
RECORDED VOICE: This meeting is now being recorded.

LAUREEN KAPIN: Hi folks, welcome to our subteam meeting which is on a day that we're usually not having it, I think to accommodate the plenary call later this week. We're having a small group today, and perhaps since it is a smaller group and many of the people slated for today's agenda are not here, what we'll focus on is hearing updates from the people who are here.

David, we welcome you back, I know you've been away on holiday, I hope you've come back rested and recharged. Perhaps you can give us an update on what is happening with the part of the report that's focusing on that INTA Study? [AUDIO BREAK]

Do you have microphone access, David? I know that you're in the chat and I see your microphone going, but I am not hearing you. Can anyone hear David? [AUDIO BREAK]

Okay, is there a way we can deal with David's microphone issues? Perhaps a call out to him, it looks like he's reconnecting. Okay, thank you, Brenda. And I see that we have Carlton listed as an attendee but I don't -- there we go, there's Carlton. Welcome, Carlton. I'm hoping Carlton is able to have microphone access today to.

In the meanwhile, while we're dealing with our technical difficulties and I'm wondering if Carlton is also having technical difficulties -- okay, David is back, are we able to hear you, David?

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.

DAVID TAYLOR: Can you hear me now?

LAUREEN KAPIN: I can hear you now, terrific. So proceed. [CROSSTALK]

DAVID TAYLOR: I heard my name and immediately I seem to get kicked off, so I thought Jonathan had something to do with it. So, you were going to ask me something, and then I'm back in now so I can hear.

LAUREEN KAPIN: No, no blaming for Jonathan because he's not with us. What I asked you for, David, was just an update on the INTA part of the study.

DAVID TAYLOR: Okay, I can do that, certainly. Yes, so INTA study, what I did is, I think it was around the 12th, early August, before I went off on holiday I had a lengthy call with Lori from INTA and also Neilson, and went through the takeaways list which we've got and prepared on the INTA Subteam of the key takeaways from the INTA Impact Study Report and clarifications needed, and we went through basically the main one that I'd identified and actually took close to an hour and a half going through those with Neilson, so that raised quite a few interesting questions about the results and what we could and couldn't take away from them.

So then what we did is we left cause the hour and a half was up, we left all of the other takeaways, which included some INTA takeaways with Neilson for them to review at their leisure and they came back with that on the 18th of August, which was the night I left to go on vacation. So I've just been looking at that very briefly yesterday, and so basically they've come up with a lot of answers to the questions and the data which we weren't sure about and we're going to have an INTA Subteam call on Wednesday, I think tomorrow.

I may just try and spend a little bit more time on that today when I get off this call and sent that around the INTA Subgroups, so that we can look at that and then take it further. I think that is really where we are, except my question was, cause I think I missed the call of the plenary cause I wasn't here for two weeks, is what our timings are on this and maybe that's more of a general guidance because I know I wanted to try and get conclusions out of this as quickly as we can so that we've got those elements in to the report if we're putting those out for public comment again or whether we're not. That's really where I was, my question back was what are my timings on this now, bearing in mind that we now have hopefully got quite a bit of data which I'll be happier to try to put something together on.

LAUREEN KAPIN:

Thanks, David. Can we mute David's mic? Okay, great. Just cause I'm hearing an echo of myself. So in terms of timing, I'm actually going to turn that over to Jean-Baptist because I want to make sure that it's precise and correct, but also Jonathan sent around on Monday a current work plan which also should include that information. So if you look in

your emails, you'll probably get that, but for the group, Jean-Baptist, I think it would be great to repeat the key deadlines for everyone.

JEAN-BAPTIST DEROULEZ: Yes, you made a really good point, Jonathan shared the work plan yesterday, and so in terms of deadlines what we had in mind was to send the GNSO study and the INTA Survey text to the technical editor for editing and proofreading by the 14th of September. Ideally, we would have send for public comments the report on the 25th of September.

In any case, as soon as we can have the text from any of these two sections, we will send it for editing and proofreading even if it's before that deadline, of course. Just to know as well which services can start working on one of the sections. Those are the deadlines and also we'll review them again and some others too on the plenary call scheduled for Thursday.

