing that need sort of through the registrant-related work.

Now, if there's another need that we're not fulfilling in-between those two, perhaps it would be helpful to identify what that need is so that we can create a relevant material for that particular audience.

ALAN GREENBERG:

You might want to incorporate all of those things into the answer. Alice, you had something –

ALICE JANSEN: Yes. Stephanie has a comment. “Obscure seems inadequate to describe how hard it is to figure out WHOIS. I think the page makes a good start, but it is a very sunny picture of what has been a long and heated debate.”

ALAN GREENBERG: Thank you. Erika? Erika, did you have a comment?

ERIKA MANN: Thank you. [inaudible] I like the page. I like the way it is done. I think it is very super helpful, not just for the community and for those who really need it, but it’s quite well done for people who are searching for something particular as well.

The trouble is, I think what is missing is what I would call a policy block, which I don’t mean policy in the narrow term. It could be policy legal block, something which highlights the fact where debates are going on, where things might change in the future.

Because here, you have to be – I’m just looking at data retention, you find all the needed information so you find all the waivers and everything is included, but it doesn’t tell somebody – let’s say if there’s a journalist coming in or somebody, even a legislator who wants to look for something and want to see, is it really done and is it correct? It’s very difficult to find.

So a kind of policy block with just updates about major changes, upcoming changes or debates. It can be very short. I think would be helpful. And even for part of the community. Not everybody is a total insider.

UNIDENTIFIED MALE: We can put that in the page [inaudible] put a summary of what's going on today on the page and update it [inaudible]

ERIKA MANN: Yes.

ALAN GREENBERG: Al right. Any further, or should we move on to the next one?

NEGAR FARZINNIA: All right. Thank you, everyone. Moving on to Recommendation 3, in response to the recommendation asking ICANN to ensure that WHOIS policy issues are accompanied by cross-community outreach, Board directed the CEO to create an informational portal with clear explanation of how to access the existing WHOIS information.

The ask was that this portal will also make it clear how to notify relevant parties of a data accuracy issue. The Board also directed the CEO to have staff create and execute a communication and outreach plan that provides key stakeholders, including users, with the information they

need to use and help improve the collection and maintenance of the gTLD registration data. Trang, back to you.

TRANG NGUYEN:

Thanks, Negar. As we previously briefed you, WHOIS.icann.org has been launched. The content on the site is fully translated. It has general information about what WHOIS is. It also provides status on some of the WHOIS related work that is currently going on. It also contains a WHOIS lookup tool as well as a link to submit any complaints if the user identifies an inaccurate WHOIS record.

And in addition, the registrant benefits and responsibilities were incorporated into the 2013 RAA and so the registrars are contractually required to link to this document or publish it on its website. This document has also been added to the registrant section of ICANN.org.

Let's see what else. And I just mentioned that we've launched a registrant educational series to inform registrants about their rights and obligations and how to become better informed participants of the DNS. We've done one article so far, and it has to do with the need to keep their contact information updated and why that is important. So those are the types of things that we'll continue to produce content on to educate registrants.

For the ICANN community, we continue to provide status of ongoing discussions and implementations on various WHOIS initiatives at ICANN meetings, and our Compliance Team of course does a lot of outreach to registrars to educate them about the RAA.

NEGAR FARZINNIA: Susan, go ahead, please.

SUSAN KAWAGUCHI: On the registrant educational series – and I guess in the benefits and responsibilities too – how are you doing that outreach? How are you reaching all of the domain registrants out there?

TRANG NGUYEN: Susan, currently we are publishing this information as blogs and also as website content, and then our Comms Team helps us push those out through social media currently. We are also working with our registrar partners, because they are of course the ones that have the relationships with the registrants. We're working with them to identify ways to turn some of this content into materials that they can use and encourage adoption of the usage of those materials. And starting early next year, we will look into potentially additional ways to promote the content working with our Comms Team.

SUSAN KAWAGUCHI: And if I can follow on here, do any of the registrars do popup pages or anything in the registration flow? Because we all know nobody reads the terms of service. Everybody clicks through. So, are there ways of highlighting the responsibilities of and making the registrant understand that their information is going to be public?

TRANG NGUYEN: Contractually, what's in the RAA only requires them to link to the document or publish it on their website, and we don't dictate exactly where on their website the information is published, of course. So contractually, that's the only thing that they're obligated to do.

Certainly, we can work with our Registrars Engagement Team and continue to encourage registrars to adopt best practices like what you've said, but of course, contractually, they're only obligated to link to it or display it on their website.

SUSAN KAWAGUCHI: Okay. Thank you.

ALAN GREENBERG: One of the items here is registrant benefits and responsibilities, which are linked to by registrars. There's another document, registrant rights and responsibilities, which are also linked to by registrars. Has there been any thought about trying to merge them or make some sense to them? It's a rather confusing environment where you get two documents with almost the same name, but not quite, and some differences.

TRANG NGUYEN: Alan, I've only seen the registrant benefits and responsibilities. Could you point us to the one that says –

ALAN GREENBERG: Section 3.16 of the RAA.

TRANG NGUYEN: We'll take a look, Alan.

ALAN GREENBERG: "ICANN has published an educational webpage," so on and so forth, "Located at ICANN.org, English, registrars, registrant rights and responsibilities. Registrars should provide a link," so on and so forth. That was created before the new RAA with a volunteer and registrar joint group.

NEGAR FARZINNIA: Thanks, Alan. Let us take that back and look into it, and see if there's any explanation for having the two separate sections. We'll get back to you.

ALAN GREENBERG: I will point out the issue of whether it's called benefits or rights with a very contentious issue.

UNIDENTIFIED MALE: Go ahead.

VOLKER GREIMANN: Maybe I can shed some light on this, because I was member of the RAA Negotiation Team back in the day, so where this explicitly came up.

ICANN came to us with the request that the rights and responsibilities document be linked to on registrars' webpage. This was very hotly debated, and the solution that we ultimately came up with was that we, with ICANN jointly, produced a joint document that basically summarized all the rights and responsibilities that arose from the current ICANN policies that a registrant would have, and we agreed to link to that as registrars on our websites.

That document is the now well-linked benefits and responsibilities document, and that's the genesis of that. Basically, it's a negotiated compromise between what ICANN wanted and what the registrars wanted, and what ultimately ended up in the RAA.

ALAN GREENBERG: I understand that, but there's also another document, and they're both still linked to by the RAA.

VOLKER GREIMANN: We are not required to link the other document on our webpage. That's free to do. We don't have a requirement to link to the other document. If we do, that's voluntary.

ALAN GREENBERG: 3.16 seems to say you do. I'm not going to debate it with a registrar now, I'm just reading the words.

VOLKER GREIMANN: That one refers to our document.

ALAN GREENBERG: Go ahead.

CATHRIN BAUER-BULST: Forgive my ignorance, but Volker, could you shed some light on what the main issues were that you were so hotly debating in whether or not to link to the document?

VOLKER GREIMANN: Mostly, it was language. Some registrars – actually the larger ones – felt that the document that was originally proposed introduced new rights and responsibilities that were not currently reflected in policy, that the wording was too complicated, too policy-ish, so it was translated into a less legalese, more general language kind of document that was firmly based on policy requirements.

ALAN GREENBERG: We will be pursuing this as we go forward, so you may want, someone may want to do their homework and find out if, indeed, there are two documents the RRA requires, and number one, why are there two documents? And number two, is Compliance actually ensuring that it's being done? Thank you.

NEGAR FARZINNIA: Thank you, Alan. If no other questions on Recommendation 3, we'll move on to Recommendation 15.

Recommendation 15 asks for a comprehensive implementation plan for implementing the final WHOIS Review Team report. The Board action, first of all, agrees that WHOIS is a strategic priority as Recommendation 1 had indicated, and also directed the CEO to incorporate a work plan for the improvement of WHOIS into the operating plan.

Trang, back to you.

TRANG NGUYEN: Thank you, Negar. And as I mentioned earlier, for the implementation of this recommendation, WHOIS has been incorporated into ICANN's five-year strategic plan and objective [2-1], and it is also reflected under projects that are part of the FY – what fiscal year are we in? – 18 operating and budget plan.

