
ALAN GREENBERG: I'd like to welcome you to the second face-to-face meeting of the RDS WHOIS2 Review Team meeting in Brussels on the 16th of April. I'll turn it over to staff to do a roll call first and go over the administrative rules.

ALICE JANSEN: Thank you, Alan. I think we'll just start with a roll call. Erika, would you like to begin?

ERIKA MANN: Erika Mann.

CHRIS DISSPAIN: Chris Disspain.

CATHRIN BAUER-BULST: Cathrin Bauer-Bulst.

ALAN GREENBERG: Alan Greenberg.

LISA PHIFER: Lisa Phifer from staff.

SUSAN KAWAGUCHI: Susan Kawaguchi.

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.

LILI SUN: Lili Sun.

STEPHANIE PERRIN: Stephanie Perrin.

CALRTON SAMUELS: Carlton Samuels.

DMITRY BELYAVSKY: Dmitry Belyavsy.

UNIDENTIFIED MALE: [inaudible] ICANN.

ALICE JANSEN: I would like to note we have an observer in the room, Sathya Sree. Alan, would you like to ask if there are any updates to the statement of interest?

ALAN GREENBERG: As Alice said, does anyone have updates to the statement of interest, to their statements of interest? Stephanie?

STEPHANIE PERRIN: It's not a big deal, but I was ... And I haven't done it yet. I'm updating my statement of interest to indicate that I have research funding from the office of the Privacy Commissioner to study accreditation models.

ALAN GREENBERG: Thank you. Anyone else? Back to you, Alice.

ALICE JANSEN: Thank you, Alan. A little bit of housekeeping. First of all, welcome to Brussels. We're delighted to have you here. As you know, you should raise your hand if you want to be added to the queue. The session is recorded, so please make sure to state your name before you speak. If possible, limit the use of your laptop, so you're 100% with your colleagues in the room.

The coffee breaks and breakfast will be held here in the reception area as you've seen this morning and we'll have the lunch in the kitchen area. You do have a few badges here in a dish that's on the cupboard here to use the laboratories, so make sure to have one and to return it once you're done.

With that, Alan, if you'd like to share some opening remarks with us.

ALAN GREENBERG: Thank you very much. Can we have the slide up? We're working on it. All right, I'll adlib. There is a list of meeting objectives, but I'll give my summary one. I'm hoping we come out of this meeting for most of the

areas that we're looking at with a substantive understanding of what we are doing.

Having reached a reasonable conclusion as to what the issues are and, if possible, some motion on recommendations if there are any, I think it's very important that going forward over the next couple of months where we're going to be refining this that we get by on what will effectively not be acceptable, certainly not something that was desirable is to a month or two from now, or three or four, to have people wake up and say, "Oh, is that what we're talking about? I don't agree." It's going to be really problematic if we do that.

Coming into this meeting, we're in far better shape than some of us thought we were, that we actually have documents that go along with most of the topic areas, unfortunately not all. I think as we go through the subjects in this meeting, many of us have not necessarily read all of the documents for the groups we're not actively participating in, that we really focus and make sure that coming out of this meeting we have if not a single view, then at least we all have an understanding of where we're going. There's a long list on the slide of things that we're trying to do in this meeting. Hopefully, all together they summarize something roughly what I was just talking about. But, we want to make sure that for each of the subgroups we're looking at, that we understand that we have addressed what questions are we going to be answering, what's our methodology, and how do we move forward with each of them?

If there are things there where people around the table don't feel comfortable that we have sufficiently addressed the issue or that there are gaps, and one of my concerns is overlaps. As our groups were

created, there are a number of areas where the same areas might be covered potentially by multiple groups and I think we don't want to waste our time doing it, so we need to come out of it knowing who it is that's going to be doing any particular area and making sure that we have coordination if indeed it really does belong in multiple places.

I'm looking for critical assessments of all of the work, so this is the time to raise an issue if you really do not believe we're going in the right direction. This is a good time to do it.

We also have a real potential in some of our areas of mission creep. There are areas, and I'll name two of them. Those are outreach and compliance where the overall issue is a much larger one than just WHOIS. We are an RDS WHOIS Review Team and to the extent possible, and it's not always possible, we need to segregate that from the other subjects, from the other issues. Again, it should be a joint group decision, if indeed we are going to creep into other areas that are not directly WHOIS.

We are looking ultimately for coming out of this with recommendations where necessary. I am going to personally fight putting recommendations in for the sake of recommendations just so we [inaudible] the report and make it look like we've done a good job if we're not really getting something out of them and if they're not recommendations which can be acted on one way or another. We may find that the term actionable and measurable are not really possible in some cases, but if we do go in those directions, we have to do it consciously.

What is the next part? Oh, [inaudible] to be produced this meeting. Questions and action items for each subgroup to address in the report, due dates for final subgroup reports on both the recommendations out of the last WHOIS report and the new ones and plan to consolidate subgroup reports into a single draft WHOIS report and begin full review team work on the proposed recommendations, if any.

Questions, comments? I'm not paying attention to the Zoom room right now, so if there are any hands, let me know. If we can then go on to our next subject. Who is going to take us through that? Is it Jean-Baptiste or Alice or me? Me, I'm it again. Oh, sorry, that's not my next slide. Maybe I'm looking at the wrong slide deck.

ALICE JANSEN: So, day one objectives. Is that the slide you were looking for?

ALAN GREENBERG: Sorry. Between I had an overview of rapporteur updates.

ALICE JANSEN: Yes. We included that in case of any questions.

ALAN GREENBERG: Okay, sorry. I'm just blindly following these slides. Alright, day one objectives. If everyone can look at the slide, I don't really like reading out long slides. I'm presuming everyone who is staring at their laptops

has that slide on the laptop. I'm getting someone staring at their laptop saying, no, that's not what they're looking at.

Number one, to present and discuss subgroup outputs. Of course, compliant with our ICANN bylaws and such. Critical assessment of the current status of each group, prognosis and need for any strategic changes.

Now, what I'm saying there is we really need to think about what we're doing. If we have any doubts that we're going to be able to pursue the path or follow it through and have this work, this is the time to say so. So, if you think the subgroup you're either in or one you're not in is aimed in a dangerous direction or is not likely to be able to complete what they're talking about or they're overreaching and we wandering outside of the WHOIS area, this is the time to do it. And as we go through the day, do you have any questions for the group? Are there overlaps? And are the subgroups fully meeting the targets that we need to be able to go forward in A and B above? Comments on any of this? Any of my co-chairs or vice chairs have any comments? Next slide.

ALICE JANSEN:

I think we may want to give an outline of what will be discussed today, just as a reminder for everyone. So, first we'll start with the work plan refresher. Then, we'll go down to the criteria for SMART recommendations Jean-Baptiste will present today. Then, Lili will take us through the recommendation 15 and 16. Then, you'll have your coffee break for 15 minutes. Then, Cathrin will take us through the findings of the strategic party subgroup, followed by Carlton with single

WHOIS policy. Lili again will take us through the data accuracy findings. Then, we'll break for a lunch, one hour.

If you move onto the next slide, the afternoon is all about compliance for two hours followed by the coffee break and then we'll close the session with the outreach findings that Alan will present followed by a parking lot for items to be further discussed. I will let the leadership advise on what will be discussed today. Then, we'll conclude the day with the day two agenda review and closing remarks and we'll see you at dinner offsite at 7:30. Alan, do you want to discuss parking lots?

ALAN GREENBERG:

I will discuss parking lot. One of the purposes of the parking lot is every time we have an urge to discuss GDPR, we'll move it there. It could be an all-encompassing discussion that will take up all of our three days and that's not what we need to do. There is significant overlap with GDPR and we're going to have to work very hard not to get into the business of solving GDPR, whatever that might mean in each of our minds.

On the other hand, there are places where we may well want to have a discussion of how GDPR is likely to impact us, in which case we will try to move it into the parking lot. But, to the extent that we can avoid using that acronym as we go forward, so much the better, other than to reference something that says we may want to revisit this after we have a better idea of outcomes. Any overall comments on the day before we actually start it?

We have a number of people who are putting all of their effort into their computer right now. Are we going to have people's attention or do we need to take a half-hour break so you can check your e-mail for the day? I was asking do we have to take a break so people can address their e-mail? I'm hoping the answer is not, yes, we have to adjourn the meeting at the moment. Then let us carry on and start the substantive work.

ALICE JANSEN:

Alright, everyone. We thought it might be helpful to start the meeting with a refresher of your key milestones that you have ahead of you on the roadmap to the final report. What you see on the screen is the compilation of the key dates and this matches the work plan that you adopted on February 2nd and also the work plan that was submitted to the board on February 9th.

You adopted this work plan with the understanding that adjustments maybe needed as work progresses, but I wanted to go over this real quick now, so you can all envision what you're working towards.

The work plan envisioned May 24th as the deadline for the subgroups to incorporate the [inaudible] in Brussels, and then by ICANN 62 the Review Team was to approve draft findings and recommendations and also seek community input on these recommendations and findings. So, we do have an engagement session that's planned for ICANN 62 and hopefully it will be – you will receive a lot of helpful input there as well to inform your work overall.

July 31st is the deadline established for the draft report to be ready to go out for public comment and August 7th through October 5th is the period we marked for the public input on your work.

Then, by November 30th, the work plan establishes that you will have assembled your final recommendations and updated your draft report based on this public input.

December 21st is when you will deliver the final report to the board for submission, an early Christmas present.

So, this is what we have now on the plan for the cruise. We will review this work plan on day three based on the output of this meeting, but we wanted to give you this refresher and see if there's any initial input here now at this stage of the meeting. Thank you.

ALAN GREENBERG:

Thank you. I do have a few questions. Number one, it says we are essentially by the end of May to have a revised version of whatever we have today. That was based on the assumption that we would have a pretty good idea of what is happening with GDPR at that point. That's less clear today than it was a month or two again.

Moreover, the next line says we will finalize the draft findings and recommendations just after the ICANN meeting has ended. What are we going to be presenting ... Well by. What are we going to be presenting is the face-to-face meeting we're having in Panama going to be the first time we are communicating where we're going or are we going to be producing some document that people in the community

[inaudible] looked at before they walk into that room? I'm asking in general.

ALICE JANSEN: Just to clarify, there's no face-to-face in Panama. It's just the engagement session. I just wanted to clarify.

ALAN GREENBERG: Sorry. When I said face-to-face, I meant engagement session. Carlton, if you're speaking, use the microphone, please.

CARLTON SAMUEL: You [inaudible] a little bit because I couldn't recall we were having a face-to-face meeting in Panama, but you then clarified.

ALAN GREENBERG: I misspoke. I meant the engagement meeting. I'm a little concerned that we will have an hour or an hour and a half to talk about a relatively wide-ranging topic. If this is the first time we are presenting it to people, I don't think we can really expect substantive input. Are we planning on giving them anything ahead of time? That's a substantive question for the group. Erika, please.

ERIKA MANN: I have a totally different point related to it. Whoever is arranging this meeting, would you be able to check that it's not overlapping with the

auction proceeds? Because, otherwise, some of us will have to be in two meetings.

ALAN GREENBERG: it is being requested as a high-interest meeting, which the high-interest meeting and the cross-community sessions are scheduled for the afternoons and they are supposed to be non-conflicted with working sessions.

ERIKA MANN: They are supposed not to be, but I just want to be [sure].

ALAN GREENBERG: If you're going to be scheduling an auction meeting as a high-interest meeting, there is a potential for them overlapping and we're going to have to make sure to monitor that as we go forward. If it's a working session, it will not be overlapping by definition, I believe.

ERIKA MANN: No, it's a high interest. It's the same ...

ALAN GREENBERG: Then we are going to have to be monitoring that as we go forward. Stephanie?

STEPHANIE PERRIN:

Given the pressure of coming from certain quarters that this particular Review Team ought to have been put on hold and waited until we got through the GDPR mess, I think it's rather hard to argue that this is going to be high interest, and frankly if people show up thinking it's high interest, they're going to be disappointed because surely what we're going to present there is a this is not about GDPR, this is about response to the previous Review Team. Here's what the previous Review Team said. Note, nothing on the new reg, even though it was going through. To be fair, nobody knew it would be what it was at the time.

I think we should undersell it, not try and sell it as high interest because we don't want the whole audience to be screaming at us, "But what about GDPR?" Because they will be by that point. An alternative approach would be to have a very simple slide on, okay, here are the positions on GDPR. This is not resolved as yet, but in this corner we have this group; in that corner, we have this group because even if Göran imposes a solution, it's not likely to please our group judging from the looks of it or the registrars. We could dispense of that with one slide. But, I would definitely recommend underselling it or we're going to have a hostile audience and I don't think we need that. We have enough work to do. Thanks.

ALAN GREENBERG:

Just for the record, past Review Team presentations of this sort that I participated in, it has been impossible to be underwhelmed by the amount of participation no matter how interesting the subject was. I'm not expecting thousands of people. But, we are obliged to present this to the public sometime before we come out with our reports. So, I don't

think we need to worry about it and yes we do need to make clear this is not a GDPR session, but we do have to have some level of presentation. Yes, Cathrin?

CATHRIN BAUER-BULST:

Just to support what Stephanie said in terms of this not necessarily being high interest type topic, because what we've [inaudible] in the past has been something where we needed cross-community input at the time and where it was essential to really get the attention of the whole community, and here we just risk having a misunderstanding that people think we're going to somehow enlighten them about the way forward on certain things which we're not going to do.

So, I would recommend that we don't [apply] for this as a high-interest topic. Yes, that we keep it simple. One thing we could do if we want to put something out for the community to consider, we could take a [leaf] from the book of the CCT Review Team and maybe start in steps and share just elements of the draft report, such as our [problem] definition, to say here's where we see issues, but not necessarily go as far as any sort of recommendations or anything. We could maybe share ... One thing maybe you also saw, in some of the subgroup draft reports that already exist, there was a table at the beginning that basically set out these were the elements of the first team's recommendations and this is how they were met, and for the new issues, I haven't yet seen that one, but maybe we could have this sort of a table approach with the different subgroup reports and then just share that so that people can have a concise overview of what we're working on and use that as a

basis for the no doubt small group that we're going to be discussing with.

ALAN GREENBERG:

Thank you. To be clear, this is not the planning session for the Panama meeting and we don't need to have the agenda. My only question was do we plan to get any documents out ahead of time or is this meeting the first that we're going to be seeing of it and I'm hearing this is the first they're going to be hearing of it. We're not planning to put a document out ahead of time is what I think was heard.

In terms of calling it a high-interest session, we have two kinds of sessions we can schedule outside of our own AC/SO type thing. They can be high interest or they can be cross community. Cross community are much larger topics that we expect a lot of active participation in. I didn't think it was one of those. Therefore, it is a high-interest topic by definition. That's our only other name we have for scheduling an afternoon session. Chris?