LAUREEN KAPIN: Thank you, Jean-Baptist. So basically we are aiming to get the revised sections of the report out quite soon with the deadline to get it to the technical editor, did you say by the 17th, Jean-Baptist?

JEAN-BAPTIST DEROULEZ: The 14th, so that's next Friday.

LAUREEN KAPIN: 14th, okay. So that is quite soon. David, considering where you are now, is that a deadline that you're going to be able to meet?

DAVID TAYLOR: Yeah, I think so. I've basically got the data. The fact that we've got the feedback from Neilson, I've just haven't been through it in any detail yet. I've got the feedback, the feedback is what it is and I think we can hopefully conclude what we can conclude from that. I'm not anticipating any other data so it just means sitting down having a couple solid days work on this and sharing it around with the INTA Sub Team as they wish to engage on that as well. I think that works for the 14th. I should probably take two days off now at the end of this week and next week to do it so I can make sure I can get it done or else it might not happen.

LAUREEN KAPIN: I appreciate that. The other thing to keep in mind is you'll also what to build in time to send it around to the whole review team so that we can weigh in on it before the 14th. I know we're having a call on Thursday, that probably is the -- well, I shouldn't say that, we have a call on Thursday, a plenary call. And do we have a plenary call then? I want to make sure, Jean-Baptist, that we have a plenary call that actually falls in time for us to discuss David's piece when it is done. So we have one [inaudible] and then it's the following one -- when's the following one?

JEAN-BAPTIST DEROULEZ: We have the presentation scheduled with this idea on the DNS Study.

LAUREEN KAPIN: Right. So you and I were going to talk about -- go ahead.

JEAN-BAPTIST DEROULEZ: I just wanted to say that your point is correct. I think we can definitely schedule a plenary call when we have the section on INTA so that the review can discuss it and reach consensus on it.

LAUREEN KAPIN: Which I think is going to have to occur early the week of September 11th in order for that to be ready on time. Perhaps even that Monday, Monday, Tuesday at the latest so that there's a chance to actually implement it.

DAVID TAYLOR: Did you say we've got a plenary call on Tuesday, the 12th anyway, is that correct?

JEAN-BAPTIST DEROULEZ: That's correct.

DAVID TAYLOR: We could have some time in that call presumably to go through it, yeah?

JEAN-BAPTIST DEROULEZ: After the presentation from [inaudible], yes.

DAVID TAYLOR: And the idea -- sorry I missed the call, so in the idea of the presentation from SIDN is that we've got more -- is it their reviewed report or is it what Drew's put together to include? I'm just trying to match what we're doing. Do we need a presentation from Neilson the same day on the amendments they've done, or do you want to go through that with them, or what do we want to do?

JEAN-BAPTIST DEROULEZ: For the presentation from SIDN it's on their study that is currently open for public comment. The review team members have the opportunity to ask any questions they have until Friday evening, so that they have enough time to prepare. Your questions will be reviewed during that plenary call with SIDN together with the presentation that they will give on their study with their findings. I'm not sure we should -- I mean, it's up to you whether you think we should plan a call with Neilson or not, I'm not sure I can reply to that, but we can definitely include time for you to present what was written on this section.

DAVID TAYLOR: No, okay, that's good, that makes sense cause I realize the DNS Abusive Study is actually out for public comment so I think that's a different reason for us having that presentation, so I think that makes sense, otherwise I was trying to mirror what we were doing. I'll aim to try and have something together for that Tuesday so we can run through the --

if I can get the text together I'll get it for Tuesday, I may struggle but I'll endeavor to at least if not I'll try and cover some conclusions of what will be in there or what I would intend to put in there. I'll have something ready for Tuesday so flag that down on Tuesday if you want and I'll work towards that.

JEAN-BAPTIST DEROULEZ: Sure.

LAUREEN KAPIN: Okay, that sounds good. In terms of Neilson, David, I don't think they would be necessary unless you think us hearing from them is necessary in order to understand your section on the INTA Study. Certainly, don't think that is necessary as a requirement.