NEGAR FARZINNIA: Any questions or comments? All right, let's move on to Recommendation 16, publication of annual reports on implementation of WHOIS Review Team recommendations, and the Board directed the CEO to provide resources and budget to carry out these activities, provide annual public reports on the implementation of these activities and related efforts.

TRANG NGUYEN: Thanks, Negar. So I've provided links to all of the previous annual reports here. The 2016 WHOIS annual report will be published very soon, and as for the budget, of course, implementation-related costs for those projects that occurred in previous years were reflected as part of the budget and planning for that particular fiscal year.

NEGAR FARZINNIA: Any questions? No?

All right. Moving on to Recommendations 5, 6, 7, 8 and 9. And we grouped them together because they're essentially inter-related. And with that, I'll forego reading the recommendations. You have the content already. You are familiar with it.

I'll go over the Board action for these four recommendations.

ALAN GREENBERG: All right. Can you summarize quickly what the recommendations are about?

NEGAR FARZINNIA: Of course. I am happy to.

Recommendation 5 was to ensure that requirements for accurate WHOIS data are widely and proactively communicated.

Recommendation 6 asks for ICANN to take appropriate measures to reduce the number of WHOIS registrations that fall into the accuracy

group's substantial failure and full failure by 50% within 12 months, and again, by 50% over the following 12 months.

Recommendation 7 asks for ICANN to produce and publish an accuracy report focused on measured reduction in WHOIS registration that fall into accuracy group's substantial failure and full failure on annual basis.

Recommendation 8 asks ICANN to ensure that there is a clear, unambiguous and enforceable chain of contractual agreements with registries, registrars and registrants to require the provision and maintenance of accurate WHOIS data.

And lastly, Recommendation 9 asked the Board to ensure that the Compliance Team develop metrics and track the impact of the annual WHOIS data reminder policy notices that are sent to registrars.

And with that, the Board adopted the following action plan. The Board directed the CEO to one, proactively identify potentially inaccurate data, data registration information in the registry and registrar services, explore using automated tools and forward potentially inaccurate records to the registrars for action. And two, to publicly report on the resulting actions to encourage improved accuracy.

The Board also directed the CEO to ensure that WHOIS information page makes clear requirements for registrants to provide accurate information and the consequences of providing inaccurate information.

And lastly, the Board continued to support the RAA negotiation process to find ways to improve WHOIS accuracy as per indicated before throughout the PDP developments.

And with that in place, Trang, please walk us through the implementation.

TRANG NGUYEN:

Thanks, Negar. As Negar mentioned, the Board action plan reflects three implementation requirements for these recommendations.

The first is proactively identifying WHOIS inaccurate data and the second is making sure registrants understand the requirements for providing accurate information. And the third is for the Board to continue supporting the RAA negotiations process.

So I'm going to walk us through each one of those individually.

The first one that we're going to take a look at is the proactively identifying WHOIS inaccurate records.

So [inaudible] recommendation, we began publishing WHOIS ARS report in December of 2015. These reports are published twice a year in June and December of each year. On the slide, you can see the links to the previous reports that have been published and the team also holds a webinar presentation after the publication of each report.

So we provided links to the presentation material as well. It's the webinar recording there as well.

The reports are translated and all of the translations are posted. The English version gets posted first, and then the translation versions get posted when those become available.

The WHOIS ARS report examines – can we move to the next slide please? Thank you. The WHOIS ARS report examines syntax and operability, accuracy of WHOIS contact information and that’s for e-mail, phone and postal address.

For each report, we polled a sample of around 200,000 records and that then gets called down to approximately 12,000 records that then get checked for syntax and operability accuracy. The 12,000 sample record reflective uphold in such a way that is reflective of the entire WHOIS population.

Potentially inaccurate records are identified through the syntax and operability checks sent to ICANN Compliance for follow-up with registrars and registrars then have to investigate and correct the inaccurate records.

One of the challenges with this process is that it does take approximately four to five months between when the sample population is polled until when we send the potentially inaccurate records to Compliance for follow-up.

And so, of course, the result is that there could be, some of the records that you get sent to Compliance could be outdated. So we’re trying to work to narrow this four to five month timeline as much as possible, but just due to the process of looking at the population, polling the sample size, and the actual check to self, syntax and operability checks, it does take some time to perform that.

ALAN GREENBERG: Question. Once you have the initial results of the scans, do you do any attempt to identify problematic registrars, if I can phrase it kindly, and to then do further studies on individual registrars to see if there's patterns to the inaccuracies?

UNIDENTIFIED MALE: If I may, no, we don't actually. What we do is we take a sample then we generate data from that. All of the records that actually do not meet our contractual requirements are sent to Compliance to follow-up on with the registrars to address the issues. So we do that, but we do not go and look at the trends or anything like that from that perspective.

ALAN GREENBERG: Carlton?

CARLTON SAMUELS: Thank you, Alan.

Quick question, the complaint process in this place that generates a notice of breach, I just want a clarification. Is the complainant there compliance or is it some external person?

TRANG NGUYEN: It is neither. The potentially inaccurate records that we do send to compliance do trigger a ticket that they do create a compliance ticket for every single record that we send to them. I'm not privy to how the compliance system works in terms of whether or not they need to tag it

with a particular complainant type. But I do know that a compliance ticket is created for every single record that we do send.

CARLTON SAMUELS:

A clarification, I'm really asking the process. I understand the complainant process. What I am trying to do is get to the triage.

You send the record to Compliance and these are records that are inaccurate and Compliance is then supposed to generate a ticket per inaccurate record and send those records to the registrar. And then the registrar is supposed to remedy and if there's no remedy, then there should be a breach notice.

And my question is, is the, those complaints that potentially generate the breach notice, who is the complainant in this case? Is it ICANN Compliance?

UNIDENTIFIED MALE:

Yes, it is ICANN Compliance. So Compliance actually looks into many different things, including when they audit a registrar, for example, they don't need a complainant to actually see something that's not contractually accurate.

So if they find anything that is not within the, that is not being compliant, they will issue a warning. I think that is like first warning, second warning, third warning, and then a breach, something like that. So they have a process for how they get to a breach through... so you don't need to have a complainant for actually following up and having compliance.

TRANG NGUYEN:

Shall I continue on, Alan? Okay, thank you. Next slide, please.

So this slide shows you a little bit of an overview of the methodology behind the syntax and operability check for the three modes: e-mail, phone, and postal address. So for e-mail, syntax checks if the e-mail address contains an @ sign and for operability check, did the e-mail bounce back when you try to send an e-mail to that address.

For phone number, the syntax check is does the same number have a country code? And then for the operability check, they do try to dial the number and see if it rings.

And then for the postal address, the syntax check is does the postal address include an identifiable country? And the operability check is can the mail be delivered? We do try to send a piece of mail.

Okay, next slide please.

We provided here for you, this, and one more slide that attempts to show an overall accuracy over the last four cycles of the ARS report. This first one shows operability accuracy. As you can see, if you look at the overall numbers in the top right-hand corner, they're in that box. There isn't much variability over the four cycles that we've done this. If you look at the graph itself, you can see a little bit more variability, particularly in the phone number, for the phone number mode.

Next slide, please. And this slide basically shows syntax accuracy. There is even less variability here over the last four cycles.

Next slide, please. And this is just another view of the data. This shows you syntax and operability accuracy by ICANN regions. So as you can see, for the entire gTLD space, the average is up at the very top of the slide and if you compare that to the various regions, you can see that accuracy for both syntax and operability are lower than the average for Africa, Europe and Asia/Australia/Pacific Island region.

Any questions there before I move on to the next slide?

UNIDENTIFIED FEMALE: So you're checking for syntax and operability accuracy, but do you ever check for data that is input into a WHOIS record that may be accurate? You could send a letter, but it's not accurate for that person.

TRANG NGUYEN: Identity.

UNIDENTIFIED FEMALE: Identity theft, basically, yes.

TRANG NGUYEN: That is not currently part of the ARS.

UNIDENTIFIED FEMALE: And is that something you may, because I'm seeing more and more of that in my just anecdotal use of the WHOIS record. And so is that something that ICANN Compliance would target?