CHRIS DISSPAIN:

I know it's not the planning session, and I'm not going to get into it – I've got my own views on it – but, just from a logistical point of view, I'm fairly sure that the Panama meeting has the same processes as the other two meetings when it comes to high-interest sessions and what that means, is that it's a matter for the SO/AC meeting planning leadership group to decide whether it's a high-interest session or not, and if it isn't, if they say no, then it'll end up being either left or being somewhere else. So, I think it's important we make sure that if it's clear

to everybody that there should be a session, whether it ends up being a high-interest session or not is a different matter. Just in case there's any question of it falling off the agenda accidentally because they say no, high interest.

For what it's worth, the middle meeting of course is a policy meeting. There will be gaps in attendance because a lot of the corporate guys don't come to the policy meeting. That's irrelevant. I'm just saying.

So, it's going to be interesting to see what comes up on the agenda on high-interest topics and whether indeed there will be a scramble for high-interest topics, but we can all pretty much guarantee what one of them is going to be I think.

ALAN GREENBERG:

I'm presuming those will be cross-community, the one you're talking about. It has been applied for as a high-interest topic because there were only two boxes to check. My understanding, but I may be incorrect, is that we may end up with multiple high-interest topics scheduled against each other. If [inaudible] high enough interest, at which point, there shouldn't be an issue of it being left on the ground. Should the leadership group that is looking at scheduling come to the conclusion that it is of no interest and shouldn't be scheduled at all, we will have to face that when it happens and decide what to do about it. And I'm not quite sure what the answer is. But, at this point, we're going through the process. It was just done last Friday and we'll see where it goes.

I did point out that this was not ... The policy meeting was not the ideal place to do this, but waiting for Barcelona was not an appropriate answer for us either due to our overall timing. Yes, go ahead.

LISA PHIFER:

So, you asked are we going to put out anything to the community in advance? I just wanted to point out that in fact we have put out our terms of reference and it is common for review teams to solicit community feedback on the terms of reference, and are we aiming at the right objectives for this review?

Of course, a meeting at the end of our review would not achieve that objective. So, we do need to think about how we solicit community feedback on what it is we plan to do before we finish doing it.

ALAN GREENBERG:

Stephanie?

STEPHANIE PERRIN:

Are we not allowed then in a policy meeting to schedule a meeting of the working group? Whether or not everybody shows up, of course. And during that meeting, we could explain what we're doing. As Lisa says, we already have the terms of reference out, so we could solicit comments on them and we could, with relatively little effort – I'm saying that easily because I'm looking at Lisa to do all the work here. But, we could pump out a couple of basic slides about the work we're doing so far, the subgroups, the scope of the subgroups, compilation of the slides we've done for this meeting. That's not going to kill us and

then at least people would have some clue what we're doing, and it would also – I would throw in the aforementioned slide, making sure they understand that we're not touching GDPR.

ALAN GREENBERG: I think that is what we're talking about, but I don't want to spend two hours talking about the detailed agenda of that meeting now if we can avoid it.

STEPHANIE PERRIN: Well, sure, but if we could agree that that's an easy fix, we pump it out before the meeting and we hold the meeting there. If anybody wants to come and accost us, they're more than welcome. Then, we're done.

ALAN GREENBERG: I think that is what we have agreed to, unless I'm hearing objections. Susan? Carlton, if you're going to speak, please use your microphone.

CARLTON SAMUELS: Then we have agreed to the first part, but not the second part. We agree that we will not [inaudible] group meeting in Panama, a review team meeting in Panama.

ALAN GREENBERG: We have already agreed to that on a teleconference. We are not having a meeting of the review team, a face-to-face meeting, in Panama. That was already agreed to. We are having an engagement session to present

to the community whatever it is we choose to present to the community at that point. Susan?

SUSAN KAWAGUCHI:

What we might want to think about as we go through our work is do we have questions for the community and we use the questionnaire as a tactic for the first review team, WHOIS Review Team. So, we may have a list of questions we'd like to get some input from all the communities. That's easier to put out than a draft report.

ALAN GREENBERG:

Thank you. Any further comments on the ad hoc issue I raised off the agenda? Chris has walked out in disgust. That's a joke. Any further comments on this overall schedule? Next slide, then. And over to Jean-Baptiste to tell us how to be smart.

JEAN-BAPTISTE DEROULEZ:

I'm not sure I can help with that. You know I'm not that smart. So, this is just an occasion for this next ten minutes to guide you on SMART recommendations and how this framework helps you, provide you some guidance when you begin drafting recommendations. Have you all heard about SMART recommendations? Is this necessary, really?

Just really briefly, SMART recommendations stands for specific, measurable, achievable, relevant, and [inaudible]. The objective of SMART conditions is to evaluate results, knowing what it is expected from this, how to get it done and what the target is.

So, just looking through each of the criteria, specific is really the objective that is to target for a specific area for improvement, what is to be done and how you know it is done. This really describes the results of the work to be done.

For measurable, this is to quantify what you suggest and indicator of progress. How will you know it meets expectations? And define the objective using accessible terms like quantity, quality, frequency, cost, deadlines.

On achievable, this answers the question can they do it? Can the measurable objective be achieved? It also answers the question can it be done given the timeframe, opportunities, and resources?

On relevant, this states the results that can be achieved realistically, given available resources. And relevance also answers the questions should it be done, why, and what will be the impact?

Finally, on [time] [inaudible], this is to specify when the results could be achieved, and [time] [inaudible] answers the question when will it be done?

Moving onto the next slide, when discussing and drafting your recommendations, we encourage you to take into consideration the following ones that will help you define implementable recommendations.

The first one is what are the fact-based issues the recommendations is intending to solve? What is the problem statement? What are the findings that support the recommendation? How significant would the

impact be if not addressed? Very significant, moderately significant? Impacted areas; for example, security, transparency, etc. That will also help you prioritize.

What is the intent of the recommendation and what outcome is the review team seeking? How will the effectiveness of [inaudible] improvement be measured? What is the target for successful implementation?

Does the Review Team envision the implementation to be shortened in terms of [inaudible] six months; mid-term, implemented within 12 months; longer term, implemented in more than 12 months? Is the recommendation aligned with the ICANN strategy plan and ICANN mission? If yes, how? Does this recommendation require new policies to be adopted? If yes, what stakeholders need to be engaged in the policy development process to support successful implementation of this recommendation?

Finally, is the related work already on the way? If so, what is it and who is carrying it? if you recall, this was identified in the terms of reference.

Who are the responsible parties that need to be involved in the implementation work for this recommendation? Is it community, ICANN Org, the board, or a combination of the above?

Finally, if only five recommendations can be implemented to community bandwidth and as a resource constraint, would this recommendation be one of the top five? Why or why not?

So, if you recall, in your subgroup report template, we had suggested this recommendation format currently on screen. So, here, when you look at each of these when drafting your recommendation, it's important to remember the following.

First, for recommendation here, it's really about identifying which issue you are intending to solve and make sure that you describe it in a concise way. It's also based on our experience when the community would read your report, they will look at recommendations, and this will be quite important.

Findings. Here, what are the findings that support this recommendation? Check these against your terms of reference. On rationale, you need to remember what is the intent of this recommendation and envisioned outcome. How did the finding lead to this recommendation and how significant would the impact be if the recommendation is not addressed?

As I mentioned previously, is it aligned with ICANN strategy plan and mission and is it in compliance with the scope that you have set?

On the impact of recommendation, you need to look at what are the impacted areas? For example, security, transparency, legitimacy. And which group audience would be impacted by this recommendation?

On feasibility, you will document how the feasibility of the recommendation. And on implementation, you will look into who are the responsible parties that need to be involved in implementation. What is the target for successful implementation? And what is the envisioned implementation timeline? With 6 months, 12 months, more

than 12 months? On this, please note that the board has 6 months to accept, reject the recommendation, which takes place after it was sent for public comment.

On priority, if only five recommendations can be implemented due to community bandwidth and with the [WSIS constraints], would this recommendation be one of the top five? Why or why not?

Finally, on the level of consensus, here it would be important to describe how the consensus was reached for this recommendation.

Any questions?

ALAN GREENBERG:

I have several. Staying on that slide for the moment, there is the great potential for replicating a lot of stuff in the report that we put in the initial description and findings, and then on the recommendation findings.

My preference is certainly to keep this relatively terse and point back to previous section and not necessarily replicate things. We have a potential for our report which is going to be hundreds of pages and that just guarantees people don't look at it.

So, although I'm not going to fight tooth and nail having these headings there, I really want to think we have to be very cautious in fleshing these out. That's number one.

Number two, if we go back to slide number 17, the previous one, past review teams have struggled with who we are sending this report to.

We are sending it to the board for approval. I know for ATRT 2 we really struggled for how do we word a recommendation where the board cannot implement it but someone else will have to implement it? The GAC in the case of ATRT 2. So, we ended up with awkward wording saying the board should request that the GAC do something or other like that.

So, if we are looking at recommendations that are aimed at other than the board which implies ICANN Org to do, or the board itself perhaps, are we really going to be making recommendations like that? If so, how do we do them? Again, I'm not sure we can come to that answer today, but if we end up with any recommendations which are not implementable by the board, either by directing the organization or by taking action in its own right, I think we're going to have to come to closure on just how we do that.

Later on, you said for instance we're going to set priority based on community bandwidth. Well, is that relevant if we're not the ones doing it? There may be implications of the community. The board may charter yet another review group to do something, which involves community.

UNIDENTIFIED MALE: [inaudible].

ALAN GREENBERG: That's right. We can never have enough review groups. Again, on the previous slide, 16 now – I see your hand, Stephanie – we're talking about short-term, medium-term, long-term. Is this after approval or

after we issue the report? The WHOIS Review Team did things like saying do something within six months. Of course, six months had already passed before the board even said yes or no. I'm presuming we're talking about after approval of the recommendation if indeed it is approved.

JEAN-BAPTISTE DEROULEZ: Correct. Yeah. It would be after.

CHRIS DISSPAIN: Alan, could I give you, make a couple of suggestions? If you want feedback on that particular issue, it's not particularly helpful to say within X time. What that does is it enables people to say that's unreasonable and where does the budget come from, etc.? What is more sensible would be to say in a timely manner and stuff like that. That's much more different to rebuff than a simple, straightforward do it in six months because that's just easy to deal with. You just say it's not in the budget, we can't do, and then it gets [inaudible].

So, if you actually want to [inaudible] tactically, a simple, straightforward do it in a timely manner is much better.

ALAN GREENBERG: If we're trying to accomplish something and not just embarrass you.

CHRIS DISSPAIN: If you want to embarrass us, I'm sure we can help you with that. We are more than capable of doing that on our own. We don't actually need much help from you. Thanks.

ALAN GREENBERG: Stephanie?

STEPHANIE PERRIN: Thanks. Are we not obliged to address the community in our recommendations now under the new structure or do we still address just the board?

ALAN GREENBERG: The report is sent to the board for the board approval. What I asked is if we are going to be asked – the board will then go out for public comment before they approve it, so the community will be asked for their opinion. If we are going to be addressing recommendations at the community at an AC/SO, for instance, my question is if we come to that point, we're going to have to decide carefully how we phrase that.

STEPHANIE PERRIN: Yeah, because it seems to me that the most logical recommendations that I can think of are addressed at the community, not the board, because after all, the community is in charge of various things. Let me give you an example, not to play havoc with the agenda and get you cross with me within the first hour. But, I have a dandy recommendation that goes across the board and settles the problem

that Volker and I have been arguing for the past little while, which is namely how did we fail to notice that the GDPR was coming and who is responsible for risk management here?

The simple solution to that on a recommendation that would work across the board, across the various WHOIS things I've been looking at under the what's new would be to do a privacy impact assessment or a DPIA under the GDPR, and a regulatory impact assessment more broadly would cover all kinds of things that the GNSO is responsible for in is PDPs.

So, for instance, thick WHOIS. They didn't really do an adequate risk assessment on the privacy matters and I think [inaudible] was even in court by then. So, that was bad risk management that could have been avoided had they done that.

We also have a cross-community working group on human rights that is recommending a human rights impact assessment on things. That'll be a bigger cattle of fish, so to speak. That's just one example.

You could address that at the board, sure, but it's got to be the GNSO PDPs that implement it.

ALAN GREENBERG:

Chris would like an answer of how to do that. I would suggest that should we come to the point of making a recommendation like that, we then discuss how it is we word it. Chris, go ahead.

CHRIS DISSPAIN:

Yes. That's a very good point, Stephanie. The reality is that you can make whatever recommendations you like, but the only body that is obliged to listen to them is the board. No one else is. I'll give you an example in return. If you were to make a recommendation, for example, that ccTLDs should harmonize their WHOIS mechanisms and all deliver the same information with the same level of information you'd just get laughed at because there's no way that's going to happen.

So, it really is a question of whether you want to ... As I said, we can make whatever recommendations we like, but I would suggest that the template you need to run across the top of them is ... You can make comments and say you think you should do this. That's a different thing. We're going to make a recommendation, the template should be is this something the board can make happen? And if it's something the board can make happen, then we can make a recommendation. But, if it's not something the board can make happen ...

For example, in the CCT review, the consumer trust thing review, there are possibilities of recommendations in respect to the data collection. The original wording of the recommendation, the draft recommendations, may have changed was that the board should negotiate in the contracts with the registries and registrars the collection the following data, and the board pushed back and said you can make that recommendation if you like, but you do understand that that's not how this works and there's no way that we can make that happen.

What you should be doing is recommending that the data is collected. That's a fine recommendation to make, but to be suggesting to us how we should be doing it is really beyond your remit.

So, think about that and make whatever recommendations at the end of the day you think are relevant, but unless the board can make it happen, it's a wasted recommendation.

ALAN GREENBERG:

Certainly, we can make a recommendation that the board request that the GNSO consider altering its processes to do something. The board cannot force the GNSO to do it in our current structure. Presumably if the board asks the GNSO seriously to do something, the GNSO will consider it. How that decision would come out is completely moot.

Remember, we're dealing with entities that, at least on paper, have a fair amount of discretion. You mentioned earlier there are some parts of our community that think this whole review should have been put on hold. If I understand you correctly who it is that's saying that, that is the same group that said we should not do a very abbreviated review, but should do a full-blown review. Groups make their own decisions.

STEPHANIE PERRIN:

I'm not quite sure what your point is. What I'm trying to figure out procedurally is how to make a recommendation that actually could be implemented. To the best of my knowledge, risk management sits within the board's purview. So, if you find it in a risk management way, because basically ICANN the creature, ICANN the board being a separate

part of that creature, but ICANN the organization runs the risk that the community sets it up for by its policies and procedures that are developed in the PDP. So, at some point, the board has to take accountability for failing to move on its risk. You know what I mean?