DAVID TAYLOR: Yeah, okay. I had a good session with them three weeks ago so it'll just depend whether any issues come out of what they've provided now. We'll see, and if there is, we can potentially have another call and it may just be something that INTA Sub Team has that call with them if need be. We'll see what we come with conclusions, I think there's anything that's been massively radical as a conclusion which is going to be all ground breaking and change everything, so I think we should be okay on that.

LAUREEN KAPIN: Okay, thanks for that update, and thanks for helping us meet these deadlines. The deadline is fairly important so that we are able to have these new sections of the report out in time for people to react to them in Abu Dhabi.

Moving on, I know we have Carlton on the line. I'm hoping, Carlton, you're going to be able to lead us through your revisions on recommendations 21, 22 and 23.

CARLTON SAMUELS: Are you hearing me? I'm on the line, yes.

LAUREEN KAPIN: Yes, I can hear you and perhaps, Jean-Baptist, you can put Carlton's revised recommendations up on the screen? Great, thank you.

CARLTON SAMUELS: Yes, that would be very kind, thank you, Jean-Baptist. So while we wait for Jean-Baptist to pull up the record, the 21, 22 and 23 they in totality the recommendations concerned -- opinions and some facts. One, that people thought the tasks of reporting abuse there were obstacles in the part of the reporting of abuse. Number two, that some abuses were not being reported, and number three, ICANN itself did not seem to have much invested in measuring DNS abuse. So those are the three things.

The natural response is a) to ensure that the path to reporting abuse is clear open and there are many channels, the abuse point of recording abuse is at the registry, so you want to ensure that there are multiple

channels and as many ways as possible for those who wish to report DNS abuse to have access to.

Secondly, that someone is ensuring that these abuses are being recorded so there's evidence. And third, there is oversight for the abuse recording and that is vested in the ICANN registry contract. Most of these issues about DNS abuse, they actually gain credibility and some kind of oversight, and actually give ICANN some of that role by what we call Spec 11. Specification 11 of the registry contract and on that specification level, it's a specification in the contract actually outlines several types of abusers, several areas of abuse that the registry is obliged to mitigate.

It gives the registry the obligation to do everything to mitigate them and so the question becomes, how does the ICANN organization they know that their registry is doing anything? And obviously you have to have oversight of what is abuse, what is reported and so on. That's the basis of these recommendations.

On the left hand side you will see the three recommendations as they were documented in the report, and then you see in the middle, in blue, you will see what I came up with, at least the content for what I am proposing would be the consolidated response to the three on the left. And under the rational I layout the reasoning behind me making those recommendations.

When we talked about it earlier, Laureen raised a very important issue to my mind and I looked at it again and I thought we should do it. She said then that it would make sense for us to itemize some of the things

from recommendation 1 because itemizing them did give a string for the implement [inaudible]. And so I changed their recommendation contents in the middle to actually enumerate some of the things that Laureen spoke to. That's what you see here outlined.

The other thing that is important for us to consider is that one of the persons who responded to these recommendations, among other things said that they were concerned that ICANN was straying into content regulation, and I wanted to ensure that we responded to that by making and recording a consistent definition for abuse. The idea I'm proposing here, which would go to the top of our report, was to use the SSAC's definition of abuse as the kind of post for our recommendation for abuse in general and these specific recommendations we are consolidating in particular. I hope everybody followed what I said and I'm prepared to answer any questions.

LAUREEN KAPIN:

Thank you, Carlton. I know that this is loaded but I personally can't see it, so I'm toggling back and forth from Carlton's document, but I'm wondering if other folks in the Adobe Connect can see this document? I actually need feedback on that.

JAMIE HEDLUND:

Hey Laureen, it's Jamie. I can see it.

LAUREEN KAPIN:

Okay, then maybe it's just my screen. I don't know why it's not appearing. Drew, I see your hand is up.

DREW BAGLEY:

Thanks, Carlton, for doing all this work on this. I have a few thoughts about it. First of all, for the coming up with a consistent format for abuse reporting, that is absolutely important because that is a common complaint, however I think that should likely be a community driven process whereby maybe a recommendation we make kind of details how ICANN can go about getting feedback from the community to create that but I'd be hesitant to have us create a recommendation where we're having ICANN the organization come up with a format.