TRANG NGUYEN: Well, ICANN Compliance only responds to potential things that we would send to them and it's currently not one of the things that is checked for. In the ARS work, we have internally looked into identity verification or validation and it was just cost prohibitive. It was very difficult to do, number one. And number two, it was just extremely expensive so it's not currently something that we're planning on doing.

Of course, if the Review Team or the community decide that that's something that it wants ICANN to pursue, we can certainly look into the feasibility of doing that and provide a cost that's [inaudible] in the timeframe for implementing some of them.

ALAN GREENBERG: On operability... Sorry, I didn't realize your hand was up. Operability of e-mail, perhaps you covered it and I missed it. Exactly how do you proceed to do that?

TRANG NGUYEN: Alan, that is on slide 29, the operability of e-mail is we do send an e-mail to see if it bounces back or not.

DMITRY BELYAVSKY: Is the operability measured from all of that [or this] is only from syntax corrected addresses?

TRANG NGUYEN: I'm sorry, Dmitry, could you repeat that?

DMITRY BELYAVSKY: You have 74%, for example, for Europe of syntax corrected e-mail addresses and 59% of operability corrected e-mail addresses. 59% percent refers to overall number of e-mails, all to [inaudible] syntax correct e-mails. Thank you.

TRANG NGUYEN: Let me see if I understand your question. I'm not sure. Let me see if I understand what you're asking. So are you referring to the number that is on this slide or on the previous slide around specifically the e-mail mode?

DMITRY BELYAVSKY: Yes, I refer for the numbers on this slide. We see... well, let's take Europe. It's almost 80% of syntax corrected e-mail addresses and 65% of operability corrected. Did you check only syntax corrected or it's from all the e-mail addresses, for example? And the same question for the forms, for the address. It's a significant difference, I think.

ALAN GREENBERG: So the question you are asking is, for Europe, does the 65%, is it 65 of 80 or 65, period.

UNIDENTIFIED MALE: [Inaudible]

TRANG NGUYEN: Yeah, we can double-check on that for you.

These numbers reflect all modes of contact: e-mail, phone, and postal address.

ALAN GREENBERG: We have Carlton, Cathrin, and presumably, somebody you have, and Volker.

CARLTON SAMUELS: This is going back to the complainant for the notice of breach. You do the accuracy and I understand the syntax and operability comment. What you see now is the question of identity. If a Fellow has [inaudible] mails in the name of a registrant and he has an address that is operability, it's correct, but if there is any opening for a complainant outside of ICANN Compliance to initiate that kind of request.

And [inaudible] can, but right now, you have an issue with identity that's an issue. It's expensive and I don't expect ICANN Compliance to catch identity as somebody tells them because you are [inaudible] systems.

ALAN GREENBERG: So what you're asking is can an individual submit a complaint that this person is lying about who they are?

CARLTON SAMUELS: That's right. That's what I'm asking.

TRANG NGUYEN: Yes, they can submit that complaint.

ALAN GREENBERG: For the record, I'm a genealogist and I specialize in names. I bet you there are 30 people in the U.S. called Minnie Mouse.

UNIDENTIFIED MALE: So my wife, Jill's, name is Jill Duck and her father's brother was called Donald Duck. He was christened two years before Donald Duck was invented and he was a doctor, so he was a local quack. Absolutely true.

ALAN GREENBERG: I've lost track of what order is. I think Cathrin [inaudible].

CATHRIN BAUER-BULST: Yes, on the identities question, I'm, I was just a bit puzzled by what you said trying about not ever having been there requests for identity verification because when I was reading the previous WHOIS team's report and the examples that they list for what the issues are right now with the WHOIS inaccuracy, it seems to point quite squarely at the issue of identity, not just of syntax accuracy.

So I was wondering to understand more about how ICANN org or the Board have read this recommendation and whether it was read to

simply refer to syntax accuracy and not to identity because I would read it differently.

TRANG NGUYEN:

Yeah. So Cathrin, I don't think I meant that we never received a request to look into identity verification. Certainly, that was part of the first Review Team's recommendations and that's what we looked into. But I think it was in the process of looking into it, we ran into some feasibility issues from the implementation perspective and also from a cost perspective that it was just kind of prohibitive.

CATHRIN BAUER-BULST:

If I can just follow-up on that, I would be very interested in finding out how exactly that calculation was made because just from my naive perspective, and I'm not an expert on this, one possibility might be to verify it with the billing. So registrars might need the correct billing information to get payment for.

UNIDENTIFIED MALE:

[Inaudible]

CATHRIN BAUER-BULST:

Could you put on your microphone?

CARLTON SAMUELS:

This is why it goes back again to the issue of who the complainant is and to generate a notice of breach and why that has to be, in turn, a robust,

[alternate] process to get that kind of information because ICANN does not have the information. The only person that has it is the registrar. So you have to find a way to generate a complaint from the outside and get the same level of priority as you have ICANN Compliance.

CATHRIN BAUER-BULST: In terms of feasibility, I cannot understand why there cannot be a comparison against data held by other contracted parties to ICANN for the purposes of determining identity. That's the part that I don't understand.

ALAN GREENBERG: May, just, I hate to say anything in defense of ICANN. My recollection, however, is on this recommendation, the initial assessment was it is impossible to do and then further work was done and what was being done was done anyway after, essentially, the recommendation was rejected during the initial pass. So maybe we should be grateful for what did show up.

We have Alice and Volker, I think, next in that order.

ALICE JANSEN: This is Alice reading a question from Stephanie.

“Has Compliance ever done any measurement of compliance with data protection law or the rights of the registrant as spelt out in the RAA? So I'm talking about things like notice that there's a relevant data protection law, their rights in terms of accessing records, their rights to

withdraw consent, the ability to get a proxy service, notice of what happens to their personal data, transparency rights, and in brackets, in terms of getting notice of law enforcement access to their personal data that might be held by the registrars.”

And then Stephanie adds, “It is a question, so I’m hoping they have answers. If the answer is yes, they have done checks on this, I would like to know what the metrics are.” Thank you.

ALAN GREENBERG: Can I ask a clarification? Is this in response to this recommendation or just a general question? It doesn’t seem to be directly linked to the recommendation we are discussing.

ALICE JANSEN: She’s typing. “Just a general question.”

UNIDENTIFIED MALE: Can I answer?

ALAN GREENBERG: If you’re willing to, certainly.

UNIDENTIFIED MALE: So Compliance does not actually look into the duties of registrars regarding local laws or other laws. We only look at what’s in the

contract itself and if the contracted parties are compliant with the contract obligations.

So none of the things mentioned is a contractual obligation, and therefore, we don't expect Compliance to look into these things.

VOLKER GREIMANN:

Okay, a couple of points. The first point is that the way that the ARS reports are handled is that they trickle down to Compliance, then Compliance reviews them and passes them on, if they find them to be valid registrars.

In this process, we have learned as registrars that the ARS does not work with 100% accuracy. There are false positives. When we ask Compliance what happens to those false positives, it was nothing.

So the ARS Team, by answer of Compliance, is not informed about any responses from the registrar that says, "Actually, this data was accurate but it was reported as inaccurate in your report." So has that changed? That would be my first question, or these numbers of inaccuracies or accuracies, are they too low because they do not take into account the responses from registrars or registrants that the data is actually correct? That would be my first point and question.

If you would like to answer that, then I would like to go into identity.

ALAN GREENBERG:

You're asking, essentially, is there a feedback loop to make the process better, more accurate?

VOLKER GREIMANN: Exactly.

ALAN GREENBERG: Okay.

VOLKER GREIMANN: If there isn't, the confusion is that these numbers are actually too low.

TRANG NGUYEN: Thanks, Volker. I don't know the answer to your question. We certainly can take it back to the team and get you an answer to them.

ALAN GREENBERG: And I think if we could put metrics on that for what percentage of the ones do registrars come back and say they are accurate.

UNIDENTIFIED MALE: So Volker, it would be helpful if you could point us to some of those records and cases so we can share them with the third party that does this and see justification for why these things happen, or if you could point me to how I can ask Compliance to do so.