Anyway, I don't want to perfect my proposed recommendation here at this point in time, but I think it would help us a lot if we had some reasonable recommendations coming out of this rather than a whole pile of just observations. Thanks.

ALAN GREENBERG:

Further comment on the whole issue of SMART recommendations? Next item, then. The next item is the review of WHOIS1 recommendations 15 and 16, plan and annual reports. I'll turn the meeting over to Lili. Set the standard for how good these presentations will be.

LILI SUN:

So, next, I'm going to report to the whole review team about the key findings of this subgroup on the implementation of WHOIS1 recommendation 15 and 16.

So, the recommendation 15 is about ICANN should provide a detailed and comprehensive plan within three months after submission of the final WHOIS Review Team report that outlines how ICANN will move forward in implementing these recommendations.

The recommendation 16 is about ICANN should provide a list annual rating status report on its progress towards implementing the

recommendation of this WHOIS Review Team. The first of this report should be published one year at the latest after ICANN published the implementation plan mentioned in recommendation 15 above.

Each of these reports should contain all relevant information including all underlying facts, figures and analysis.

So, the first planning stage, this subgroup proposed two questions to be dealt with during the review. The first question is to check whether the action plan properly addressed the other recommendations. So, is the action plan relevant, effective? Also, we need to assess the effectiveness of the already published WHOIS annual report.

This subgroup went through the WHOIS1 final report, the ICANN proposed action plan, and the implementation reports and also went through the implementation briefing presentation answers to the questions and [inaudible]. We also went through the 2016 and 2013 and until [2016] WHOIS annual report. Next slide, please.

Before we draft this draft report back to this review team, we proposed two questions to be answered. Question one is about go through all the background materials to assess whether the recommendation 15 and 16 has been implemented and has objectives been met. We also need to facilitate other subgroup key findings, whether the action plan properly deals with all other recommendations.

So, based on the background materials, here [inaudible] some key findings for this subgroup. So, besides the action plan proposed by ICANN Org and back to 2012, this subgroup couldn't find any separate

work plan with milestones, deliverables, and specific deadline beyond this action plan. Next slide, please.

I believe all our review team members, you all see this action plan. This action plan was proposed by ICANN Org at November 2012. So, it proposed the action items with the rationale behind each action item. So, besides this action plan, this subgroup didn't [identify] any further work plan, so from my understanding, what's a comprehensive work plan, you should include the deliverables, the deadlines, [inaudible] further work plan. So, that's all. Next slide, please.

In the work plan, in the action plan, this subgroup identified that the implementation of the WHOIS1 recommendations could be included in the fiscal year operating plan and budget. So, we went through the fiscal year 2013 until 2018 operating plan and budget. Except the 2015 operating plan and budget, this subgroup couldn't identify any resources or budget to the WHOIS recommendation implementation.

So, only in the 2013 operating plan and budget we found the WHOIS program is identified as a [inaudible] budgeted item and it's holistic about all WHOIS items including the RDS, the next generation PDP, and also some studies to inform the implementation of the WHOIS1 recommendations. Also, there is a roadmap for additional WHOIS accuracy initiatives.

But, after this fiscal year operating plan, this subgroup couldn't identify any further resources or budget specific on the implementation of WHOIS1 recommendations.

Going through the annual report about WHOIS, there is annually WHOIS improvement annual report published by ICANN, but this annual report is more about descriptive progress about WHOIS improvement. It contains elemental information about WHOIS policy development and provides some fact-based progress about action plan, but there are hardly figures and analysis on specific improvement. Like, for data accuracy, there is no [inaudible] progress provided in the annual report, and for the outreach there is also no figures or how many engagement with the communities about the outreach activities.

Also, there is delay being discovered by this subgroup for the WHOIS improvement annual report. Since 2016, the annual report was published in delayed manner, like the annual report for 2016 was published until first of September 2017 and we are now still waiting for the annual report about 2017. Next slide, please.

Based on the findings, this subgroup finds problems is the plan and annual report published by ICANN just partly met objectives of the recommendations 15 and 16, and even I believe if we made recommendations the second round WHOIS review recommendations, the plan and annual report still is an essential part of our recommendations. So, only through the report you can learn about the implementation progress.

I just would suggest maybe we can endorse some more specific methodologies and plan an annual report in the future, like the action items ICANN board has proposed. If it's not feasible, it could be reflected in the report in an early manner like the WHOIS ARS, accuracy report system. It was implemented in 2015, but it showed in the annual

report this recommendation has been fully implemented in 2015, but actually it just started in 2015.

Until recently, the board said that for the verification of the WHOIS data is not cost feasible, so I would prefer that if it's not feasible, it could be reflected in the report earlier so we can take further [inaudible] or actions to implement this recommendation.

So, that's all from my side. Any further comments from Alan or Chris, as they are also the members for this subgroup?

ALAN GREENBERG:

I'll certainly make a comment. Number one, my comment is, Lili, I think you've done a fantastic job and certainly not with a lot of help from me. Thank you. Chris, do you want to comment on that specific [inaudible] before I make comments on the substance?

CHRIS DISSPAIN:

Sure. Only to say that ... Yeah, I agree. Great job. I can't see ... I don't have any issues with any of that at all. It looks perfectly fine to me.

ALAN GREENBERG:

Despite the fact that it was tearing the board to shreds.

CHRIS DISSPAIN:

My job here is not to defend the board. That's not why I'm here.

ALAN GREENBERG:

I think the details of what you provided put substance to one of my descriptions, that ICANN has been, in some cases, far more interested in putting green ticks on report cards than in actually doing the work and doing the work in a documented and perhaps even professional manner.

In some cases, certainly my perspective is that doesn't necessarily mean the work hasn't been done. Even if it's been done, it is not necessarily documented and properly traceable that it has been done. I think the overall message is that, although we are not looking to increase bureaucracy as such, we really do need to document these kinds of things if we're to demonstrate to the community that we are taking these review teams and recommendations seriously.

CHRIS DISSPAIN:

I agree with that and I think that is an issue. The point you raised about box ticking, I wouldn't put it quite that way, but I would suggest to you that if you go back and look over the history of the way that ICANN reports against these reviews, that this second WHOIS review – second? Was it the second? The second WHOIS review, the 2012 one or whenever it is, that actually led to some significant changes being made in the way that ICANN reports what it's done in respect to the reviews because the board said these reports make no sense; we don't understand what you've done.

So, there have been changes made. I think there need to be more changes made, but there have been changes made. But, look, yeah, to

me this is a no-brainer. It's like, yes, of course this is what should happen.

Sorry, I did want to say one other thing. I just wanted to pick up on Alan's point about one example of what happens is that you talked about the community needs to know how these things are being dealt with. That's absolutely right, even if no one reads it.

One example we use all the time is the board now has open sessions at its meetings, where you can listen in on the phone to various sessions and we're working to make more of those sessions happen in an open way. But, oftentimes that not one person turns up and some board members say, "Well, it's a waste of time. Only one person ..." No, absolutely not. Even if no one turns up, it's not a waste of time. So, if no one reads the reports, it doesn't matter. They still need to be there, so that you can refer to them.

I think what you're saying Lili, and I agree with you, is if the reporting mechanisms had been done differently, the job of looking at what happened to the second review, and this really would've been much easier. So, I agree with that.

LILI SUN:

Actually, I believe ICANN just proposed the one-stop report for everything. Yeah. It's like just [decryptive] about everything that happens in WHOIS. It's not specific to the WHOIS1 recommendation implementation. So, for me, it's just hard to trace what happened for WHOIS1 recommendation.

CHRIS DISSPAIN: Can I just ... [inaudible] here, but I actually ... You may be right, but I have a recollection that there was a traffic light report over a series of months on the WHOIS Review, which [inaudible]. So, there was actually a report that broke each recommendation down and said what was happening with each recommendation. But, maybe that's what you're referring to as the single report. I'm not sure.

LISA PHIFER: If I might try to clarify, there are two different sets of reports. One was implementation reports, progress towards specific recommendation implementations, and then the other were there WHOIS annual reports, which is the rollup report on everything WHOIS for that year, which of course includes the impact of implementing some of the recommendations, but it doesn't call out what is done on each specific recommendation. So, there are those two series of reports, if you will.

CHRIS DISSPAIN: Stephanie?

STEPHANIE PERRIN: Thanks. First off, I think it's an excellent report. Thank you very much. It really sums up a lot of the issues that we're coping with quite well. I realize that ICANN doesn't draft its documents for the purpose of us academics trying to review what's going on here, but it is nevertheless important to have a solid document record where you can actually,

especially if you're going to name something as a strategic priority, then flush it out.

An absent, clear WHOIS policy which we know we don't have, although a couple of years ago, people argued about whether we had a WHOIS policy or not. I think at least Göran is admitting now that we don't have one and it ain't coming anytime soon. Then you need some kind of a strategic statement that you can race through, because the reports that Lisa just clarified, they're really implementation reports on disparate aspects of a phenomenon that's quite hard to actually get a focus on.

If you're looking, if you're coming in cold – and I didn't even come in cold, but even with the excellent briefing I had from the EWG, finding records and finding all the records and tracing what we've actually done is really hard. I'm used to a pretty disciplined government program review and audit cycle where you have a pretty clear statement of all of the aspects of it. You've got annual reports to [inaudible] on various things. It's pretty easy to find out what the strategy is.

We need that, I think. We're regulating a public utility. We need that. Something. So, I think we should have a recommendation, again, on this is what we meant by strategic priority, that it should be scoped out and there should be ... Rather than trying to thread your way through all the implementation reports and then from that, extrapolate, okay, clearly the policy here is to have accurate data and enforcement from GDD on certain things. But, you never see that as a clear policy statement. Thanks. That's enough from me, I guess.

ALAN GREENBERG:

Thank you. We're, of course, way over time because we started ... The initial discussions took a lot more time, but I'd like to keep on going here if there are any more comments going forward.

I'm still not quite sure ... What I've heard is certainly the work has not been undertaken in what I would call a professional manner, and the whole issue of planning and reporting is to put a level of professionalism onto something regardless of whether the actual job has been done. Now, as you pointed out, part of your job is dependent on how the rest of us find our other topics, and that's an iterative process. This subgroup will go back when we get the rest of the answers.

Part of the message I'm hearing, and again, I'll use the terminology that I came into this with, but I think it's being reinforced, is that these reports are issued and recommendations are issued to solve particular issues and it's better to come out and say we couldn't do it than to be able to put a green tick mark on something, and I don't think that's the way these recommendations are being reported on and I think that's a message that we want to end up conveying somehow or other. Comments? Last comments? Cathrin?

CATHRIN BAUER-BULST:

Yes, Alan. Sorry. I don't think I quite understood your last point. Could you maybe explain it again?

ALAN GREENBERG:

I'll try to be kind.

CATHRIN BAUER-BULST: To me?

ALAN GREENBERG: No. I always try to be kind to you, Cathrin. If I take my WHOIS hat on and put on an ATRT hat, I see recommendations that have been ticked off and said they're done when nothing has been done on it. But, staff tried to find something they could somehow attribute to that subject and say, "See what we've done."

In other parts of our discussion, we talk about setting compensation along with achieving certain outcomes and you get the feeling someone is being compensated by all the green ticks, and as long as you don't look past the green tick to the substance, you think something has been done and I see this being done in our section in WHOIS as well, and I think somehow without the buzz words about green ticks we need to make some statements on that. Carlton, then Susan.

CARLTONS SAMUELS: This is the statement that we were looking at, the implementation planning. You recall you said there are two separate sets of planning. If you parse those documents, it can really give you a good idea of what is current and maybe one of the things that we need to do is recognize that the reportage is there, but you need a certain level of ... You need to be aware of how the reports differ to be able to glean from parsing the reports together what is actually occurring.

So, I would just say that you do have reports. It's just that the way they're structured and presented to you, it takes a little while for you to get to [inaudible].

ALAN GREENBERG:

Okay. I've got Susan and then myself in the queue. Sorry, Lisa, then me.

SUSAN KAWAGUCHI:

One of the problems I see with reports is basically what you just said. It's there sometimes, but it's figuring them out and putting several reports together to glean the information is a problem. Then, who you know on ICANN staff, because at some point, you sort of throw up your hands and say, "I'm not sure what's going on here. Maybe this has been implemented. Maybe they've decided this couldn't be implemented." So then you go find somebody on ICANN staff. That's not sustainable or feasible for growing an organization.

LISA PHIFER:

So, in kind of listening to what you all are saying, I'm struck a little bit that maybe what you're looking for is sort of outcome-based reporting as opposed to activity-based reporting. You have annual reports that show you what happened that year. You have implementation reports to show you various things that ICANN did in support of that recommendation. But, it sounds like what you're looking for is, "So, what was the impact?" What real progress did we make towards the objectives that the Review Team had? Is that true?

UNIDENTIFIED MALE: Yes.

ALAN GREENBERG: Let's put this in perspective. The problems with the WHOIS report started way before the implementation. Number one, there was a level of expectation we saw. I just heard about a recommendation within three months of issuance of this report when the board was only committed to address the report within six months.

We then had a situation where when the board did address the report I believe on six months to the day or pretty close to it, the amount of unrest and dissatisfaction in the review team cannot be overestimated. The review team, if I may categorize the review team with a single mind, felt the board did not address the recommendations and certainly did not properly address the recommendations. Every other review team recommendations came out with a board resolution saying the board directs the CEO to implement. It's not what they said on this one.

When you look at the detailed wording – and there was a lot of words – they actually didn't even recommend all the ... The board said they recommended that all the recommendations be implemented. They in fact didn't. They recommended that the recommendations associated with certain topics be implemented and that did not include all of the topics. So, there was a fair amount of unrest at a lot of levels.

Now, that notwithstanding, they went and started implementing them all anyway, but that's not what the [word] said. So, the dissatisfaction with how this was handled goes way, way back to even before the

board acted. I don't think we want to deal with that part right now. That was dealt with in some depth on ATRT 2 and hopefully that's behind us.

The dissatisfaction with how ICANN Organization, as it's now called, addressed some of these things goes pretty far back. Stephanie?

STEPHANIE PERRIN: Possibly given that, if we were to make a recommendation such as, "No, we really meant that ICANN should make WHOIS a strategic priority," then we'd have to spell out what that meant, because to me, making WHOIS a strategic priority implies a strategy, and there isn't a strategy. There's only a series of episodic activities to improve X, Y, Z and Alpha, whereas having a strategy would imply getting a policy ..

ALAN GREENBERG: That is a different recommendation than the one we're talking about right now.

STEPHANIE PERRIN: I don't know. Isn't the recommendation make WHOIS a strategic priority?

ALAN GREENBERG: That is recommendation 1. We're on 15 and 16.

STEPHANIE PERRIN: Yeah. Oh, sorry.

UNIDENTIFIED FEMALE: We can get to that one, too.

ALAN GREENBERG: Lisa?