And there's two of ways to think of format, there's what fields should be in, as far as what should be in it to make a complaint efficient and the actual file format to be able to ingest to the system. That's something where I know especially in the posting world there's already been community effort with XFR format and then similarly in world I think that registry and registrars would need to weigh in based on the types of complaints they get and what not to get what would go in that however that shouldn't shy us away from maybe making recommendations about the minimum that should exist in such a format but that's something where we definitely were we want to figure out the process and get that right. Then also be more specific when we're talking about format as to whether were talking about file format or field and into the extent we're talking about fields that would be sufficient in a complaint I think we should detail some of those, the minimum being such and such.

As to the DNS abuse definition, I like the language you use and the rational however I'm thinking that if we're talking about abuse statistics

we probably, once again even if we leave it open, we say alright abuse is defined as any act that broadly undermines openness operability blah, blah, blah we should still probably say and therefore these statics must include and then list at least the technical abuse specifically or something. That way if future issues are collected in the future that's fine but that way we're at least saying that we want things to be broken down my fishing and what not because at the end of the day I think one of our goals of this is of course to provide transparency to the entire community and then be able to determine if there's maybe a specific registry or registrar associated with these types of behavior and there's something obviously being broken in the process where the rules aren't applying to them or the rules aren't good enough to deal with the situation what not like we've seen in some of the data. Those are just a few initial thoughts on that.

CARLTON SAMUELS:

This is Carlton, thank you, Drew. I understand what you're saying. I think we could take a stab. If you look at the third paragraph in the recommended, consolidated content there, you will see that I settled my data specific abuse data captured and curated, that is one enabled determination of the volume of abuse report categorized by source of complaint, especially government [inaudible] government agencies and their users, so that is the source of complaint. That was one of the areas, we don't know who is complaining so we captured that. Response actions by the registries and that would involve what the registry had done with the complaint.

So if take that, we could put some more feet in that section, I will take that and think about how we might say that. I also will take on board how we might be with your recommendation assuming everyone -- because I think it is useful. It would offer some clarity to say that we are not defining the format of the data, and in this case we mean the data items. The data that is supposed to be collected, but we're saying at minimum these pieces of data to be connected and then recommend that the format of the data and the pieces of data that are collected should be the outcome of some kind of community consultation or at minimum some consultation with the registry registrar people. I think that is useful to put in there as guidance and I could find a way to work that in.

In terms of the number, I would want to suggest maybe what we could do is look at the outfit that goes after abuse, to look at what kind of data they collect, to give an example of the kinds of data that they use to give us all these reports they give us. There is a data set that they use and we could look at that to see which pieces of that would be. We could even ask them to tell us at minimum what is the kind of data that they would need to do the kind of work that they do, which is what we are using now as it were to even look at the views in any detail.

We could approach them to get some idea of the pieces of data they would require at the primary collection point, which would then be the basis for an agreed format and type of data, the data set that would be in this kind of report. That's my view of that, thanks.

JEAN-BAPTIST DEROULEZ: There's a remark from Jamie in the other room or question. Go ahead, Jamie.

JAMIE HEDLUND: Thanks, Carlton. I guess there's a number of questions I have about this for starters on how clear it will be to whom you are directing these recommendations and what exactly is being asked to do. For example in the first paragraph there's nobody identified and I don't know what it means, an obligation of the registry operator to act to mitigate abuse via formal processes and know mechanisms, are you saying that they need just comply with the existing contract, or are you asking for something different?

The other concern I have for a few of these is that, I'm concerned, as I said with Drew's thing but exceed the authority of the group. If I'm reading this correctly, to mandate changes in the contracts, number one ICANN organization board can't just unilaterally mandate changes in the contracts expect under extraordinary circumstances, emergency circumstances number and number two it's very different, it would seem to be a matter for the community to determine as Drew was saying what if any changes should be done, you can recommend to the board to explore and to consider or ask the organization to explore with the contracted parties XYZ but mandating telling them the organization shall I think is going to run into some issues.