VOLKER GREIMANN: That's difficult because we store these as individual tickets and respond to them on individual basis to ICANN, so I don't really know the ticket

numbers of the case, or the domain names of the case, but I see those regularly where we get responses and [evidence] from our customers that the address is actually correct.

And you will also see that the inaccuracy numbers are higher for areas where addressing may vary in different formats and it's more variability in how a correct address may look like. So that may also contribute to the higher numbers here that you see for Africa, for Latin America, for Europe or Asia. That was my first point.

My second point is with regards to identity, ICANN does not get access to a billing data because our billing data, we don't have the right to provide that to any other party for data privacy reasons. That's one thing.

The second thing is we do not have billing data for our registrants because we do not handle –

Thank you, it's good to know that you are listening.

UNIDENTIFIED MALE: I am listening.

VOLKER GREIMANN: We do not have billing data for all our registrants because we do not handle the actual transactions. Our resellers do, our [retailers] do, or in some cases, we have a customer that acts like a reseller but does not have an actual reseller contract. They just have an ad customer

agreement and they just register domains for friends or families or have a mall web hosting company, but do everything manually.

So we only know who our customers are and that's, in 80% of the cases, not who the registrant is for our business. Therefore, we do not have that data and we would not be able to verify who, if John Smith or 123 This Is a Street actually is the registrant of the domain name or if that's just an address or name taken from a phone book.

What we do is if we get a complaint from a party that says, "Hey, there's a domain name registered in my name. Please do something about it," is that we ask for identity verification and if we find that the person that's complaining to us actually is the person that's listed in the WHOIS with the correct address and every details in place, then we say, "Okay, this is your domain name. What do you want to do with it?" If you want to delete it, we delete it. If you want to have it, you can have it.

ALAN GREENBERG:

I have Cathrin and myself in the queue. Is there anyone else I missed? Susan, okay.

CATHRIN BAUER-BULST:

Thank you, Alan. And thanks, Volker, for that clarification. I'm not expecting ICANN Compliance to work miracles here. But what I'm wondering, just again with the sort of naïve outsider's perspective, is why there isn't some contractual obligations for the registrars or for whoever their resellers are to check the data that is entered into WHOIS against the data that they get as billing information. That doesn't

require sharing that data with anyone but that would be a very simple way of identifying whether the persons who are identifying themselves to the WHOIS.

WHOIS are the same as the persons who are registering to be billed. And I understand that sometimes the person billed may not be identical with the person using the website so it would not work in 100% of the cases. But currently there is absolutely no way as I hear it to check identity unless there is a specific complaint about the identity. It seems a somewhat odd situation.

And to sum the syntax issue, I fully subscribe to what Volker has said about the challenges that come from different spellings and different variants. Just to show one example that came up as part of the CCT Review Team's study on abuse, they found that there were 52 different spellings of GoDaddy in the WHOIS entries.

So if you look at accuracy based on syntax only, even for the registrars, you don't necessarily find the appropriate information or the registry. So I'm not convinced of that approach as being the most promising in terms of identifying issues.

ALAN GREENBERG:

We have Akram who wants to respond to that.

AKRAM ATALLAH:

So just quickly, I think that you highlighted that the billing address of the person that is paying for the domain might not be the actual address of

the owner of the domain. So domains that are given as presents. There are many different ways of looking at these things.

Regarding the syntax thing, it's important to notice that we do use a database to look at the addresses that takes into account the variations of how the addresses are put. But that still is not as accurate in the areas that the post office does not have a clear way to describe the addresses. So if you go to more developing nations, you get less accuracy in the databases that we get to compare against versus if you look at the developing countries where the databases have variations of addresses is a lot more accurate and the variations are limited and well known. So the actual databases we look at, it gives you whether they can deliver based on the address more than if the address syntax is 100% or not.

ALAN GREENBERG:

All right. We are overtime, by the way, and we have a queue at this point. Susan is next and then I'm in the queue. And if people can try to be brief.

SUSAN KAWAGUCHI:

I just want to focus on Volker's comment. If a complaint is made of WHOIS data saying, "This is my data in this registration and you..." What do you want to do with the domain name then? So that seems like a great practice and I've found that very helpful with a lot of registrars but that is not something that is all registrars will support in fact most don't. But that is something we might want to look at that – if you can prove

that it's your data, then the domain name should either be immediately suspended or maybe even transferred over.

The other thing is oftentimes with placing inaccuracy complaints, reporting inaccurate data, the registrant would come back and go, "No, I'm Facebook. Me. You know? And this is accurate data for me." And then it's closed. And it's like, "No, I've already told you nobody else can use this. And I am attesting to the fact that I did not register this domain name. And at that point, I was the only person registering domain names for these entities."

So there's a bunch of disconnect in the process of validating the accuracy of the data and the right to use the data.

ALAN GREENBERG: I am Facebook with a capital K. Didn't you know that?

SUSAN KAWAGUCHI: That's it. That makes a big difference.

ALAN GREENBERG: Two quick points and then I'll suggest that we break for a break and come back. We're already a little bit over the time and I for one need a drink.

Two quick comments. On address verification, it's not easy. I buy things online and periodically I type in my address. And they come back and say, "That's not accurate. We're going to change it for you." Some of

them ask, “Do you want to use it?” Some don’t. The typical thing in my case is I live on Grey Avenue. The official [inaudible] post name is AV Grey in French, Avenue Grey. The abbreviation is different and the order is different. That’s enough trigger it’s the wrong address. So it’s a messy world we live in too.

The other comment I’ll make is, Volker, there may be a new revenue streaming for you in charging ICANN to verify whether something matches billing address. I’ll give Volker rebuttal time and then we’ll break for a very brief coffee break or whatever.

VOLKER GREIMANN:

Just to come back to Stephanie’s – Susan’s comment, sorry. I’m sorry. I’m sorry.

Yes, it’s a registrar process that every registrar can or cannot employ that way. There’s more to the process than what was just described, it’s a bit more complicated because we are in fact taking on a legal risk of possibly violating the rights of the registrant if it turns out that they actually did register the domain name.

We are basically saying that we make a judgment call on that. That’s a legal risk that we have to take and expose us to social hacking and some form or shape if somebody sends us a [passport]. We did not know where they got it. Still what we consider proof of identity may still not be. But it’s something that we feel when we are reasonably certain that there is an abuse case that we take care of it like that. But not every registrar may want to do that this way. And I would also not suggest making it a policy. It’s a best practice and leave it at that.

ALAN GREENBERG: Be back in about 10 minutes.

[BREAK]

ALAN GREENBERG: Can we sit down and get back to the meeting at hand. Can we reconvene the meeting and restart the recording if it was stopped?

VOLKER GREIMANN: We're just finishing our chocolates.

ALAN GREENBERG: I am told the recording's restarted. I'll turn the floor over to Trang. Just to be clear, we have until noon hour in trying because she has three more slides and I have one issue to raise after that. So we should be able to make it on time.

TRANG NGUYEN: Thank you, Alan. To finish up on the WHOIS accuracy briefing, this slide sort of gives you an idea on how many potentially inaccurate records were identified in cycle 3 and cycle 4 of the ARS work. As you can see, we sent approximately 4500 potentially inaccurate records to ICANN Compliance for follow up. As Volker alluded to earlier, once Compliance receives these records, they do go through their process to do a check

on it because as I mentioned, it's about 4-5 months time lag between when the sample [was pulled] and when we can send these records to Compliance so there could be some outdated information there.

For cycle 4 which is on the second half of the slide, you can see that of the 4681 records that were sent to Compliance, 984 of them were closed before Compliance even issued a first notice. And the reasons for closure are listed below.

So some of them include... the WHOIS record was actually different at the time Compliance checked that record than what it was when that record was pulled for the sample or the domain name was no longer registered or was expensed or cancelled, etc.

So this slide concludes the briefing portion on WHOIS accuracy. Are there any additional or final questions on accuracy before I move on?

VOLKER GREIMANN:

Let me just one point because you didn't raise it. The format issue identified was for the 2013 grandfather domains. I think it's important to understand that the format rules of the new RAA only applied to domain names that have been registered or changed after the RAA has been adopted by that registrar. Therefore, untouched record or old records do not necessarily have to perform with new format policies.