LISA PHIFER: Well, although we're not talking about recommendation 1 at the moment, I think your point is still valid, which is that in general in order to measure progress towards something, you have to have the elements of that plan. I believe that Lili identified that there's not actually a work plan associated with each recommendation.

STEPHANIE PERRIN: Exactly. So, basically the whole thing hangs from a failure to understand what we meant by strategic priority and all the other elements fail because of it. So, I think that's the ...

UNIDENTIFIED FEMALE: Are we done, then?

STEPHANIE PERRIN: Yeah, we're done.

ALAN GREENBERG: I'll point out each of those recommendations [could have] been issued without the other one and would still be valid.

CHRIS DISSPAIN: Can I say something?

ALAN GREENBERG: Please go ahead, Chris.

CHRIS DISSPAIN: I'm going to ask if we can go off the record because I think it's important that I tell you some stuff, but I'm not going to do it on the record.

ALAN GREENBERG: This is a recorded and broadcast call.

CHRIS DISSPAIN: We can go off the record.

ALAN GREENBERG: Can we stop remote participation, too?

It's Alan Greenberg speaking and we're reconvening the first day of the RDS WHOIS2 Review Team meeting in Brussels on the 16th of April. We have just finished the session on the plan and reporting. With thanks to Lili, we need to still solidify those outcomes and figure out how to word what we're going to say, but that's partly based on the outcomes of the

other analyses of the review teams, so we're going to put that on hold for the moment and we'll come back to it.

The next item, which we wandered into along the way is recommendation 1, make WHOIS a strategic priority within ICANN. We'll go to Cathrin to report on that.

CATHRIN BAUER-BULST:

Yes, thank you, Alan. Indeed, that was a beautiful segue to start with the annual report into this because I think we've already encapsulated part of the key outcomes that we have come up with so far on this assessment of recommendation 1, strategic priority, which I'm in charge of together with Carlton and [inaudible].

So, just to remind us all, the strategic priority recommendation actually has four sub-items to it. First of all, the recommendation that WHOIS should become a strategic priority for the organization. Secondly, that it should be made the basis of staff incentivization, organizational objectives. Thirdly, that there should be a committee created consisting of people from the board, from the organization, and the community to be responsible for implementing that strategic priority and for putting forward a number of key actions and overseeing their implementation, such as the recommendations of the WHOIS1 Review Team, the implementation of the data accuracy objectives, the follow-up on relevant reports, and that point relates to an attempt to sort of force the board and the organization to stay abreast of new developments on the WHOIS front and to assess also the need to commission some

reports as it becomes necessary. Then, to oversee the reporting and to monitor the effectiveness of staff attention to the WHOIS, in short.

The final and fourth sub-recommendation was to issue public updates on progress against targets for all aspects of WHOIS.

Now, the way that we as the subgroup have tried to approach assessing this objective was on the basis of two sort of overarching questions, the first of which was has the organization made WHOIS a strategic priority from a formal perspective by putting into place the appropriate resources and procedures and to put this in the context of the discussion we already had this morning. What we meant by this was have they checked the boxes from the formal side? So, have the steps been taken that formally would have needed to have been taken?

The second overarching question was whether the WHOIS has been made a strategic priority also from a substantive perspective and what we meant by this was are they living? Are they not just talking the talk, but also walking the walk? Is there an implementation from the substantive side that matches the former box-ticking exercise?

Now, we have two more formal questions that we also are looking at. The third is the public updates question, which in part also correlates what Lili has been reporting on. Then, just like Lili did, we also want to take a look at in particular how the findings from the subgroups on the compliance on accuracy and on privacy-proxy relate to the strategic priority and how those show whether or not the strategic priority has in fact been implemented.

Now, we're still early on in the process, unfortunately, due to delays on the subgroup side, but we have looked at a number of research and background materials which are listed here, and just to say the written briefing that is marked in red here has been received on Saturday. We sent a list of fairly detailed questions to the subject matter experts for feedback and have received on Saturday a memo which basically sets out in more detail the information that was received already in the PowerPoint templates at the beginning and does not yet answer all of the more detailed questions that we had in particular on the decision to appoint or not appoint the subcommittee of the board and CEO to look at the strategic implementation of the – the implementation of the strategic priority.

So, we might need some more follow-up there, but we already had a lot of material to work with, in particular to assess the sort of formal side of things. I don't want to go through all the methodology here because I'm not sure it's in need of much discussion, but we've done pretty much what everybody else is doing. We came up with questions. We got further feedback from the subject matter experts and we plan to discuss the feedback in the review team subgroup before reporting back.

The next [inaudible] are to be taken with a grain of salt because of course our main findings are still conditioned on the further information that we need to assess, but the first findings are that from the formal perspective, a number of boxes have been ticked and I put little green check marks to show this visually so that everybody has an easier time seeing what has worked and what maybe hasn't worked.

So, ICANN has taken steps to add WHOIS to its priorities. We've all seen the table where the board has instructed the organization to take action. The WHOIS has been reflected in the five-year strategic plan and in annual operating plans and budget since.

In the strategic plan, the key success factor that has been identified is to have a globally accepted reliable, secure, and trusted RDS service to facilitate access to and update of [identifiable] registration data. That's, if you will, the ICANN overall objective that governs the entire WHOIS policy process as far as the organization is concerned.

Then, on the incentivization side, a number of WHOIS projects have been identified in systems that we understand govern the management of staff and they are also included in the CEO compensation, and that we understand on the basis of the information provided so far is done simply by there being a reference to the five-year strategic plan and to the annual operating plans and budgets in the CEO's contract. So, that's the incentivization as far as we can tell so far and we've requested information and there have been public updates on progress including the roadmap that was already referenced, the annual reports.

So, there have been a number of documents created and entries made in existing documents to match the recommendation. There also have been a number of processes that have been launched since the first WHOIS report. Notably, the accuracy reporting system project and of course the expert working group, and of course following on that, the RDS policy development process, the privacy-proxy services and there's a number of other projects that are listed in the activities inventory.

We can also tell that from a more substantive perspective, current activities at least show that ICANN as an organization now seems to assign high priority to the WHOIS because – excuse my French – the shit has sort of hit the fan, so now we really need to figure something out quickly, and at least as of last summer there’s a lot of effort being invested, so we have regular engagement from the board of directors and the leadership. We have regular blog posts and developments and there’s efforts underway to adapt WHOIS to legal requirements.

On the basis of all of this, we have identified the following challenges. Mention has been made of the need to advance on WHOIS. However, there’s no concrete actions or activities on the side of the organization associated with WHOIS quality control beyond what is happening in compliance. So, there is no overall strategic assessments that is built into the organization as to how the developments on WHOIS actually live up to the overall objective that I showed you as part of the five-year strategic plan, namely to have a globally accepted, reliable, secure, and trusted service.

Secondly, on point two of the recommendation, the committee that was supposed to be created that never seems to have existed, at least to our pretty specific questions, we have not yet seen any written documentation of its existence and it doesn’t even appear in the board response to the WHOIS1 Review Team’s recommendations, so the Expert Working Group was seen sort of as the replacement deliverable.

However, we believe that that sort of fails to address the basic issue was, in our understanding, to have an overall control mechanism that assesses the strategic priority as such and its implementation.

Then, our assessment has been so far that there haven't been any meaningful indicators, in particular in the annual plans and budgets provided to assess the actual progress on WHOIS and its development as a whole against the overall strategic objective.

Similarly, there's a dearth of activities, as Lili has reported, planned for ICANN as an organization in the operating plans and budgets after the 2013 RAA updated implementation, and in particular, the WHOIS portfolio in I think three of the annual work plans and budgets is listed under objective 2.2, which is to do with the overall security rather than under objective 2., which is the one where it was originally designed in the five-year strategic plan and the actions related to the other points in 2.2 serve to address all those other points, but don't actually cover anything in particular on the WHOIS.

So, on this basis, we would [inaudible] that current data shows that WHOIS [inaudible] priority for ICANN as an organization, not for the community but for ICANN as an organization rather belatedly, in particular when it comes now to the necessary updates to the policy. This is, of course, a bit of a let's say contentious statement perhaps, because of course ICANN, the organization, is not in and of itself capable of modifying the policy and implementing the necessary changes.

However, what I feel was missing – and I don't want to speak for the whole subgroup here – is this overall strategic thinking about how this process needs to be moved forward beyond the Expert Working Group report.

While I understand that there's limits to what the organization can do here, it is at least conceivable that if there had been such a committee and the substantive strategic priority been given to the issue that we possibly could be in a different place right now.

So, we don't have any recommendations as of yet, but coming back to our overall two questions that have governed our thinking, we would say that from a formal perspective, the boxes have been ticked and there's a number of things that have been implemented to address the recommendation.

The notable missing item is the committee that clearly has never existed, and then on the substantive side, we feel that the implementation has been only partial.

I'll stop here and maybe also give Carlton a chance to make any further remarks. Once again, the disclaimer. We still need further data and we need to discuss our findings in the subgroup once more, so this is our preliminary finding. Thank you.

ALAN GREENBERG: Carlton?

CARLTON SAMUELS: No. I think Cathrin has pretty much covered all of what we said.

ALAN GREENBERG: Chris?

CHRIS DISSPAIN:

Just a plea. There's a sort of danger. If you just refer to WHOIS all the time, there's a danger that this all ends up being sort of like badges that say, "Make WHOIS great again." It would be really good if we were more specific. I had an example, but it's disappeared. Could we go back a slide maybe or two? Or possibly even three. Okay.

So, ICANN made WHOIS a strategic priority. Okay, yes. But, in what sense? WHOIS in the sense of accuracy of data, compliance with contracts, etc.? I just think it would be really helpful for recommendations, where possible, to be a little bit more specific than just the broad brush thing WHOIS, especially given that ... Let's be clear. Irrespective of what happens with GDPR, GDPR is all about publication in essence really. [inaudible] assume for the moment that we're still going to collect. Let's assume that for the sake of discussion. Then, we're looking at ... We still want to make sure that the data is accurate and all that stuff. It would just be helpful I think from that point of view. Thanks.

ALAN GREENBERG:

Cathrin, then I have a queue at this point of Susan, Alan.

CATHRIN BAUER-BULST:

Thank you, Chris. I do believe that would be helpful for the objectives going forward. However, the one that we're assessing is that WHOIS in all its [aspects] should be a strategic priority for the organization, so

that's what I'm assessing. It does say in the sub-recommendations what the key actions are and, yes, we should also get into those.

CHRIS DISSPAIN: Fair enough.

CATHRIN BAUER-BULST: But, we need to make an assessment of the overall.

CHRIS DISSPAIN: Understood.

ALAN GREENBERG: If you're going to speak, please use your microphone. Susan?

SUSAN KAWAGUCHI: Interesting, Chris, that you went there on more detail, which I understand. Having spent a lot of time in 2010 through 2012 on this recommendation, in some ways, looking at it again today, I really was thinking we may have done better if we would have just said it is recommended that WHOIS in all its aspects should be a strategic priority for ICANN the Organization, full stop, and not provide all the details because we were focused on certain details at that time and issues that were very apparent, but it still is amazing to me that ICANN the organization could just ignore GDPR or ignore – not completely. I'm sort of picking at a very high level. Yes, EWG came out of this, but we all saw where the EWG went, which is nowhere.

So, from 2014 on to 2018 or middle of 2017, if we'd only used that first sentence in this recommendation, then would ICANN have taken that more seriously to really look at what does it mean to be a strategic priority. It appears that what was focused on was all of the details we provided instead of somebody sitting down at the CEO level or VP level with the board and saying, "What does that mean? What is a strategic priority? And what is our strategic plan for WHOIS at ICANN?"

If that thought process had happened and if we had recommended it, then I think we wouldn't be in the situation we are in today.

It was with pure intent that we said all aspects, but we didn't say but only focus on these. It was really more of "and we definitely are seeing problems here."

I don't know, as I'm rambling here, should we give short but lots of recommendations? One-liner recommendations? Or, do we give more of a fleshed out recommendation which sort of got us into trouble with this one.

CHRIS DISSPAIN:

[inaudible]. I think actually both. I think if you want this to be as successful as possible in respect to the way recommendations are dealt with, there are some recommendations that are simple painted green, and so if the board has control over X – and every time I say that, I just want to be clear that is obviously subject to any of the other mechanisms that exist in the community to deal with anything the board does.

If the board has the control to do something, so instruct the CEO to travel to Brussels next week and do the following things, that's fine and that's worth doing. If, however, it is more sort of instruct the CEO to pay attention to everything that ever happens in Brussels about WHOIS, then obviously that's a different type of recommendation. So, I think the answer is both.

Now, with that said, it may make it quite difficult to come up with recommendations, which of course is my [cunning] plan. But, I do think both types and I think it would be helpful to try to ...

Look, my point I suppose is this. Has ICANN always made WHOIS a strategic priority? Yeah ... Or no, depending on which way you want to argue. Thanks.

ALAN GREENBERG:

Thank you. Susan stole a fair amount of my thunder, but I'll phrase it a different way. If I ask myself what it means to be a strategic priority, I view that as meaning the issue is something that is a make or break for the organization. If we fail on it, there is a good chance we will go up in smoke, or at least part of our organization will go up in smoke.

When I then look at the reality in ICANN of we have been having registrars demanding waivers because of privacy information for years now, we have come up with policies that they have said are not implementable.

Either we have stonewalled or made minor modifications. When we finally decided that four letters, GDPR, had a meaning other than four

random letters of the alphabet, we started doing things last June in a methodical and slow-plodding way, so that we wouldn't accomplish things. We are now a month – less than a month – before the deadline and I don't think anyone would say we're in good position.

So, all of that in the background, can we really say we treated this as a strategic priority in all of its aspects? My answer has to be no we did not assign someone to wave big red flags when there are issues that might come up and hit us. So, that's my very pointed analysis.

Now, how could we have phrased it differently to cause that to happen? Probably we couldn't have. I'm not sure we could've done it better, but I think there's a message that we don't understand what the term strategic priority means.

We have people who want to comment on my comment. We have Chris, Carlton, and Susan did you want to get back in?

SUSAN KAWAGUCHI:

I do with a different point.

ALAN GREENBERG:

Okay. And Stephanie is next on our speaker list outside of rebuttals. We're going to do Chris, we're going to do Carlton, then we'll go do Stephanie.

CHRIS DISSPAIN: Just to be clear, and I'm trying to [inaudible] the conversation. I agree with what you said, but I'm talking about what we need to learn from that and how we can move forward. So, if you don't want to have that, is that okay to do that now?

ALAN GREENBERG: I think that's fine. I wasn't going to go there, but I don't mind at all going there.

CHRIS DISSPAIN: So, to go back to your first sentence, perhaps you can remember what you said, what you think making it a strategic priority means. It means that if we fail it's a disaster or it matters a lot, etc. I agree and my response to that is and so therefore you need to tell me what success looks like because I can't ...