The last one is a great example, you're just mandating the organization to do something, I don't think that's the appropriate roll no matter how great the idea is, I don't think that's the appropriate roll of the review

team or has been done in the past. Directing the board to direct staff to look into doing this and compiling and putting it out for comment or whatever is one thing but mandating that something shall be done and then finally in the rational I think there is some pretty strong declarative sentences that they say they're backed by evidence but I don't know where that data is, it doesn't sight any particular data and so my suggest rewriting that and I disagree that there's consensus that there's a lack of will to enforce is in adequate or missing. Those are my thoughts.

LAUREEN KAPIN:

Okay. First of all, thank you, Carlton, for putting a lot of work into what we can hear is a complicated topic. I think these issues are very challenging and I think Drew and Jamie have both raised points that we need to consider.

A couple of thoughts come to mind. First of all, Carlton it might be useful for you to consider at least for the rational, I can't tell from this format how this knits with the original rational, is this totally new or if this is an editing of the original rational, and that leads me to my main point, it's very helpful everyone, not just Carlton but everyone, to use the suggested format that I've recommended in my previous emails, which is basically to take the particular recommendations and rational, cut and paste from the report and then edit them as you will so that the review team can see precisely what's different and what's changed.

The spreadsheet it's helpful, Carlton, because you have put the recommendations side by side but I can't tell about the rational. One thing that I think is a very good point in your rational is explaining why

you think this falls within ICANN's mandate because I know that an issue that concerns us all and certainly concerns community. I think if you're going to make the arguments, that things fall within the rational and you're sighting the mission, it would be good to actually sight the language from the mission itself, which I assume is the language in italics but I can't tell because you have that section 1.1 mission but you don't have language following it. I think that that argument is important but could be more clearly layed out.

I also would echo Drew's point about being careful in terms of our definition of DNS abuse, there's so of this very broad definition, which the SSAC uses which I think there was consensus that we think this is a good idea to point to this definition. However, the folks who performed the DNS abuse study and certain parts of our report really focused on these technical issues of abuse, much narrower and we need just to make sure that we're not unintentionally creating confusion by using these two type of abuse interchangeably when actually one is far broader, DNS is far broader then the technical abuse and specific types of abuse is measured by the DNS study.

I think Jamie has provided some food for thought and I think in terms of our recommendations, they need to be language that can be implemented but are – I'm trying to think of the right word, we all have string views and opinions and I think as Jamie correctly points out, we need to actually go back to the data that we have from the surveys and from the date that we're pointing in the report. People may have views about the will to enforce and I'm sure those views differ but in terms of the way we phrase things here, I think we do need to be very mindful of how we phrase it and making sure it's in keeping with the date. One

thing which I think might be helpful to hear from you Jamie if you don't mind me putting you on the spot. We do have these original three recommendations phrased in a specific way on the column on the left, do you have the same concerns about those?

I guess I'm assuming that if you did have those concerns they would have surfaced before now, since those were already out the door so to speak but I just want to get a sense if there are concerns about the original phrasing, which I think was very, very carefully worded to be as ethicitious and specific as possible without making a judgment about what the ICANN organization has or hasn't done in the past.

JAMIE HEDLUND:

Right, so this is Jamie. Two things, one, I had no problem with the original recommendations, they we very clear about what was being asked and who was being asked. The second thing, the rational where it talks about the consensus and where these views came from. Because nothing was sighted I assumed that the consensus referred to was the consensus among the review team, so I was objecting to that.

If there is survey data that shows it, then absolutely, we should report the survey data as it is, so it's important to indicate the source of the data or the source of the consensus as well. Back to your original question, I have no issue with the original recommendation.

CARLTON SAMUELS:

Okay, can I say something now? Let deal with them one at a time. The original wording of the three recommendations, if we have no problems

then we leave them as is and the day is done to be the cost, end of story. So let us examine why we were looking at them. There were comments that were made by the GAC and specifically the British Government, there were comments made by the NCUC and they all had the same kind of response.

If you look at who we pointed who as having responsibilities to respond to that it, nothing has changed in that, you can go look at the original. If we are happy with that, then there's no reason to change them regardless of our concerns. If we're going to deal with the concerns, which the only one that really matters in my opinion is the one that says we need to clarify what we mean.