SUSAN KAWAGUCHI:

We have been doing this for a year. So what does that touch? Someone needs to define that definition because the domain name gets updated via renewal usually every year. Or I mean there's a lot of reasons. So if

you're saying it hasn't been transferred or it hasn't changed registrars and that means it's been untouched, I think that's an unrealistic basis.

VOLKER GREIMANN: Untouched in this concept means with regards to the domain registrant data. So every time the domain registrant data would be modified by the registrant, then the new format policy would apply. If the transfer occurs then it would be touched basically. If it's just renewing the data of the registrant, it's not affected by that so that would be considered untouched.

SUSAN KAWAGUCHI: Change that.

VOLKER GREIMANN: No we don't change.

AKRAM ATALLAH: So I'm going to Susan's question in a different way. The new gTLDs, do you have any data that segregates the outcomes when new gTLDs opposed to the legacy gTLD?

TRANG NGUYEN: Yes, I do believe that the report itself which are a couple hundred pages or something like that, do try to provide the data for that type legacy versus new gTLD. I didn't pull those charts here for you but if you go to

the reports on the links that were provided in one of the earlier slides, or we can try to put that data and circulate it to the mailing list as well.

AKRAM ATALLAH:

Thank you.

TRANG NGUYEN:

So moving on to the next implementation of this set of recommendations which have to do with the CEO to ensure that the WHOIS information pages make clear the requirements for registrants, to provide accurate information and the consequences of providing inaccurate information, I think we covered this to some extent a little bit earlier today and have some questions around this particular area.

They mentioned the registrant's benefits and responsibilities are incorporated into the 2013 RAA and the registrars are required to link to the document to publish it on its website. And we also discussed the registrant's educational series that we re-launched recently.

The first topic discussed under the registrant's educational series was the importance of keeping the contact information updated. And as I mentioned, some of that materials will be adapted for registrars' usage. And we hope to work with the registrars to encourage adoption.

And on the last item here, which has to do with the Board to continue supporting RAA negotiation process to find ways to improve WHOIS accuracy, as you can see on this slide there, it lists some of the additional obligations that were added to the 2013 RAA as part of that

negotiations process. And that's it for me from an implementation briefing.

ALAN GREENBERG:

Any further questions, comments? No? All right. The other issue I wanted to raise is there was a fair amount of dissatisfaction among Review Team members in the amount of time it took and the process the Board followed in adopting the review recommendations. This was covered somewhat extensively in the ATRT2 report and I won't belabor it here. And I believe a recommendation was actually made by ATRT2. But certainly that tainted the process very significantly. In the Board's treatment of other Review Teams, basically the Board said the Board instructs the CEO to have staff implement. That was not done for WHOIS. It was done in a rather convoluted way pointing to embedded documents which had detailed planning in them. It particularly referenced certain areas and excluded others.

Now the end result is, although it took an awful long time to start, the implementation as we've heard here has largely been done. Yes, there may be some questions but largely done. But the process followed left a very bad taste in a lot of people's mouths and other parts. And we will be commenting more on it. I don't think we're looking for an answer here. Just noting that that is an integral part of how the first WHOIS Review Team review was carried out and the recommendations implemented. As I said, there was a significant report in ATRT2 which was charged with looking at the WHOIS implementation at that time. But I just wanted to put it on the record here and note that it will be addressed in the report that we finally come up with.

Anything further? We are at this point actually ahead of time. Stephanie has a comment. Fine, go to Stephanie in a moment. We certainly can use the time because we were behind yesterday on looking at scope issues. So I don't think anyone will object if we go into that before lunch. But Stephanie first, please.

UNIDENTIFIED FEMALE: Stephanie's comment is, "Can you point us to the documentations of our history please, [Alan]? Particularly the planning documents."

ALAN GREENBERG: I can point to the documentation associated with ATRT2 that we published. Is that the question?

UNIDENTIFIED FEMALE: How will it be addressed in the report that we will come out with?

ALAN GREENBERG: I think since we are charged with reviewing the recommendations of WHOIS Review Team 1 and their implementation, I don't think we can avoid mentioning the fact that there were interesting characteristics in how the Board approved implementation or didn't in some cases, and the delays associated with the implementation.

I don't believe we need any recommendations out of it because I believe that I need to check that ATRT2 already did do a

recommendation. But we will certainly note that that's part of the history.

Susan is typing but Susan could speak.

Anything further for Trang or we'll go on back to scope at this point? Okay. We are without scope [then].

PATRICK DODSON:

Let's see if that's working, if Stephanie and Thomas could hear me. They'll reply in the chat. Who knows the microphone is on. Okay, great.

So based where we ended yesterday, long afternoon, lots of work. So thank you, guys. We have a strawman agenda for this section to further the scope part as well as some thoughts in the early afternoon session on how to tackle the work plan efforts based upon where we are. So, we'll walk through all of that, but let's tackle between now and lunch, and see how far we can get on the objective.

For those in the room can see what I'm calling the progress tracker from our conversations yesterday, and I'll read it out for those who are remote. But on the scale of alignment, we headed with very strong alignment on – well, I'll back up.

There are two topics. There are two categories. There's green and orange. The green indicates areas where it looks like we have scope and it is in scope, and we want to proceed that way. The orange are still in question. We haven't addressed them yet, or they're going to need more clarification. RDAP is a topic, I think, that falls into that category for example.

So, we want to revisit those. It probably would make most sense for us to revisit the green ones right now, just to make sure that we're aligned. There's some revised text based upon direction yesterday that we can go through here, as well as just confirm again if there are any objections to folding topic 10 into topic 1 as a subset of that and making that explicit, but I want to make sure that that is actually aligned and agreed to. Beyond that, we have language I think to really look at for 3 and 2.

So Lisa, can we expand it? I don't know if everybody sees the document. And if they do, it still is very small on the screen. Is there a way to make that larger? On their screen, not on the big screen. Yes, if we can do that so we're all working off of the same text. And if it's helpful, maybe Lisa could read through the text as it was revised. And let's start with 2.

Go ahead, Lisa. But real quick just to reset everybody here, this was the one where we wanted to reframe the language to see if it was more on point with what we were hoping to attempt to deal with this, and there's still the strategic decision for this Review Team on whether or not to include it as a category or not.

LISA PHIFER:

Yesterday, as we discussed the Scope Item 2, this is the one to review the effectiveness of the current RDS, so that is today's WHOIS. We discussed the framework that Susan had suggested for assessing effectiveness and whether to actually embed that into the objective or not, and I believe we landed on not embedding it in the objective, but identifying that part of doing this one would be actually to have a framework for assessing effectiveness.

The proposal for how we might move forward on this one was, if you recall, there was a discussion about having a bucket for any new items that might be identified that weren't addressed by the first Review Team. So I proposed text here that carrying out this particular item wouldn't involve inventorying changes made to WHOIS policies and procedures since the prior Review Team completed its work. Second, using that inventory to identify significant new areas of today's WHOIS – if any – which the team believes should be reviewed. And then third, determining if any specific measurable steps should be recommended to enhance effectiveness in those new areas.

Any reactions to that framing of the second task?

CARLTON SAMUELS: Sounds –

ALAN GREENBERG: I do have a comment on number one when we finish this one, if we can go back.

PATRICK DODSON: Any other comments? So, if it accurately captures it, then there's I think the second question, which is – yes, there's a comment, remote.

UNIDENTIFIED FEMALE: Stephanie has raised her hand.

PATRICK DODSON: Yes. Please, Stephanie.

STEPHANIE PERIN: We're on the first item there on the seat that is up?

PATRICK DODSON: No, we're on the second one with the green [inaudible]

STEPHANIE PERRIN: [inaudible]

ALAN GREENBERG: We're on the second. We're going back to the first later.

STEPHANIE PERRIN: Okay. My comment was about the first. Can I make it now just to get it off my chest?

ALAN GREENBERG: [Sure.]

STEPHANIE PERRIN: Where are we getting this idea that the OECD guidelines only apply to governments?

ALAN GREENBERG: You're on a different page. We're on the first page, not the second.