If you say to me, "We want you to paint all of your computers green. I know what success looks like," we might argue about the shade of green, but I know what success looks like. But, if you say, "Make WHOIS a strategic priority," that's cool, but how will I prove to you that I've done that? What is success? Is it that Susan goes and does a compliance check and comes back and says the data is [inaudible] can possibly be. Is it that every single complaint is dealt with within a certain period of time?

So, the overarching point about making it strategic priority I completely get and I understand, but you've got to show what you mean by

success. If you're going to hold it up as something that, if we fail, it's a catastrophe, cool. How do we fail? What is success? Thanks.

ALAN GREENBERG: Go ahead. I've lost control, but go ahead.

CATHRIN BAUER-BULST: Sorry. Can I make a very somewhat [inaudible] plea that maybe ... Can we first agree on the problem and then on how we move forward in terms of structuring the discussion? Because I'm taking all this down. I want to reflect it and I just want to make sure that it's organized. So, if there's somebody who disagrees on the problem, let's maybe air that first and then turn to how we deal with it.

ALAN GREENBERG: Carlton.

CARLTON SAMUELS: I want to make two separate things, Susan and Alan. I really ... [inaudible] back in 2009, I wrote an e-mail that said that the WHOIS conflict [with] privacy law regime was a deliberate attempt not to see that there was a problem and it inherently made [inaudible] of people who were supposed to follow the law and it was a [inaudible] for lawyers. I wrote that in an e-mail and I got attacked severely because of that position.

I really don't think that people did not see that this was a strategic issue and a problem, but the mindset was that they would come to our point of view eventually. That seems to me to have been the position that was taken.

The question is, as Alan says, if you think it's important for us and it is going to cause a blowup at some part of the organization will go up in smoke, yes, in my view, there was a recognition that it was very important. The way they chose to respond to it, though, comes from a world view and a mindset that says, "Eh, they will come to a position eventually." That's why you end up having the WHOIS conflict with privacy law regime that was developed and so on.

So, I think it's very important to recognize that we all understand and I believe the people involved at the time understood what a strategic priority was and how you set up a strategic plan. I really do believe that they did understand that. It is the mindset that actually informed the response. It is the mindset. The mindset was they will come ...

All the contracts are written under US law. All the contracts are written under US law. Where US law takes not about the ... US law are not concerned about the publication. They're concerned about what is actually collected. And if you look at what comes out of all of that conflict is that position. That is the world view that came forward, so I would respect. I really don't believe it was a question of not understanding what is strategic. I think it was the mindset that went into implementing.

ALAN GREENBERG: Thank you. Stephanie?

STEPHANIE PERRIN: Yes, thanks. My comment was more looking forward in terms of this business of talking about WHOIS because we spent quite a bit of quality time on the RDS Working Group basically arguing over whether we were talking about RDS registration data basically or whether we were talking about what I call a publication instrument, namely the WHOIS public.

Quite frankly, if you are making WHOIS a strategic instrument, and I'm not trying to rewrite what the previous task force – rather, review team – recommended. But, if we're going to try to focus on registration data as a strategic priority, there's a lot more to GDPR compliance than the publication instrument and we're finding that out.

So, it would be foolish in my view not to talk about RDS and possibly this recommendation area is the place where we say, "You know what? We used to talk about WHOIS. We, in this review, are talking about WHOIS/RDS." It's time that we explained clearly to the community that we're really talking about registration data, collection, escrow, publication, all the rest of that because speaking frankly, I don't want to have one more fight with some turkey who comes flying in and says we're only talking about the publication instrument.

UNIDENTIFIED MALE: It's all about collection.

STEPHANIE PERRIN: Yeah, it's all about collection. It's all about ... Because right now the only policy is set by the registrar agreements. Again, I don't want to have one more argument with a registrar that that's policy because it is.

ALAN GREENBERG: Thank you. Susan?

SUSAN KAWAGUCHI: So, actually, I sort of lost track of where I was going. I think you guys sort of covered it. I have a different question and concern on the report, but if we want to follow this line, then I'll ...

ALAN GREENBERG: Let me go first, then. I'm going to answer Chris and then we'll go to you with a new topic. And Carlton, by the way. You said how do we recognize it? I don't think you can. One can address treating something as strategic in a number of different organizational ways and a number of different process ways. You recognize it by its failure. If something is important and it's a make or break issue with you, you will do everything you can to address it or go down in flames doing it. I don't think we can attribute or assign a methodology to it to recognize that you're doing it well because I think there are too many different ways of doing it, depending on what the specifics are. So, I really don't think we can give a how-to document on how to do something strategically.

In terms of Carlton's comment that we did treat this strategically and we made a very stupid assessment of it, I believe that's probably correct from the point of view of some people, but the overall community and

the board did not do that. That may well have been recommendation from a few people within the board or staff and it was how we decided tacitly to go forward, but that's not the same as making a conscious decision that we would stonewall and they would all come to our frame of mind eventually.

I agree that that may well have happened on a person by person basis, but I think that indicates a strong indication that we didn't treat it strategically or it would've come to a conscious board decision to do that and I don't believe it did, at least not to my knowledge. Anyone on it before we go to Susan's new topic? Susan?

SUSAN KAWAGUCHI:

I sort of remembered what I was going to make a statement about. Strategies, being strategic. I'm a little dismayed that we have very smart people running a corporation and a board advising them, that they would need specifics on everything. Paint the computers green. Especially WHOIS has been discussed and just – well, Kathy is not here, Kathy [Kleiman]. But, since ... It probably wasn't even the start.

WHOIS in general, we laid out – the first review team laid out – these specific topics because that's what was important at the time. I had not even heard of GDPR in 2010, to be honest. And even a year ago or six months ago I would not have thought that we were going to roll this out globally, either. Predicting that would've been very hard.

But, Göran is a smart guy and staff are very smart. The executive team is very smart. So, you would think they sit down ... To run a corporation, you sit down and figure out what is going to impact my business? What

strategies do I need to move forward with? And to wholesale ignore parts of it is ... Well, that's coming back to bite them.

CHRIS DISSPAIN:

Can I respond to that? I don't disagree with you, Susan. I just think we're talking slightly different points. To be clear, if there's a recommendation – and again, [inaudible] stress I'm talking to the future here, not [inaudible] previously happened.

If there's a recommendation that says make WHOIS a strategic priority – and for what it's worth, I actually think what Stephanie says about RDS and then [inaudible] is probably a much better way of casting it, but leaving that aside – a strategic priority. Then, yes, of course I can see ways in which one would go away and do that. You would talk about all of the measures that currently exist in the sense of how does it break down. It breaks down into compliance, it breaks down into accuracy, and so on and so on and so on, privacy-proxy or whatever the hell it's called and all of that stuff. So, no problem there.

I might also say we have an expert's working group report that was the result of many months, years of labor and let's make that a strategic priority. I might also say let's make it a strategic priority to unstick the GNSO's – I'm talking absent GDPR – all of that stuff. So, I'm fine with all of that. I've got no issue at all in finding things that make it a strategic priority.

My point was much more – and then when the next review team comes along, in all fairness, how can that be measured by that review team and say have you made WHOIS a strategic priority if there isn't any sort

of guidance at all about how we would evidence that, especially given, as you know, is that it won't be measured about whether I've made it a strategic priority. It'll be a measured about what I've actually done. And if what I've done you don't agree with, you generally don't agree with, then I will not treat it as a strategic priority because I won't have done what you think is the right thing to do – you being generic, not specific.

So, therefore, all I'm saying is some sort of high level guidance I think would be helpful rather than a simple, straightforward statement that just [inaudible] strategic priority because we all know everyone around this table disagrees with each other about what should actually happen, in some respects, and agrees with each other in others. Okay, thanks.

ALAN GREENBERG: Not seeing any other hands. Certainly, go ahead. I'll put myself in the queue.

UNIDENTIFIED FEMALE: Sorry. So, my second point on this was about the committee. I guess I'm unclear. I thought there was a board committee on WHOIS, but then Cathrin, you state that you didn't find evidence of that.

CHRIS DISSPAIN: You are talking about a community committee; otherwise I would've said something.

UNIDENTIFIED MALE: [inaudible].

CHRIS DISSPAIN: No, it's board.

CARLTON SAMUELS: There was a board committee in the US, but the recommendation spoke about an [inaudible] committee, the board and community members and so on.

CHRIS DISSPAIN: That's what I thought. There was and still is a board committee on all things RDS and WHOIS. It's not a formal board committee in the sense that it's listed in the bylaws. It's a working group, actually, not a committee, but it does exist. It is the place, for example, where the GNSO PDP Working Group liaises with the board on [inaudible], etc.

CATHRIN BAUER-BULST: Just to respond to this point, quickly. As we understood it, there was supposed to be a committee, including the CEO and other relevant staff, to check against implementation of these review team recommendations and to assess – I mean, to basically live the strategic priority.

We think, in terms of the materials we've been provided, it shows that the board basically made a recommendation, provided instructions for the EWG to be launched, but there was no such decision taken on

having a committee specific to WHOIS as a strategic priority. I've also asked for any records of the meetings, minutes, terms of reference, anything that can document the existence of this committee and I have not yet seen anything.

So, I'm not sure whether it's maybe not recorded or whether something got lost on the way, but at least on the basis of the materials that I have so far, we haven't been able to show that this recommendation has been implemented.

CHRIS DISSPAIN:

I think that's probably right, if I understood you correctly, if what you're saying is that a simple board working group is not what [inaudible] intended to cover. Then, I can tell you that there is a simple board working group and I'm not aware of any other committees. I think it's correct to say that that recommendation hasn't happened.

ALAN GREENBERG:

I was going to try to address how do we recognize it is a strategic priority, and I would guess the single way is can you point to who it is, the person or the small group, that owns the issue and has a responsibility for monitoring it and waving red flags or making sure that the corporation, the organization in today's parlance, is addressing it?

You may not have full control over the GNSO who may have to enact the policy, but where are the red flags being waved from? I don't see the person who has been appointed to that role. I would've thought if you're going to have something strategic, someone has to own it.

CHRIS DISSPAIN: Again, I agree. If you're talking about a board committee, then that's me. But, if you're talking about, again, a wider version, then that doesn't exist.

ALAN GREENBERG: Well, it would be nice to simply blame it all on Chris and adjourn.

CHRIS DISSPAIN: I'm happy to take the blame.

ALAN GREENBERG: But, I think the operational organization reporting to the CEO, someone has to own that subject who then might have to answer to the board committee.

CHRIS DISSPAIN: Do you mean ... So, you're asking me who owns WHOIS on the staff?

ALAN GREENBERG: Yes. We know who owns the compliance part of it, but we don't know who owns the overall subject.

CHRIS DISSPAIN: It's [Akram]. [Akram] owns it.

ALAN GREENBERG: Oh, okay, then we blame Akram.

CHRIS DISSPAIN: Because it's GDD. That's not necessarily the world's most satisfactory answer in the sense that you can always point to the person [at the top of the tree] and what you really want to know is who has got the day-to-day. So, I will find out. I'll see who I can blame. That's not a problem.

ALAN GREENBERG: Thank you.

CHRIS DISSPAIN: Anyone you particularly want me to go have a go at? [Cyrus] perhaps. Just let me know.

ALAN GREENBERG: I've got my hit list, but they probably can't be associated with WHOIS. Go ahead, Susan.

SUSAN KAWAGUCHI: Chris, if a committee, per se, was not created, why was a working group? Can you shed any light on ...?

CHRIS DISSPAIN:

Sure. So, committees are basically formal board bylaw-mandated, so they exist with pursuant to the bylaws. They need a bylaw change to exist because they have to [inaudible]. So, if you remember, we came to the community not that long ago and said, "Can we please have to change to the bylaws so that the BGC can split into the BGC and the BANC?" So, if you set up a formal committee, it is one of the committees that exists in the bylaws. Those are the only committees that we have. What we have is a whole bunch of working groups. Is there a real difference between them? Not really. Working groups tend to have charters as well. To be honest, I can't remember if this one does or it doesn't, but it was set up specifically to be the catchall board place to look at all things WHOIS.

You might be surprised that Steve was on it and I was on it. I actually cannot remember the previous iteration of the board who else was on it, but it was like four or five. I think Erika might have been. There was four or five people. Currently, it's me and I think we've formally now put Avri, Matthew, and Becky because they are the GNSO folks on there. And Sarah. But, it is a proper committee working group that exists.

Now, Chuck has been reporting to that committee. In fact, if I remember correctly, you've had face-to-face meetings to which you've been present I think of that committee and the ... Yeah. And also I think since as well. Nothing but PDP leadership team. Certainly Chuck anyway has met with it. So, it does exist. It is real. But, I still don't think it's what Cathrin is referring to. I think it's a different thing.

ALAN GREENBERG: Carlton?

CARLTON SAMUELS: Yeah. If I could characterize what the recommendation is looking for, it's looking for a supercharged IRT. That's what it seems to me. It has the CEO and it has board members. It has staff members and [inaudible] from the community. If you look at the IRT teams now that are going out, they tend to have the staff people there and they have community people as part of the team.

So, in my view, what the recommendation is actually looking for is a supercharged IRT because it includes the CEO as part of that team.

ALAN GREENBERG: We have no more speakers in the queue. Cathrin?

CATHRIN BAUER-BULST: Just to say thank you to all. This has been extremely helpful input and I'll try and reflect that in the next iteration of the draft subgroup report and just say how brilliant my [inaudible] was on the agenda because it's very clear that the half hour was willfully inadequate, so thanks for all the input.

ALAN GREENBERG: Any further comments? Lisa, I suspect you'll have one.

LISA PHIFER: Yeah. I'm sort of trying to wrap up everything I've heard and some observations of what the key points were. I think earlier Stephanie alluded to the fact that there's not necessarily a well-documented strategy for WHOIS that then one could make a priority. I think I've heard that the specific recommendation of a committee that included not just the board but the community was not realized and that other actions were taken instead. For example, Expert Working Group and the board Working Group.

What have I missed?

CARLTON SAMUELS: Pretty much, that's it.

UNIDENTIFIED FEMALE: Differentiate between RDS and WHOIS.

LISA PHIFER: Right. So, registration data, not just WHOIS as a publication mechanism for registration data. Then, also, questions on what success looks like.

STEPHANIE PERRIN: You might want to mention metrics.

SUSAN KAWAGUCHI: Chris said this, high-level guidance to measure. Sounds like we might have a new recommendation. What?

CATHRIN BAUER-BULST: I don't want to start being nit-picky, but I will just for one minute, so please entertain me while I do. In the recommendation, it is very specific about, for example, what the committee should be doing. It should be assessing the implementation of the review. It should be regularly checking with the targets of the accuracy reporting are met. It should be regularly verifying that staff incentivization for compliance with WHOIS and for the other WHOIS aspects is actually working to deliver on the objectives.