And another one I which I think is out of scope which is to say that we must ensure that we are not recommending ICANN the scope changing so that ICANN goes to content regulations. The first one had to do with abuse contact point, that's the first one, and that has everything to do with a contract that exists that obliges the contracted party to set up, promote and make clear what the abuse contract point is.

Let us go to specification 11 of the registry agreement, specifically 11.3, "Registry operator agrees to perform the following specific public interest commitments, which commitments shall be enforceable by ICANN and through [inaudible] registry operators shall comply with [inaudible], registry operator agrees to implement any remedy ICANN imposes which may include..." and it goes through all of that.

Here's the part that gives voice to what I'm saying, number 8, 3.8 "Registry operator shall include a provision in its registry registrar

agreement that requires registrar to include in their registration agreement a provision prohibiting registry holders from distributing malware abusively, operating [inaudible] net, fishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, counterfeiting, or otherwise engaging in activity contrary to applicable law, whatever that is, and providing consistent with applicable law and any related procedures, consequences for such activities including suspension of the domain name.”

It obliges the registry to ensure that the people it does business with registrars, tell the people who buy domain names that they should not engage in these illegal activities.

Now, when these activities occur, there is a report and there’s a reporting mechanism which goes back to the abuse contact point. It says that there must be some record of these things and there must be a record of the consequences from these things, and that is the obligation of the registry. If we have been collecting that data and we have been curating that data, then all you have to do is show it and this is closed, not a problem, because if you have the data and we’re collecting the data, what we have seen from the report however is that the data that we are asked to look at for abuse, we could not get the data from ICANN or the registry or anybody.

What we did get was data from the spam houses [inaudible] or whatever they are, [inaudible] and those people. If that is what we think we are saying in the recommendations and we think that is satisfied, then there will be no need to consolidate and we should also dismiss all of the concerns that were listed against those specific

recommendations. I'm all for not reinventing the wheel. I think if we can conclusively say that the concerns raised against these three recommendations are without merit, then we need not go any further. We just leave them as is and move on.

LAUREEN KAPIN:

Thanks, Carlton. I think it was very good to have you sort of start from the very beginning in the words of the famous Maria Von Trapp to figure out what goal we're striving to achieve here. One of the things that you mentioned of course was the critique about not going beyond ICANN's remit and whether or not we think we agree with this critique. Because this critique is [inaudible], I do think it makes sense in the rational to layout why we think it is within ICANN's remit, and I think your instinct there is absolutely right to do that.

Regarding the other public comments, it would help me out because I wasn't quite sure I understood the summary you had of other public comments, which is also one of the reasons why in my suggested format I actually typically suggested people provide quotes of those comments so that everyone is starting from the same foundation and everyone sees what those comments are.

But I heard your references to spec 11 and I just got a little confused about what the comments were responding to in the revision because all these 21, 22, 23 really all deal with seeking more precision and information about the complaints that ICANN itself receives, that's really the focus of 23 that we should have more detailed information

made available to the public about the types of complaints that ICANN receives.

21 is really asking about how effective have these mechanisms to report and handle complaints how effective have they been and that's where I here you making the connection to the specific obligation of specification 11 for the registries to respond and consequence if contract provisions prohibiting DNS are violated. It strikes me that that's what recommendation 1 is trying to get at, but certainly perhaps could be improved in terms of the recommendations. 22 really deals with -- it's very focused actually, it's really asking does the public know how they can complain about illegal behavior within a TLD.

What I wasn't sure of Carlton are the precise issues that you think really we need to respond to in terms of the public comment, and heard you raised the public comments from the GAC and the UK; I needed a little more clarity on what you are suggesting that we need to deal with in revising these recommendations.

CARLTON SAMUELS:

Thank you, Laureen. Let's go back to them directly. Recommendation 21 and this was very helpful staff work, I have to commend our staff in doing this. They gave you four comments towards the recommendation. One disagreed, considered the recommendation an abuse outside the scope of ICANN; that is number 21. If you go to the details of them, the business community said they recognized in detail the term abuse to be different; the noncommercial stakeholders group

was concerned that we were using the “abuse” term, the meaning of abuse was all over the shop and we needed to clarify that.