STEPHANIE PERRIN: I see. Well, I'll try and scroll down to wherever you are. But that's just factually incorrect, so I marked it in the chat yesterday. Please fix it. I don't know where that came from. I'd be happy to discuss it, but it's a bit crazy. Thanks.

ALAN GREENBERG: Stephanie, when we get to OECD, we'll talk about that one. Currently, we're on the second one, which is driven by Bylaws 4.6(e) II, and we're going back to IV in a moment. Any further comments on the text that Lisa has added in the second item on the first page?

CATHRIN BAUER-BULST: Sorry, this is just a technical comment, but maybe if we turn off the comments view, it's easier to read the document in the chat room. Because now it's tiny. Yes, nonetheless if we take off this one column in the view.

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED FEMALE: If you go ahead and do menu, you can [inaudible]

CATHRIN BAUER-BULST: I have a printout. I'm just concerned about the others who are complaining.

UNIDENTIFIED FEMALE: Yeah, as for every [inaudible]

ALAN GREENBERG: Everyone has control of their own screen within Adobe Connect. All right, hearing no comments on Section #2, can we go back to Section 1? And we'll revert to Section 1 if someone has a comment once they can read it.

The addition calls for the... this includes developing a framework to measure and assess the effectiveness of recommendations and applying that approach to all areas of WHOIS originally assessed in the prior Review Team, including support of internationalization.

I have not really tried to apply that effectiveness criteria to all 16 recommendations, and my suggestion would be to add, and as applicable, to give us some opportunity, if it really doesn't fit, to not commit to squeezing it into the form. Any objection? It may be a red herring and we really do the work, but I'm just not comfortable right now in making a commitment.

CARLTON SAMUJELS: I support that. Give us a little wiggle room.

PATRICK DODSON: Lisa is making that adjustment on her version, which is the master version. You don't see it on the screen here because of the Adobe Connect room and how that's set up, but if there are any objections, please speak up now.

ALAN GREENBERG: Just for the record, where are you adding the "As applicable?"

LISA PHIFER: I was actually just making a note to add it.

ALAN GREENBERG: Fine.

LISA PHIFER: Apologies. Did you have a recommended location?

ALAN GREENBERG: I would put it before, between the end and "Applying."

LISA PHIFER: So, "This includes developing a framework to measure and assess the effectiveness of recommendations and as appropriate?"

ALAN GREENBERG: "Applicable" I think is probably –

LISA PHIFER: "As applicable, applying."

ALAN GREENBERG: Oh. Then, "As appropriate, applying."

LISA PHIFER: "As appropriate, applying that approach." Maybe the way to do it is, "And applying that approach to areas of WHOIS originally assessed by the prior RT as applicable."

ALAN GREENBERG: That's fine too.

LISA PHIFER: Okay. Very good.

PATRICK DODSON: Erika, I see your hand up. Yes.

ERIKA MANN: Erika on the mic. The term "Internationalization" is a bit vague. I wonder if we want to be a bit more clear about it. What does it actually mean?

ALAN GREENBERG: I would actually ask, why do we need it? Since we're already saying all.

ERIKA MANN: That's another one. Either we are more precise what we mean in a separate sentence, or we skip it if we think it is already covered.

LISA PHIFER: The reason that I inserted "Including support for internationalization" was acknowledging yesterday a desire to explicitly say something about it, but without going into detail about that one set of – it's actually three – set of recommendations.

I chose the word "Internationalization" to avoid being just IDNs, because I understood some confusion about IDNs being too narrow. But that's my thinking in leaving it high level in the framing of the objective.

PATRICK DODSON: But still being explicit based upon the discussion yesterday. Yes.

ALAN GREENBERG: I don't think it adds anything. On the other hand, putting it in I don't think detracts. The "As appropriate" still covers if the framework doesn't apply, we're still going to talk about it. So, I can go either way. I think it may add a little bit of confusion to the sentence though. Clearly, there are three recommendations. We're not going to ignore them.

PATRICK DODSON: Yes, so maybe the question – because I know this is a topic for Dmitry – if the language now does explicitly say that this would be applied as

applicable to all the previous Review Team’s recommendations, is that explicit enough to include the topics that you wanted to make sure we were very clear about in the objective?

DMITRY BELYAVSKY: Do I think that’s explicit enough? Yes.

PATRICK DODSON: Okay, so we can remove the, “Including support for internationalization,” and have that just be subject to the totality of the comprehensiveness of the reviews.

ALAN GREENBERG: There’s no way we can forget three of the 16 recommendations. And even if we tried to, Dmitry wouldn’t let us.

DMITRY BELYAVSKY: Okay.

PATRICK DODSON: That’s on the record. That was Alan. Okay. Any other questions, observations, comments, concerns about the language in one?

Okay. I do want to go back to two very quickly. We have clarity on that language, but we also now need to revisit the topic of inclusion of that topic explicitly in the scope, or waiting until something new comes up

that we would then need to reevaluate it all the way back at the Terms of Reference level. I'll open that up for any comments people have.

We have a comment from Stephanie. Appropriate versus applicable or [inaudible]

ALAN GREENBERG: I'm not sure if she's talking about one or two at this point. I think it's two.

PATRICK DODSON: Okay, so, "As appropriate" rather than "As applicable" is the language now?

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED FEMALE: I'm sorry, the phrasing that we ended up for this is the first item in the table, is, "This includes developing a framework to measure and assess the effectiveness of recommendations, and applying that approach to all areas of WHOIS originally assessed by the prior Review Team (as applicable)."

PATRICK DODSON: Do we have agreement on that? I'll wait for Stephanie to chime in on the chat if that phrasing is addressing her concern. She's typing.

ALAN GREENBERG: She is typing.

UNIDENTIFIED FEMALE: Stephanie is saying, "Just noting that it adds nothing."

PATRICK DODSON: Noted.

UNIDENTIFIED FEMALE: "And opens up an area for contention."

ALAN GREENBERG: Any discretion opens up an area for contention. We have lots of it. There will be areas of contention. We have process to address them. We will not have unanimity on every issue, I'm quite sure. I personally don't like making commitments that we will do something to all if the vast majority or all of us feel it just doesn't fit on that one. And some of the recommendations are quite – not generic but are overview things that I don't think we can measure effectiveness on them.

PATRICK DODSON: So, I defer to the Chairs. Are we good to check this one off as ready to move along?

ALAN GREENBERG: I think so.

PATRICK DODSON: Okay. So, back to Topic 2, and its inclusion in the scope was a topic that was being debated yesterday. I'll have to bring it back up to see if we can close out on that.

ALAN GREENBERG: The real difference between omitting it and saying we can always add something else and the wording that is here is this commits us to do a complete inventory of any changes and assess them all as opposed to if we recognize an issue that needs to be focused on, we can add it. So this essentially adds a moderately significant task to our list, which removes the chances that we're going to miss something, but does add a significant task to the list.

Comments on whether this is good or not. The question is, do we leave it as such? Do we remove the part A inventorying and leave it as such, or do we remove it altogether? This is the second on the page.

LISA PHIFER: So, A is inventorying changes made to WHOIS policy and procedure since the prior Review Team completed its work, and then B is using that inventory to identify significant new areas. I'm not clear how you would eliminate A and still do B.

ALAN GREENBERG: You just remove using the inventory to – the active verb is identify any areas [for which] the team believes should be reviewed. Volker.

VOLKER GREIMANN: What’s an area of WHOIS? I’m not clear about that phrasing. “Identify significant new areas of today’s WHOIS.”

ALAN GREENBERG: Topics associated with – I can live with what is written. My preference would be to remove A and leave it as a bucket we can put things in, as opposed to a task to try to enumerate every possible change in process or procedure that has happened. But I can live with it if that’s the general feeling here from other people.

LISA PHIFER: The point is that the output is not committing to detail and inventory, but rather just having conducted an inventory, detail any significant changes. Is that true?

ALAN GREENBERG: Sorry, I was reading Stephanie’s comment and I didn’t hear you. Stephanie said in her view, keeping the inventory limits the scope, whereas having it more open-ended gives an opportunity of adding things that need to be addressed.

Sorry, now, Lisa, if you could repeat what you said.