So, I think, while I completely take the point that we need to be specific in our recommendations, I think this particular recommendation did not fail for lack of specificity.

ALAN GREENBERG: Nor do I think specificity would've really helped it. If anything, as Susan pointed out, giving specifics gives you more little things to check off and not necessarily looking at the umbrella one.

CATHRIN BAUER-BULST: The point being that even though specifics were not necessarily checked off.

ALAN GREENBERG: Any further comments on that in terms of guidance or anything else? Please go ahead.

SUSAN KAWAGUCHI: So, this really gives us – and I think we’ve been discussing this – being very careful, as Chris has guided us on this. We need to be very careful in the wording of a recommendation, and even though I think we thought we were in the first WHOIS Review Team, it’s interesting to see how confusing it is.

ALAN GREENBERG: Thank you. We are almost an hour behind schedule at this point. We break for lunch in 40 minutes. We have single WHOIS policy which we allocated 30 minutes and data accuracy which we allocated an hour to. How do we want to proceed? Go with the single WHOIS and see where we are at that point and break for lunch, and if necessary over lunch we organize the schedule? Then, around single WHOIS. Carlton?

CARLTON SAMUELS: We are going to look at the recommendation 2 from the previous review team and it’s a single WHOIS policy. The recommendation is right up there and you can see just talking about recommendation is ... The words are very clear. It says it’s a clear, concise, and well-documented policy. That is what the finding was. They couldn’t find that so they wanted a single WHOIS and the [inaudible] was that they were going to ... Creation of a single WHOIS policy document and make that document the point of departure. It will be the reference document for WHOIS in all of the contracts. Notice that. So, they wanted a single document and that document is going to be the point of departure. It

would be the reference document for anything to do with WHOIS in the contracts.

So, we had some questions that we wanted to ask. The first one was, well, is there a single document that you can identify? Second, is there evidence that document would have been the baseline for all references to WHOIS, especially with respect to the contracts of registry and registrars. The research material, we have a list there. We [inaudible] final report, which is where most things start. Then, you look at how the board handled the report by it went back to the resolution of the board, looking at the WHOIS document. Then, you look at the action plan that came out of the board, and then you look at the implementation of the activities surrounding all of that.

If you are going to – if you started looking at those documents baseline, you would follow leads from there, so you would see what happens in the action plan, what the various elements were that were implemented. You could see evidence of those.

So, for example, we were interested in what was the implementation of the single WHOIS policy document. The first thing we followed there, we saw the webpage and the webpage had all of the references to the WHOIS in all the contracts. So, every single contract that the board, that ICANN had, that WHOIS is referenced is listed on that webpage. Then, it's hyperlinked to documents, the specific documents, whether it's a contract or some other report. It's listed from there. Next slide.

The main findings. First, we did find a webpage and in this context we offer digital document. The question was whether the webpage itself

was a good substitute for a single WHOIS policy document. That's the first thing you have to decide. In my view, in our view, the webpage itself could be considered a good substitute for a single policy document because it just collects all of the data, all of the content, surrounding WHOIS policy from one place. That's clear.

There could be some differences of opinion as to whether or not it was organized for efficient reading or analysis and we're accepting that there are going to be different opinions about that. But, in our view, because of the way WHOIS policy is developed over time, then the kind of organic development of the WHOIS matter, then it is probably the best response to having a single policy document that you have all of the indicators from that webpage and then you have a link to documents.

The next question is whether or not the board ... Was the implementation plan actually used? That refers to that space for every subsequent WHOIS action because that is the second part of the recommendation. If you look at the contracts that came after that webpage was developed, in all of the communications, you see reference to the webpage. You do see reference to the webpage. It's usually in the bottom part of the document or in a release, but those two things are there. Do they fulfill the objectives from the previous review team? I would say that this preliminary position is taken in full consideration of all that is required. Then, there would be one other thing that you need to notice because there were additional developments, and we refer to the EWG and the PDP that came out of that action, that maybe we should make some kind of accommodation

for the outcomes, the EWG outcomes, as well as the PDP [inaudible] PDP to make reference back to this recommendation.

So, in a nutshell, that is what I think we should reflect in this specific part of the report. Again, summarize. A webpage was established that points to all of the subsequent references implementation to WHOIS, whether they be in the registry or registrar contracts. The webpage also provides a point of departure for the communication of WHOIS matters and you can see in the communication that it's regularly reported to visit the webpage. There's very little evidence we can glean as to whether or not in the contracts themselves the webpages reported. So, if you take any of the registrar contracts, any of the registry contracts, and look in them to see whether or not they refer back to that webpage, that's not there.

I think it would be important for all of us to consider whether the additional core related activities from that proposal, which is the EWG and the PDP, whether it would be responsive for us to ensure that those things are also captured on that webpage and we actually give some value to the recommendation by those further developments. That's what I see now. Thanks.

ALAN GREENBERG:

Thank you, Carlton. I have myself in the queue and I don't have anyone else at this point. Sorry, I hadn't seen you indicate. Sorry, I'm not watching the Zoom page. I'm hoping staff will tell me if people have their hands up. Erika, please go ahead.

ERIKA MANN: I mean, I have just a tiny point. When you look at the [inaudible], if I can find it again. Apologies. When you look at the website ...

ALAN GREENBERG: Can you turn your mic on?

ERIKA MANN: It is. I can try again. I had an issue here. I see what you mean with the light because I was watching the light here. It depends which light you watch.

UNIDENTIFIED FEMALE: Details.

ERIKA MANN: Exactly. What I find ... If you have a single access to WHOIS, I find actually the website pretty well done and it gives you all the information. But, there's one big but and this is more to if you want to get an understanding about current debates. Now, there is a topic which is called what's on the horizon, but the last entrants was in 2017 June. Let me check. I believe it was July 2017. This is not the only case. There are some other cases as well. It's not always updated. I went through it for my topic on consumer trust. So, certain issues are not updated regularly. That's one we would probably want to mention.

CARLTON SAMUELS: This is why I mentioned, Erika, that some of the things that we could tie into this including the IDS PDP. I really do believe we could tie it into that webpage.

ERIKA MANN: Same here. My argument, yeah.

ALAN GREENBERG: Alright. I've got myself in the queue and Stephanie. And Susan.

UNIDENTIFIED FEMALE: Which order?

ALAN GREENBERG: I don't have a clue at this point. If people are putting their hands up in Zoom, no one is telling me.

STEPHANIE PERRIN: I just wanted to say that on this whole page thing I started keeping a record of stuff I couldn't find when I was doing my dissertation and I eventually gave up. It was just becoming huge, like another dissertation. One of the things that drove me completely crazy was finding at the last minute all the work that had been done on the registrant's rights document. That was totally buried. That was a lot of work that never sort of came to fruition, and kind of emblematic of the way we forget about work if we don't reach some kind of consensus decision.

I'm always urging NCSG to demand an archivist and a librarian, two different things, because of course if you're a newcomer I think a librarian help you find your way is really, really, really good thing. And they're cheap, for heaven's sake. The amount of money ICANN spends, we could afford these resources to support the community. And at this point in time, we need them. So, there's another recommendation. See how helpful I'm being, Alan? Let's solve this problem and it's closely linked to this.

ALAN GREENBERG:

Susan? Alright. What I was going to say is essentially a question for you. When I first read this recommendation, my take on it was clearly policy, a single WHOIS policy, can only be written by the GNSO. And therefore, if this group was asking the board to take action, what they were asking for was a single incarnation or view into the US policy, policies, that existed.

Carlton said one can have many views on whether the webpage with a lot of URLs pointed to very complex documents, which covered a lot of other things as well, was adequate. I personally don't think it was adequate. One could make that judgment.

Susan, when I raised this issue earlier, you said no. What the review team meant was a single policy, which clearly was not something the board could go by themselves in any case, although the EWG might have been a very first stage to that. Should we be answering that part of it that is pointing out that a single policy was not implemented and nor was it a reasonable expectation to be implemented?

SUSAN KAWAGUCHI:

This recommendation was the most disgust of the whole Review Team. We spent more time on the fact that you could not review a single WHOIS policy and nobody seemed to know ... There were those in the know who were in depth ICANN, but who could pull out pieces off the top of their head and point us to things. But, we did understand that the board could not create a policy, that was GNSO work. We probably should've referenced that in this recommendation. But, what we were trying to cover that with oversee the creation. So, basically, say, "Hey, GNSO, you need to do this."

Now, we were really naïve in the thought that we thought this should happen in two to three years. We thought that was ample time. Well, that was pretty naïve looking back. But, what we were looking for was a single policy that had everything in it and then you would reference that in those agreements.

I can remember discussion because ICANN staff who was – like Margie and Denise, actually were on the Review Team with us and participating. Staff on the Review Team. They were less naïve about the timeframes. So, that's where at least documenting it and finding it, finding all the pieces, that could be an interim solution to this and creating that webpage.

I don't know if all of you know Bill Smith, but this was his single-most important thing and we spent hours and hours and hours on it. So, I do think it is a single WHOIS policy. We understood that the GNSO had to

create that policy, but the board needed to take some action to spur that on.

ALAN GREENBERG:

Which they did.

SUSAN KAWAGUCHI:

Yeah, and they did. It's just can this recommendation ever be fulfilled? Not in my lifetime at ICANN. I do think if we take some learnings from each of these recommendations, how could we have drafted this differently to get a different result? I don't know on this recommendation. It's too big of an issue. And maybe GDPR settles it once and for all. Who knows?

CATHRIN BAUER-BULST:

Not to get too far on the meta level, but I think this also goes to the more general point of what function does this review serve and do other reviews serve other than just inform the ATRT 3 and 4 and whatever. The only thing we can do is make recommendations to the board however we're finding on everything, that really the board might not be the right place. Does that limit where we can go? I think we have to sort of strike the balance between making the recommendation that would be warranted from the substantive perspective and then limiting it to what our mandate is as a Review Team. That's exactly the issue you had and there was no other way than to say the board is to do whatever it can to facilitate the creation of this policy.

Now, I do believe it's the single-most important thing and we now have to do it anyway for the purposes of the GDPR, because unless there is a single policy that sets out the purposes and across the lifetime of the data span for all of RDS, we will not be able to pass muster with the DPAs.

So, I guess there's two things. First of all, I don't think we should step back from recommendations, even though I agree with Chris's points about being realistic. If we believe they're warranted on the substance just because the board is not the single entity that can implement them. That's the first point. The second point is maybe in providing feedback on these reviews and how they work in the ICANN context, we should also reflect on the mechanism as such and whether it really is appropriate or even fits in view of the objectives that are set for reviews. That was the meta point.

ALAN GREENBERG:

To be clear, the board did take action. The board has the right to initiate a PDP and I believe this is the only time it has ever exercised that right. Now, it can't legislate that as finished, but it did legislate that it began. So, the board did take that action.

SUSAN KAWAGUCHI:

I absolutely agree with that. We just thought ... Like I said, we talked about this more than any other recommendation and we really thought two to three years down the line. It won't be fast. Two to three years from now, we'll get one.

ALAN GREENBERG: Erika, is that a new hand in Zoom or is that an old one?

ERIKA MANN: It's an old one.

ALAN GREENBERG: Okay. Stephanie, please?

STEPHANIE PERRIN: This is a bit of a meta point. Well, it's really a meta-meta-meta point. It seems to me that in the context of all of the reviews and the discussion that we had – possibly it was held at the GNSO intersessional meeting that we had in California, so maybe I'll belabor this a bit in case some of you folks haven't been watching, but this whole idea that we are enslaved to do these reviews whether we need it or not, whether it's logical or not, basically it's a hangover from the articles of commitment with the commerce department. In my view, as ICANN matures and grows, and in particular now that we are freed of the commerce department oversight to a certain extent, we need to kind of evolve how we do our program review/audit mechanisms because forcing us to have nine reviews in one year is maybe not a good idea and we don't have any other way out of it right now because those things were just grandfathered into the new bylaws.

Obviously, everybody was dead tired by the time we did that and nobody wanted to rethink the bylaws, but that doesn't mean we can't

make a recommendation that we reframe this somewhat because I think we're constrained by the structure here to a degree that it doesn't help us from a maturity sense. Thanks.

ALAN GREENBERG:

Thank you. Just for the record, when this was put into the bylaws, there were people waving red flags at that point saying this is really dumb because of the way we're doing it. The communal wisdom of the bottom-up multi-stakeholder model was we should do it anyway with absolutely no flexibility. So be it. Clearly, without – Chris is not here, but the board is looking at this or will have to look at this sometime soon. Carlton?

CARLTON SAMUELS:

Going back to what came out of the recommendation, the board – something we should notice. The board initiated the PDP, so the EWG report and then they initiated PDP. What is more important to understand is that there was a formal acceptance of a plan of how they were going to move forward with the PDPs. There was a whole plan that was actually placed through the GNSO and [agreed]. What is seen now is that plan is not working as it was originally intended. If you look what the plan was to move from the EWG report to the plan, it was something that was very specific and I thought was workable. It's just broken down and I don't know how you retrieve it. I don't have a clue of how you will retrieve it. But, in this case, there was a plan and if people would've followed the plan, we would be way ahead of where we are now.

ALAN GREENBERG: Susan, go ahead.

SUSAN KAWAGUCHI: I just want to follow up on Cathrin's thought there about we're making recommendations to the board. Do we have an avenue or ability to make a recommendation to anybody else but the board?

ALAN GREENBERG: Only through the board, but other review teams have done that and we can, too, should we choose. There's just not necessarily a way that it can be enforced.

UNIDENTIFIED MALE: The CCT does it.

ALAN GREENBERG: Well, the CCT has not made its final report yet, so we don't know how it's going to be received. But, yes, we can. Again, if we're looking at recommendations which we believe are implementable, then we need to factor in that how we formulate it and whether we do it at all. No one is going to tell us what we can and cannot do, but the report is sent to the board and only the board acts on it. Cathrin, please go ahead.

CATHRIN BAUER-BULST: Yes. We cannot make recommendations to anybody other than the board, and the same is true for GAC advice or SSAC advice or whatever. It all goes to the board. I feel that in this multi-stakeholder model, the idea that we have this top-down exercise and we just tell the top what to do and somehow it will percolate through the organization probably doesn't really match reality.

So, I think it warrants a more horizontal reflection on how the multi-stakeholder model functions in its specific incarnation at ICANN, which is probably beyond the scope of our work especially with our attempts to limit it to what is strictly necessary. But, it's maybe something as we ... [inaudible] approached a number of people. I believe I've been approached about feedback on this Review Team and how we work and maybe it's just the point to bear in mind where generally in [inaudible], how does this really two years after the IANA transition, how is this shaping up? Does it make sense? And how can we deal with this more broadly as the community? Just to add another impossible challenge to the work plate on top of the nine reviews and the GDPR.