The United Kingdom Government said, “Well, abuse legal conduct and person [inaudible] statement should be taken forward,” and they were concerned about child abuse, they said we were not clear about what we were asking them to do, it isn’t clear what is meant by [inaudible], and they said they as per the registry agreement registrar’s only required to provide an abuse point of contact. Registrars are not contract obligated to publish the abuse point of contact in any specific area of their -- this is from the ICANN organization.

You have one in the contract but you’re not specifically obliged to publicize it. It’s on the minds, it’s your people knowing who to contact to report abuse but that is not a concern.

Intellectual constituency said, “Yeah, we agree with the recommendation,” but they want to go further because they want this issue to go directly to ongoing public policy development and they started about the safeguard, there are gaps in the safeguards and they listed all of those that they considered important, so that is abuse 21.

Number 21 there was questions about abuse, what it meant and there were questions that it did not go far enough and the points of contacts were confusing, the ICANN organization response was, “Well yes, it’s in the contract that you must have a contact point of abuse, but there’s no specific requirement for you to publicizes the contact abuse.” So in a kind of left-handed way, they are actually acknowledging that

somebody who would wish to report an abuse may have difficulty determining where to do it. That is how you interpret that.

So let's go to number 22. 22, as you noted Laureen, speaks specifically to efforts to publicize contact points where abuse, illegal behavior, complaints should go. That's number 22. Three commenter's supported the recommendation and all of them said to ensure that registry [inaudible] urgency and due diligence to consider to addressing the problem of abuse illegal conduct and so on. One said the CCRT must clarify what is expected of ICANN organization and each of the stakeholders mentioned in those recommendations, and they included suggestions.

One said that we should, in our safeguard, we should call [inaudible], so they want community policy development around it. And one commented that this a very important recommendation. The business constituency says we rank it as very important. The United Kingdom Government went through and said, "Yeah, we agree with this," and the ICANN organization said, "We did not provide a recommendation as to what is expected from ICANN organization and other stakeholders."

So in respect of having a clear publicized point of contact for abuse reporting, the ICANN organization says, "We really do not see what you are recommending for ICANN to do about it."

LAUREEN KAPIN:

So Carlton, I'm so sorry to interrupt; unfortunately, our time for the phone call is already overtime. Here's what I would suggest. What I would suggest is looking at the format I had suggested to take your

current work, and what I would suggest is to think about how you can edit the rational to address the arguments and argue this is within ICANN's remit.

And I see Jamie's note that he's not disputing that, but I still think -- this is not in response to Jamie, I think this is just in response to comments we hear again and again and in the public comments and in the discussions that there is noting, and I would very much welcome your editing of the current rational in the report to include that,.

And then second, I understand that different comments raised different points, but what I think would be very helpful from you, Carlton, is to think about which two or three comments, and that's just an arbitrary number, there may be more there may be less, do you think we should be responding to because that's question for all these public comments of course. We are not going to be able to respond to everything, we're not going agree with everything.

So I think it's very important for us to highlight, "These are three or X number, important points raised," and these are the ones I think we need to respond to. I think that would give us a little bit of clarity and the best way forward here. I don't want any of us to feel that we have to consolidate, I think it's more important actually that we decide which public comments we need to respond to, edit the recommendations accordingly and then take a look at them to see, "Okay, can these be consolidated?" That would be my recommendation.

Carlton, I'm happy to talk with you offline further cause I realize this discussion has been a bit abbreviated, even though it's run over. Let's

continue this for our next safeguard call. Carlton, if you want to continue this chat, just drop me an email and we'll figure out a time to do so. And I invite anyone who wants to discuss this further. We will discuss it further in the next safeguard call, but also feel free to reach out to me and I apologize that this discussion has been cut a little short but it will be continued.

So with that, I thank everyone for the additional time over and for everyone thoughtful comments on this; and we will speak later in the week at the plenary call on Thursday. Take care, everyone.

[END OF TRANSCRIPTION]