LISA PHIFER: I believe – and I’m trying to sanity check – the difference in what you’re suggesting is whether or not you actually commit to publishing the inventory.

ALAN GREENBERG: Essentially, yes. Or performing it formally as opposed to identifying things as we go through the overall process. Carlton?

CARLTON SAMUELS: So we are committed to looking at it, but we’re not committed to detailing every single one that we might come across. Is that what the objective is here? Because you have to look at it to figure out what task. You have to do a really –

ALAN GREENBERG: Certainly when I was talking about this yesterday and someone suggested the concept of a bucket, what I was presuming is as we’re doing our overall evaluation, if we find some new area that wasn’t covered in the recommendation that we feel needs to be covered, we would add it, which may or may not be associated with a change. It could well be it was something the first Review Team could have looked at because it was there, but chose not to. Or it could be something driven by a change. So I tend to agree with Stephanie, it may limit us by saying it’s only based on the inventory.

PATRICK DODSON: Susan.

SUSAN KAWAGUCHI: So, could we live with – and correct me if we’d be losing something here – if we just take out the A and change B to “If any new significant areas of today’s WHOIS are identified and the team believes should be reviewed,” then go on? So it takes the inventory out. What would we lose if we did an inventory?

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: I don’t think we lose anything other than a task.

LISA PHIFER: So the proposed language would be something like “Consistent with the mission and Bylaws, by identifying new significant new areas of today’s WHOIS – if any – which the team believes should be reviewed,” and then B, “Determining any specific measures, measurable steps that should be taken or recommended to enhance the effectiveness in those new areas?”

ALAN GREENBERG: I think so.

LISA PHIFER: Okay.

ALAN GREENBERG: So that's removing A, removing the first three words and changing the tense of the verb "identify." And we leave the rest alone.

LISA PHIFER: Right, by identifying. Yes. Okay.

ALAN GREENBERG: Fine.

PATRICK DODSON: Okay. Any objections of that? We have Alice.

UNIDENTIFIED FEMALE: Stephanie has raised her hand. Stephanie?

STEPHANIE PERRIN: Yes. Hi. I just want to point out that we seem to be wandering down the alley of vagueness here. Everything precise and crisp and complete that we had in there is getting taken out in the name of not giving us a task. And I honestly think that part of my concern about reviewing the effectiveness of WHOIS is that we have a long history of being [left] about what we do in WHOIS. And it appears that we are following that path this time too, because we're allowing us to weasel out of doing what was dumped by the last WHOIS review because they couldn't get

agreement, and ensuring that we blind our eyes to it. I don't think that's productive. But I may be the only one. Thanks.

ALAN GREENBERG: Stephanie, can you clarify please? In the chat you supported removing the inventory because restricting us to what we find in the inventory of changes in fact restricts us.

STEPHANIE PERRIN: As I said in the chat, don't mistake my quibbling about the grammar in removing the – first do A then do B with not approving of what the original task said. I'm agreeing with Lisa when she said if you do A, then it follows B. As far as I'm concerned, we now have too much [weaker clauses.] So I'd go back to doing the inventory, and then using that inventory to identify significant new areas. I would also add that of course if you do get additional items added in the public comments, that we have a duty to address those as well. So I was talking word-wise, not policy and scope-wise. [I raised my hand to clarify.]

ALAN GREENBERG: Erika?

ERIKA MANN: On this one, I'm very much in line with Lisa. The original version. And what Stephanie is saying is – no, it's much more logical the way it is framed right now. So keep A because it's just a reference to the inventory base. It's nothing more. It's kind of [template.] And then you

follow with B, this new thing which might come up. But I'm [inaudible] different but it's fine with me as well. But I think it's clearer the way it is done right now.

ALAN GREENBERG: We will go whichever way the group goes. I'm not trying to push it one way or the other. I just suggested it. And recognizing of course that any task we take on, someone in this room is actually going to have to do. Feeling around the room? Leave the inventory in? Cathrin nodding to leave it in. Carlton, did you want to say something?

CARLTON SAMUJELS: I really don't see that taking it out and doing the sentence suggested would lose anything. I really don't see it.

ALAN GREENBERG: We have three people who say keep it in, one person who says it doesn't add anything. I think it actually subtracts something. I'm willing to leave it in. Recognizing someone will have to volunteer to do this inventory.

PATRICK DODSON: Okay, so leaving it in as Lisa originally wrote. [That is the] topic.

[LISA PHIFER]: I just have one question. I believe Volker suggested maybe topics instead of areas.

UNIDENTIFIED MALE: [inaudible]

[LISA PHIFER]: Okay.

UNIDENTIFIED MALE: [inaudible]

[LISA PHIFER]: You're good. Okay. Thank you. So then I think we're reverting to the text that's shown on the Adobe.

PATRICK DODSON: Yes, so we've gone through 1 and 2. Next topic is 3, with revised language. This is the focus on law enforcement. Everybody has it on the screen, but Lisa, if you'd like to read through the changes that we made based upon yesterday's discussion.

LISA PHIFER: All right. This is for Bylaws Clause 2, but the first item in Clause 2 which refers to law enforcement, and changes in the text. Why don't I read the text as changed? "Consistent with ICANN's mission and Bylaws, the Review Team will assess the extent to which implementation of today's WHOIS – that is the current gTLD RDS – meets legitimate needs of law enforcement –" That change was made to circumvent the discussion

yesterday about whether law enforcement itself is legitimate . So it's, "Legitimate needs of law enforcement for swiftly accessible, accurate and complete data by, A, establishing a working definition of law enforcement used in this review," which I believe is an action to Cathrin, but that would be part of actually carrying this out. "B, identifying an approach used to determine the extent to which law enforcement needs are met by today's WHOIS policies and procedures, C, identifying high priority gaps – if any – in meetings those needs, and then D, recommending specific measurable steps – if any – the team believes are important to fill the gaps."

Now, an addition from yesterday is that note on determining which law enforcement users or requests are in fact legitimate will not be addressed by this review, and that's to reflect that I think yesterday, we landed on those being out of scope for this item.

PATRICK DODSON: Thank you, Lisa. Open for comments. Alan?

ALAN GREENBERG: I see a conflict between the wording saying we will define what legitimate needs are and, "We will not determine which requests are in fact legitimate." I understand we're not determining which law enforcement are legitimate, [it's] users, but determining whether the requests are legitimate sounds like it's at odds with what we're putting in the first part.

PATRICK DODSON: Okay. Stephanie.

STEPHANIE PERRIN: I'm actually agreeing with Alan here. Having processed such requests as a privacy officer, I can tell you that you have to assess the request that comes in. It has to state what the need is. So request [inaudible] are extremely close. We decided that we would not assess whether the identification of the requestor was legitimate, and I think that's a slippery slope because of course, the request has to be being asked by the appropriate person. But at least we could do that. But we can't differentiate between a legitimate request in terms of content and a legitimate need. Thanks.

PATRICK DODSON: Thanks. Erika?

ERIKA MANN: I wonder if one could turn this around and could talk about legitimate law enforcement request, because that's typically the problem, because you receive – or operators might receive requests which are either not legitimate because they have no real need or no real purpose behind, or they come from a law enforcement source which is not the authorized law enforcement source in a particular country who's making the request. So I wonder if this would help us if we would just talk about legitimate law enforcement request, and so we are not defining anything. We leave it open, and it then depends on the respective national laws. Because we can't define it anyhow. We can't define

needs either, and we can't define legitimate needs either because it all depends on the national laws.

ALAN GREENBERG: We're already defining what we mean by legitimate needs, because it says, "For swiftly accessible, accurate and complete data." Those are the legitimate needs that we are defining, and restricting it to those.

PATRICK DODSON: Volker.

ALAN GREENBERG: So since we're restricting it to those, I'm not sure why we need to comment in the last sentence on that we will not determine which requests are in fact legitimate. It's requests that are associated with those things. Volker, can you help us?

VOLKER GREIMANN: I was thinking about changing it to "Meet the legitimate need of law enforcement with the accessible, accurate [inaudible] data" That way, we would focus on that definition. So change it from what we have now to "Meets the legitimate need of law enforcement" and the rest unchanged. However, I'm not 100% certain that in every case, the need for swiftly accessible, accurate and complete data is legitimate, at least for the swiftly accessible part.