ALAN GREENBERG: It has been suggested that what ICANN needs to do is a review of ICANN, not the subsidiary parts of ICANN. I would support that, but how do you actually make that happen? As Chris pointed out, when we entered into the accountability, there was some of us who claimed this whole thing was a matter of trust. We didn't trust the board, so we need to put accountability measures in place. Lots of people came up with long laundry lists of where the board had really failed and it was quite interesting that for every item that you might think the board

failed, someone else was cheering. So, interesting world we live in. Anyone else? We are ten minutes before the break at this point. Lisa would like to use up our ten minutes.

LISA PHIFER:

I promise it won't be ten minutes. I think I heard a couple of different themes. One was that there is no single policy and that the board didn't have power to produce a single policy. It took actions that it could take, such as initiating the PDP, developing a process framework. Perhaps not following through and then maintaining the process when it wasn't working.

Then, Susan's point was in the absence of a single policy, actions were taken to just provide some consolidation and navigation to the disparate pieces of policy, which Stephanie pointed out has not necessarily been completely effective in being able to find the pieces of the policy, as you might wish. So, you seem to have two categories of things to address.

Then, I think Cathrin's point is really an interesting one, also, which is the meta question of who the recommendations are directed to in the case of the multi-stakeholder model. We don't have a top-down board can direct action to be taken by all the pieces of the community and that affects us overall, not just for this recommendation.

ALAN GREENBERG:

What is the status of lunch? Is it they're waiting for us at this point or are we waiting for it? Sorry, it is ready? Then, I would suggest we break

right now. Over lunch, leadership will discuss with staff what we do to make up the schedule. My inclination is to remove the parking lot unless anyone has a strong inclination to do that, and then for any discussion that would've gone there into another day.

UNIDENTIFIED FEMALE: We do have parking lots tomorrow, also.

ALAN GREENBERG: Yes. So, we'll probably proceed forward, but we'll let you know after lunch. We are breaking for lunch. It is supposed to be for 45 minutes and it will now be for 53 minutes or something like that. We will reconvene at 1:30 as planned, but let's try to make it [inaudible].

Alright, we are reconvening in the afternoon session on the first day of the RDS – sorry? Excuse me, I was rudely interrupted by someone else at the table. We are reconvening the afternoon session of the first day of the face-to-face meeting of the RDS WHOIS Review Team in Brussels, the 16th of April, 2018. Our first item on the agenda will be one carried over from this morning of review of WHOIS1 recommendations 5 to 9 on data accuracy. We will turn the floor over to Lili. Thank you.

LILI SUN: Thank you, Alan. So, next, I'm going to present to you about the key findings on the recommendation relating to data accuracy. In this subgroup, we have myself, Cathrin, Dmitry, and we also have Erika newly joined us.

On the screen, you can see the recommendations 5 to 9 about data accuracy, so I'm not going to go through the five recommendations one by one. Generally speaking, these recommendations are pushing ICANN to educate the ICANN community about the WHOIS accuracy policy and also take proactive [inaudible] to reduce the WHOIS data falling in the substantial of [inaudible] about the [NOC] accuracy study [inaudible].

Also, there is recommendation that ICANN should ensure there is a clear and enforceable chain of contractual agreement with registries, registrars, and registrants about the WHOIS accuracy obligations.

I will talk a little about recommendation 9 implementation about the WHOIS data [reminder] policy which the ICANN board proposed as [non-feasible] and abandoned during the implementation about recommendations 5 to 9.

I'm not going to go through all the details about the methodologies of this subgroup. It's more or less the same. We just went through all the background materials and also we did some open source research. During the first planning stage, we proposed five questions to be answered during the review.

The first one is to assess the implementation progress about the 2013 WHOIS accuracy program specification. I understood from my previous experience it's a major [inaudible] taken by ICANN to improve WHOIS accuracy. The second major [inaudible] taken by ICANN to improve WHOIS accuracy is about the WHOIS accuracy reporting system which is an ongoing project. This subgroup has the intention to assess to what extent the inaccuracy has been reduced by this project.

To meet the GAC's concern about the privacy and proxy service, we also put a question about the accuracy rate of WHOIS data, which utilizes the privacy and proxy service.

The question number 4 is about other [measures] which have been taken effective in achieving the objectives, and can we [measure] the data accuracy when data becomes mostly [hidden]?

These are the five questions we need to answer during the review. Next slide, please.

So, this subgroup has identified four [measures] ICANN has taken to date to improve the data accuracy. One is WHOIS informational website has been established to educate the public about the WHOIS accuracy policy. Second is about the 2013 RAA introduced the contractual obligations to validate and verify WHOIS data.

The third [measure] is about WHOIS accuracy reporting system and the fourth is there is a constant [inaudible] policy about the WHOIS data reminder policy which is still valid until today.

So, these are the four [measures] this subgroup identified, how to improve data accuracy from ICANN perspective. Next slide, please.

So, in the draft document, I went through the recommendation 5 to 9 one by one how the implementation has been done. Here, I'm just presenting you about the key findings during the review. For the public education about the registrant rights and responsibilities, this has been actively promoted by ICANN. If you check about the WHOIS micro-

website, you can see there is a webpage about registrant responsibilities.

Here, I just want to highlight two sentences. That is for the registrant, you will be assumed sole responsibility for the registration and use of your domain name. The second, you must provide accurate information for publication in directories such as WHOIS. This is basic requirement for the registrant. Next slide, please.

Also, there is obligation in 2013 RAA that's the registry name holders willful provision of inaccurate or unreliable information. This will lead to the suspension and cancellation of the registered name registration.

As such, I assume the registrant responsibilities to provide accurate information is proactively to be provided to the public. Next slide, please.

Also, the requirement for registrar to validate and verify WHOIS data contract obligations according to the 2013 RAA. If I'm not wrong, 2018, this year, will be the last year for all registrars came into the 2013 RAA. So, I would assume that all registrars need to validate and verify WHOIS data by latest this year.

Since the major [measures] ICANN has taken about how to improve data accuracy is about accuracy reporting system. So, let's take a better look at this project. Next slide, please. Move forward for last. Yes.

So, before coming into a better look at the accuracy reporting system. Here are some preliminary conclusions about this project. This subgroup takes the accuracy reporting system project as an effective way to

improve WHOIS accuracy, and second it is suspected the registrar haven't verified WHOIS data upon registration. The third conclusion is that the confirmed WHOIS data inaccurate rate across the [inaudible] space is still very high, around 30-40%.

The fourth conclusion is very interesting. Since there is a lot of inaccurate WHOIS data, this team identified through the accuracy reporting system but seldom noticed outreach has been issued by ICANN to registrars. Next slide, please.

Next, I'm going to come into a better look at the accuracy reporting system. So, for the accuracy reporting system, there are three [inaudible] designed. So, the first one they only check about the syntax accuracy and it was complete in August 2015. During the phase two, both the syntax and operability accuracy will be checked. This is an ongoing process. [inaudible] the December 2017, there are five cycles underwent. For phase three, both syntax, operability, and identity accuracy will be checked. It has not been started yet.

This subgroup learned from the written briefings that the identity accuracy check has been evaluated as not cost-effective, not cost-feasible so maybe it would be [inaudible] with global cross address validation. Yeah, it will be joint in that effort. Next slide, please.

Here you can see a picture about the outcome for the previous five cycles about accuracy report system. Both the syntax accuracy and operability showed here. At the last two lines, you can see the overall syntax accuracy and operability accuracy. It's not still ideal. I would refer you to the last line about the operability accuracy. It's around 60%

accurate, which in line with confirmed data inaccuracy. But, I want to highlight here even its syntax accurate and operability accurate. It doesn't necessarily mean the WHOIS data is accurate. Next slide, please.

So, there are some interesting findings if you trace the WHOIS accuracy reporting system contractual compliance metrics. I just collected all the information from the Wiki page from cycle one until cycle four, since the cycle five compliance metrics is not available yet.

You can see, for the four cycles, [inaudible] around 10,000 to 12,000 are selected. There are 50% of the [simple] records trigger the ticket, but there are some difficulties according to the written briefing. It takes like four to five months for the [simple] record being pulled until it comes to the compliance team to follow up.

So, when the ticket created goes to the compliance team, there are considerable WHOIS records already outdated. So, there you can see on cycle one there are about 2,688 tickets created, but only 1,362 tickets went to the first [inaudible] the notice.

So, even with the 1,000-plus ticket went to the first of further notice, it leads to 60% of the relating WHOIS records being suspended or cancelled. There are 28% tickets lead to the change or update of the WHOIS data by registrar, which means around 80% of the tickets relating WHOIS data records is not accurate at all, since the domain name was suspended or cancelled or the WHOIS data had been updated.

There are only four notice of breach issued during cycle one and one registrar suspended or terminated during cycle one, but during the

following three cycles, there is no notice of breach issued and there is no registrar suspended or terminated, although there are still around 80% ticket issued leading to the suspension or cancellation of the domain name and the WHOIS data has been updated.

So, to my understanding, even you take different [inaudible] as a contractual obligation since the 2009 RAA and 2013 RAA both coexist. Even you take this into consideration, there is still contractual obligation for the registrars to validate and verify the WHOIS data. If there is domain names suspended or cancelled, it's already an indicator of a breach of the contractual obligation. Here, just wondering why there is no notice of breach issued by ICANN to registrars. Next slide, please.

CATHRIN BAUER-BULST: Sorry. Just to make sure I understand. The 60% in the example for cycle one, that 60% of the 1,362 immediately above and the 28.2 is also of the 1,362. So, those are two separate items, right? And the domains that were suspended or cancelled, those were suspended or cancelled by the ...

LILI SUN: Registrar. Should be registrar, yes.

CATHRIN BAUER-BULST: Upon notice. So, that's a reaction to the first notice?

LILI SUN: Yes.

CATHRIN BAUER-BULST: Okay. Sorry, thank YOU.

LILI SUN: Do you want to chime in, Carlton?

CALRTON SAMUELS: That's what I was trying to figure out, where you related to this ticket after the first notice. The first and the second line, the first one, they're suspended. Tickets related domains were suspended accounts, and that's a registrar action. That was not something that was ...

LILI SUN: Those suspension and cancellation and the WHOIS data updating. Assume it's all the registrar's action.

CARLTON SAMUELS: So, here's [inaudible]. If you look and see the numbers, the tickets, the numbers that are going up after the first notice, but the numbers related to registration suspension and changing is just about right, just about constant. Is there some other explanation for why?

LILI SUN: There is a slide on the reason from ICANN. Yeah.

ALAN GREENBERG: If I may. My understanding of those numbers are if you look at cycle two, 4,001 tickets were created which means by the time they got to compliance, there was still an issue. Two-thirds of 8,000 there was no longer an issue. The domain didn't exist or the problem was already fixed. That's the way I'm interpreting it. Is that correct?

LILI SUN: So. Yeah. Taking cycle two specifically, there are 4,001 tickets issued, but when the 4,000 tickets came to the compliance team, there are already 2,000-plus tickets related WHOIS records outdated. So, either the domains were suspended or cancelled or doesn't registered or relating to the privacy and the proxy service. So, they will not trigger the notice.

ALAN GREENBERG: Okay.

STEPHANIE PERRIN: From the compliance point of view, [I really] took a look at this and actually one of the recommendations for that may end up here in your group, subgroup. So, each cycle they pulled 200,000 target domain names and then they do a subset and go in and look at each of those. So, the first cycle of 10,000 registrations. The second cycle is 12,000. There's no duplications supposedly?

UNIDENTIFIED MALE: No [inaudible].

STEPHANIE PERRIN: Okay. I thought maybe you were thinking each ...

ALAN GREENBERG: My question is of the 12,000 – let's take cycle two. There were 12,000 that they chose to look at and 4,000 ended up with tickets created. Therefore, 8,000 were not tickets created and therefore the information was either deemed to be correct or by the time it got to compliance, there was no longer an issue because it takes several months for it to happen. So, the name may not exist anymore or in fact may have correct information. So, of those 4,000 ...

LILI SUN: No.

ALAN GREENBERG: No?

LILI SUN: There could be no correct information. So, it's only related to the domain name neither not registered or the domain name being suspended or cancelled or it's relating to [PNP] service.

ALAN GREENBERG: So, of the 4,000, 2,500 approximately did not have tickets created?

LILI SUN: Yeah, since the WHOIS data has outdated.

ALAN GREENBERG: That's correct, or the name didn't exist anymore or something?

LILI SUN: Yes.

ALAN GREENBERG: Okay. Of those 1,524, 60% of them when the registrar was contacted suspended or cancelled the domain. 24% of them, they fixed the data. So, we have the remaining 15% or 14% where the data was not fixed immediately, but there were no breaches. Therefore, what happened with those is the question? Did they get fixed on the second pass, on the second ticket? I'm assuming ... The other question is of the breaches in cycle one or termination, were they related to these particular infractions? I'm assuming so.

UNIDENTIFIED MALE: [inaudible] simply breaches of any registrar regardless of why they [inaudible] they were notified of breach.

CARLTON SAMUELS: My understanding is that the cycles have totally different records [inaudible]. It's a totally different record, so they wouldn't [inaudible] at all.

ALAN GREENBERG: But, a registrar may have been notified for breach because of something completely unrelated to this process.

UNIDENTIFIED FEMALE: I don't think that would be [inaudible].

ALAN GREENBERG: That's what I'm asking. Are there, there was only one registry terminated or one registrar terminated because of this process?

UNIDENTIFIED FEMALE: That's my understanding.

ALAN GREENBERG: Okay, thank you.

LILI SUN: Can we move on to next slide? Oh, Cathrin, yes, please.

CATHRIN BAUER-BULST: Just one more question, following up on Alan. So, we don't know what happened in the rest of the cases. There is no data to show what action was taken on what was it 15% in cycle two where the domain was neither suspended or cancelled, nor was there updating of the WHOIS information.

LILI SUN: There is a table, but I couldn't memorize the details. Maybe I can come back later on this. During the review of the WHOIS ARS and was really curious about what's a standard for a notice of breach. To my understanding, the registrars failed to validate or verify the WHOIS data. It's already a breach.

CARLTON SAMUELS: Yeah, it's the timeline of it. [inaudible] at least a couple of times, do something about this and it's after all of that. Then, you still have to go back to the original reporting. Then, you have the notice. Usually, because they don't go back to the reporting because it's a different set of data that's taking by compliance. It never gets done. That's the way the structure ...

LILI SUN: So, can we move on to next slide?

ALAN GREENBERG: Yes, please.