ALAN GREENBERG: I will also add that the Clause A, establishing working definition of law enforcement, doesn't that in fact do what we're saying we're not going to do in the end?

PATRICK DODSON: We have Stephanie, and then Cathrin.

STEPHANIE PERRIN: Thanks. I don't see how you escape defining law enforcement, because this is our charge, we have to deal with it. So we at least should understand what we're talking about. When we're talking about law, I would caution against using the expression "national law," because many laws are regional and municipal.

Determining the validity of a request is a better way of phrasing it than "a legitimate request," because it seems to me that that's putting a heck of a load on the recipient, which will be the registrar. Let me give you an example of what I'm talking about on both of those points.

The law enforcement community told us at one of the meetings recently that there wasn't a single crime that wasn't being perpetrated on the Internet. Of course we have that magic line between content and domain names, but I would point out that if we are investigating something like animal abuse in a puppy mill where dogs are starving, that is a municipal law being enforced by private sector organizations, NGOs, namely the Humane Society, and they are the ones with the authority to go in and seize dying animals and have them euthanized. So

that's just in Canada I'm talking, of course, and there are like 160 variants of that law around the world.

You have to talk about local law. You also have to do that in terms of the European Union where you have regional law that applies, not national law, on cases. So you have to talk about local law, and if you're going to come up with a working definition of law enforcement, I always joked that it included the dog catcher, because it actually does. And I think [inaudible]

ALAN GREENBERG: Stephanie, may I –

STEPHANIE PERRIN: Thank you.

ALAN GREENBERG: Yes. From the looks on people's faces, I don't think anyone disagrees with you that we should not limit it to national law. Is there anyone who believes we should limit this to national law?

Volker, are you disagreeing, or a different topic?

VOLKER GREIMANN: I just would say that we should avoid that definition altogether and say applicable law.

ALAN GREENBERG: You're agreeing then, we should not limit this to national law. So I don't think anyone is disagreeing, if we can make sure – does the word “national law” actually show up in this document?

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Show that lady out of the room, please. [Laugh]

PATRICK DODSON: Voted off the island. Cathrin, please.

CATHRIN BAUER-BULST: Trying to capture my train of thought now. Yes, so the different levels. I think by having a working definition of law enforcement, we're not actually commenting on the legitimacy of requests. That's two different levels. So by saying this is the type of law enforcement that we're taking account of in our review of whether their legitimate needs are fulfilled, I do agree with Stephanie that we need that definition in here, and whatever reference we want to make to laws. And in the proposal that I've agreed to submit to you, I will make it as general as possible.

Now, I'm not sure we need the sentence on the legitimacy of the request, but here again, we have two levels. So there's the target of the request which is for accurate, swiftly accessible and complete data. And then there's the legitimacy of the request, which usually is on the basis

of national, regional and local laws – as Stephanie was just describing – where there are conditions set for when law enforcement should be making these types of requests or lookups in the WHOIS when it's publicly available.

Now, as we agreed yesterday, I think we don't want to get into that. That's where our legitimacy check stops. We want to define what the needs are, and also the three words that I proposed here which you all agreed with yesterday, and we don't want to get into the assessment of what is a legitimate request.

So we can have that sentence here, and maybe we should drop the "users or" to make it very accurate that what we're not covering is determining which law enforcement requests are in fact legitimate. Or we could just drop that sentence altogether.

PATRICK DODSON: Anybody in support of either of those two options from Cathrin? Dropping just the users, or omitting the entire last sentence. Volker?

VOLKER GREIMANN: I think this sentence needs to be here in this form. I think it clarifies that the Review Team makes no judgment on what requests are legitimate and what users are legitimate. We just say if there's legitimate request, this is what they need.

I don't think we should delve into the territory of making that determination. I think we should make clear that we're not delving into that territory, and that line should also be represented later on in the

report, maybe a paragraph or something. So I think we should leave it in just as an indicator that we will not make that determination, and we have no intention of doing so.

ALAN GREENBERG: So what I'm hearing is leave the whole thing as is, as presented. Done deal. Next one. Oh, sorry. Cathrin.

CATHRIN BAUER-BULST: Sorry. I am against keeping the users in, because I think it creates confusion. I think if we say what we consider as law enforcement, then we have taken a position on that, and then we should stick to that. And I think it just raises questions by putting that back into question at the end of the paragraph.

ALAN GREENBERG: So you're suggesting saying, "Note that determining which law enforcement requests are in fact legitimate will not be addressed?"

CATHRIN BAUER-BULST: And in fact they might not be legitimate because it's not the right user asking. But this just creates unnecessary confusion.

ALAN GREENBERG: Volker.

VOLKER GREIMANN: it depends on what our definition ultimately is going to be. We may end up with a definition where this reference to users may have relevance. We may end up with a definition where it hasn't. Until we make that definition, I would be hesitant to remove this, especially since a user may be making a legitimate request in one case, but the same user may not be making a legitimate request in another case based on the jurisdiction where the registrar or the registry is in, for example, or the registrant.

ALAN GREENBERG: Do recall we're talking about WHOIS, where you don't actually have to make a request. You just have to go to a keyboard.

PATRICK DODSON: Carlton.

CARLTON SAMUJELS: Stephanie, when she was talking about this, she used the term "Validity of the request." I wonder whether or not we wouldn't have achieved by just changing the sentence to say that we're not making any judgments about the validity of the request. So we take out users, and then just stick with the request. That was what I heard.

PATRICK DODSON: Lisa.

LISA PHIFER: If I might, Carlton, you're suggesting that that last sentence be, "Note that determining which law enforcement requests are in fact valid will not be addressed by this review?"

PATRICK DODSON: Cathrin.

CATHRIN BAUER-BULST: Which matches my suggestion, and which I think also matches what Volker was saying, that a request might be legitimate in one situation, not in another. And I do think that there is a request situation also in what we cover because of the discussion we had yesterday about [mass] data being included. So there may be situations where we actually have requests where it's not just law enforcement sitting in front of the keyboard. So I believe it is relevant, but if we cannot come to an agreement on this, what we could also do is lock up the two German lawyers and leave them to come up with a definition, come back to the group afterwards.

LISA PHIFER: And I've just put the text that I think Carlton suggested in the chat, in the Adobe.

PATRICK DODSON: Jean-Baptiste, can you put the chat up where we can see it on the projected screen, please?

ALAN GREENBERG: I note it's five minutes past 12:00.

LISA PHIFER: The text is in chat, bottom right of your Adobe Connect screen.

ALAN GREENBERG: While people are consulting with each other, may I ask a question? On the privacy proxy PDP, what did it say about revealing information to law enforcement?

UNIDENTIFIED FEMALE: Say that again.

ALAN GREENBERG: I said, what did the privacy proxy PDP say about revealing information to law enforcement?

VOLKER GREIMANN: The PDP result said that it should be revealed to law enforcement authorities of the appropriate jurisdiction. However, law enforcement is currently pushing back on that in the implementation work, so we're not quite sure where this is going to end up.

ALAN GREENBERG: Don't want it revealed?

VOLKER GREIMANN: Law enforcement wants it revealed no matter where they are and where the registrant is, where the registrar is.

UNIDENTIFIED MALE: Helpful, Alan. Thank you.

LISA PHIFER: I note we have – you can't see it on the screen up there, but three people in chat said the text looks good. Do we have any objections?

PATRICK DODSON: Hearing none. Volker nodding his head in the generally up and down direction, for the record. All right, one, two, three. That's a good place to stop for lunch. We'll pick it back up. Sorry, agenda check. Alice?

ALAN GREENBERG: Lunch was officially 45 minutes. Do we still take the full 45, or convene in 35? General feeling, convene in 35. Except Jean-Baptiste wants a picture. When we reconvene, where are you going to take the picture? Inside. No, we don't have to move. Reconvene in this room to be ready to take a photo, and then start work again at 12:45 local time.

PATRICK DODSON: Thank you, Alan.

ALICE JANSEN: Could everyone go in the reception area for the group picture, please?
 Thank you.

[END OF TRANSCRIPTION]