LILI SUN:

Sorry. Can we move back to slide 44? So, based on the analysis [inaudible], we draw the preliminary conclusion about the WHOIS accuracy reporting system. So, although there are only a simple record was selected to conduct the accuracy report test. So, [inaudible] WHOIS ARS is an effective way to improve WHOIS accuracy considering there are around 60% of the tickets issued leading to the suspension and cancellation of domain name, and about 20% of the tickers issues lead to the updating of WHOIS data. So, we still take it as an effective way to improve WHOIS accuracy.

The second, given there are about 80% of the tickets issued lead to the either suspension or cancellation of domain name or the updating of the WHOIS data. So, there is a reasonable [inaudible] to believe the registrars haven't validated or verified the WHOIS data [inaudible] registration.

Also, based on the figures we just extracted on the table, it is confirmed that the WHOIS data [inaudible] book is still very high, at least 30-40%. Yeah. As I highlight just now, for this subgroup, we are quite interesting about the [inaudible] criteria for the breach, the notice of breach, on what's [inaudible] notice of breach will be issued by ICANN to registrar. Please, Alan.

ALAN GREENBERG:

Was there any attempt in when processing this data to categorize whether the domain was registered by a registrar on the 2009 or 2013 RAA? Because the 2009 RAA there was no requirement to validate, 2013

there is. So, did they do any analysis to say of the ones they found where the data was not accurate, which RAA applied?

LILI SUN: They did differentiate whether this domain was registered under 2009 RAA or 2013 RAA.

ALAN GREENBERG: So, you're still saying that there is still evidence that for the 2013 ones there is still evidence they were not validating syntax?

LILI SUN: Yes.

ALAN GREENBERG: Okay, thank you.

LILI SUN: So, if there are no further comments or questions, can we move to slide 48? This is relating to the implementation about recommendation 7 about the annual report on the improvement of WHOIS accuracy. Again, there is no specific annual report about the reduction of inaccurate WHOIS data. We can find some evidence or progress in the annual report about WHOIS improvement.

I have extracted all the relevant content from the annual report about WHOIS improvement from 2013 until 2016. In the 2013 annual report,

the conclusion of 2013 RAA and establishment of the WHOIS micro-website and also the contractual compliance function enhancement was [inaudible]. This is all the improvements about WHOIS accuracy from the 2013 annual report.

In the 2014 annual report, the accuracy reporting system was firstly introduced and also the pilot study reviewed that the registrars under the 2013 RAA experienced better accuracy rates for e-mail addresses than registrars under prior versions of the RAA. So, it's reasonable.

In the 2015 annual report, WHOIS quality review process referred to as WHOIS QRR was introduced. The objective of the WHOIS QRR is to determine if registrars continue to comply with the WHOIS accuracy obligations on previously closed WHOIS inaccuracy complaints because a domain name was suspended.

So, I would take a ticket as quite effective follow-up on the continuous contractual obligations, but surprisingly, only in the 2015 annual report the WHOIS QRR was mentioned. It was not mentioned anymore in the following annual report.

In 2016 annual report, the shift from the formation or commitment to new ICANN bylaws was highlighted and it's very interesting. There is term introduced in the bylaws. So, ICANN used commercially reasonable efforts to enforce relating policies. So, it's the first time for I saw the commercially reasonable, although there were no standards or criteria relating to this.

Again, as I mentioned during the morning session, there is a delay for the annual report on the WHOIS improvement, so we haven't seen the

2017 annual report yet. That's all I can extract from the annual reports on the WHOIS data accuracy topic.

So, going through all the annual reports from 2013 until 2016, in the annual report, the progress of all WHOIS policy related workstreams was summarized, but no [measured] reduction in WHOIS data that falls into the accuracy group's substantial [inaudible] or full [inaudible] was provided by ICANN. Even for the estimated inaccuracy or improved progress are missing from the annual report, so there is not evaluation about the accuracy reporting system project. Can we move to the next slide, please? Yes, please, Stephanie?

STEPHANIE PERRIN: Just before you leave that slide, I have ...

LILI SUN: Can you use the microphone?

STEPHANIE PERRIN: Sorry. It's because I'm sitting next to Carlton it's catching. I have fond memories of Elliot Noss standing up at the mic and saying after they did this – so, that would've been 2014 maybe – they found no evidence of criminal behavior behind any of the domains that they suspended. Was that reported or not? No?

UNIDENTIFIED FEMALE: And where did he get that information?

STEPHANIE PERRIN: Well, yeah. I'm kind of looking for stats on that [inaudible].

UNIDENTIFIED FEMALE: I think that came right out of his head.

STEPHANIE PERRIN: Ah, okay. Just checking. You have a different view, do you?

UNIDENTIFIED FEMALE: I have a different viewpoint on that. [inaudible] taking Elliot's word at a microphone as part of this analysis.

LILI SUN: So, when you look at the implementation about recommendation 9, you can see there is a consensus policy which named the WHOIS data reminder policy. It was adopted in 2003. It was adopted by ICANN in 2003 and it requires a registrar to present to the registrant the current WHOIS information and remind the registrant the [inaudible] WHOIS information can be grounds for cancellation of their domain name registration, and the registrant thus must review their WHOIS data and make any corrections.

But, going through all the background materials, there is only one implementation report on the WHOIS data reminder policy which was published in 2004. According to the board, in dealing with recommendation 9, the board assessed as a WHOIS data reminder

policy as not feasible. So, they referred back to the implementation of recommendation 5 and 7.

I'm not quite sure what's [inaudible] or what's the rationale for the board to draw this conclusion, as the implementation report on the WHOIS data reminder policy hasn't ... It seems it hasn't been enforced since 2003. Although it's still a consensus policy and listed on the WHOIS micro-website.

ALAN GREENBERG: My information, my belief, at this point is that policy is still in place. It is still being acted on. There is a large question of whether it has any effect or not, but as far as I know, it's still being done. I still get notices.

UNIDENTIFIED MALE: Me too.

ALAN GREENBERG: If the board decided that something wasn't effective, I don't think it's the WHOIS reminder policy. It might be something else.

LILI SUN: No. In the action plan, it was clearly indicated that the board deems this policy as not feasible. Maybe just checking the compliance metrics, it's not feasible.

ALAN GREENBERG: No. Tracking whether in fact ... Yeah. The recommendation said we should find out whether it in fact works or not, and that I believe the board deemed to be not feasible to track whether it is effective or not, but the policy is still in place and being acted on on a regular basis, perhaps to no end or perhaps we don't know whether it's wasted effort or not. That's the part that the board deemed to be unable to do to verify whether the policy was helping or not.

LILI SUN: Yeah. That's also my understanding. I believe it's still a valid consensus policy, but it was not reflected in the annual report, not at all.

ALAN GREENBERG: I think the board decided that it could not produce a measure of whether it is effective or not, but the policy still is in place. They're just not trying to measure it. So, that I think the one recommendation where the board decided that it simply could not be implemented.

UNIDENTIFIED FEMALE: Did they have a rationale for that?

ALAN GREENBERG: No one could come up with a way to do it.

UNIDENTIFIED FEMALE: It's my understanding that without a baseline, you wouldn't have anything to compare to and even if you could, you wouldn't necessarily

be able to attribute an improvement or not to this particular policy. There's lots of reasons why accuracy might fluctuate. The policy might only be one factor.

ALAN GREENBERG: Susan?

SUSAN KAWAGUCHI: In my reading of I don't know how many documents for the compliance, it seemed like there were several policies that they don't track metrics or enforce because if you don't track metrics, then how do you enforce it? So, why are we drafting policies that can't be enforced? That's something I'll bring up to in my area. It just seems like we should be ... The community should be aware of the fact that when a policy is created, that enforcement is something that has to be thought of.

ALAN GREENBERG: I can speak a little bit as someone who helped draft policy, that is not tracked. The bottom line is it took all the effort we could put into it to get the policy set and there was no way that the registrars were going to agree to collect data to track whether it is effective or even been done. It's a matter of how much you can sell. We are in the position where we got what we did or we would have gotten nothing. Stephanie and then we should go back to Lili.

STEPHANIE PERRIN:

I think this brings up the broader question of maturity levels. As you say, there's no point in hatching a policy if you're never, ever going to measure it and the record shows plenty of things where a meeting was held, some kind of rough consensus was reached, and then nobody ever looked at it again. So, it seems to be a response to difficult problems.

Now, it is one thing to load all the costs of regular measurement on the registrars. It's quite another to absorb some of that cost by letting a contract to do random sampling or something like that. Or maybe you only do it once every so many years. But, to abandon metrics entirely strikes me as really dumb.

Now, some of my constituency might not agree with me on this, but I do think data accuracy is, given adequate data protection, something that we could agree on. Of course, given adequate data protection is a big caveat there. But, I mean, if you stop publishing everybody's personal data, they have no incentive to lie about it and call themselves Mickey Mouse, unless you're a crook.

So, this is somewhere we could actually achieve some consensus and maybe move forward. Thanks.

ALAN GREENBERG:

Thank you. I think we need to be a little bit careful where we're going here. The whole compliance model at ICANN is based on complaint. A few exceptions of auditing whether things like escrow are done and a few other things, but the vast majority of it is done based on complaint and there are certainly other things we could do, but that's a real major change in policy. I'm not objecting to it. I'm just saying be aware that

what we're talking about is something very different than where we are today. Let's go back to Lili and let her presentation wrap up or we're never going to finish.

LILI SUN:

So, even the WHOIS data reminder policy – Next slide, please. So, even the WHOIS data reminder policy has not been enforced for years. But, if you're going through the implementation report of the 2004 one, there are still some interesting findings. So, during that round of WHOIS data reminder policy audit, there are 254 registrars. It's accounting for 70% of all ICANN accredited registrars at that time. [They] responded to the audit and during the responses, only 44% of the responded registrars, they did send out the notices and covered 50% or less all registrations under sponsorship. There are still considerable notices undeliverable. Of course, it's due to the inaccurate e-mail addresses.

And even with all the [inaudible], there are still at least several thousands of the notice lead to the changes, the updates, of the WHOIS data. So, this subgroup takes the WHOIS data reminder policy as another effective way to improve the WHOIS accuracy just as a WHOIS accuracy reporting system. That's a point I want to highlight.

ALAN GREENBERG:

Question. Are you saying that out of the people who responded, 56% of the registrars said they did not send out reminders and we didn't do anything about it? Something sounds wrong there. Compliance did a survey that discovered that 50-odd percent of the registrars they were

looking at did not send out the reminders, which is a policy, and they didn't take any action?

UNIDENTIFIED FEMALE: What year was that?

LILI SUN: 2004.

UNIDENTIFIED FEMALE: Yeah. So, in 2004

ALAN GREENBERG: Oh, okay. Sorry. I didn't catch that we were talking 2004.

LILI SUN: Yeah. After 2004, there are no written documents about the WHOIS data reminder policy anymore.

ERIKA MANN: That's the first and the last document related to it?

LILI SUN: Yes. That's all I could find.

UNIDENTIFIED FEMALE: We should make that a question.

[off-mic crosstalk]

CARLTON SAMUELS: I was just mentioning to Susan, because she's a lead in compliance, that we could ask that as one question for compliance to our list whether they have reports of reminder policy compliance, anything to do with reminder policy compliance after 2004. Just make [bare], broad, and open.

SUSAN KAWAGUCHI: I think it may be in the registrar audit nowadays. I do think they track this now. I have a feeling they may have done this 2004 and didn't do anything for a while and then when they started auditing – formally auditing – registrars, it was added to that. But, I'll find out.

ALAN GREENBERG: Okay. We're almost out of the hour. Lili, do you still have more presentation? Let's try to work through it so we have a little bit of time for more discussion.

LILI SUN: Okay. Next slide, please. So, let's come to the end of the review of the background materials. Here, after, are some problems or issues identified by this subgroup.

The first one is the objective of reliable WHOIS data has not been achieved. So, WHOIS accuracy reporting system and the 2013 RAA

contractual obligations only deal with syntax and operability accuracy, there is not [identity] verification yet. So, this is a conclusion. Next slide, please.

So, based on the figures and the facts this subgroup has found out, we have a conclusion that the WHOIS inaccuracy is believed to be largely unreported. So, although there is ICANN encourages the general public to report the complaint about WHOIS inaccuracy, as you can see on the screen, so what's a general public can report. It's all about incomplete or incorrect WHOIS data.

But, maybe a question for all of you here. When you conduct a WHOIS lookup, do you have the capability to verify the data is accurate or inaccurate? That's a question.

If you consider about the compliance, the compliance team received every year about the report accuracy reporting system figures, we have the conclusion. We do have the conclusion that the WHOIS inaccuracy is unreported. Next slide, please.

Also, the conclusion here is the [inaudible] for the registrant to provide accurate WHOIS data and for the registrars to validate and verify WHOIS data are missing.

So, from my perspective, I didn't see any proactive [measures] have been taken by registrar to improve the WHOIS accuracy for the WHOIS data validation specification, the implementation about that specification, and also the WHOIS accuracy reporting system. It was all initiated by ICANN, and if there is no strict compliance regulation, I do

believe there is no incentives for the registrars to follow the contractual obligations. Next slide, please.

CHRIS DISSPAIN: Can we ask questions now?

LILI SUN: Yes, please.

CHRIS DISSPAIN: Can we go back? Lili, what's the basis on ... This is what you think now. So, what's the basis of you saying you think that WHOIS accuracy is largely underreported?

LILI SUN: If you look at the WHOIS accuracy reporting system, the compliance metrics about the WHOIS accuracy reporting system, even just 10,000 records were selected, at least to 80% of WHOIS inaccuracy. So, just consider about that. That's the reality.

CHRIS DISSPAIN: Yeah. When you say underreported, do you mean people are not reporting it or do you mean it's understated and that we're suggesting that it's not as bad as it is? I think there's a difference.

LILI SUN: From my point of view, it's two way. One way, if ICANN encourages the general public to report the WHOIS inaccuracy, but as a general Internet user, we don't have the capability to recognize which WHOIS data is accurate or inaccurate.

CHRIS DISSPAIN: Right.

LILI SUN: The other is, from ICANN perspective, although we have the WHOIS accuracy reporting system, which is a proactive [measure] to improve the WHOIS accuracy, but it's not enough. There is only 10,000 or 12,000 samples conducted for each cycle, considering we have 300 million domains today.

CHRIS DISSPAIN: Understood. So, two things. One, irrespective of the size of the whole, a sample of around 10,000 statistically is more than sufficient to draw statistical conclusion. So, you can say that the sample is sufficiently ... It's for different purpose, right? But, you can say that the sample is sufficiently large to be able to draw valuable and reasonably accurate statistical conclusions from that sample.

So, if 80%, just say – and I'm making this up, but if 15% of those 10,000 records were inaccurate, it's a fair enough statement to say that statistically you can argue that that's likely to be what is across the board. That's one point.

The second point is I heard you say a couple of times again that the WHOIS accuracy e-mails are not being done, but they are being done. We just need to be really clear. As far as I'm aware, and I've certainly received them on a monotonously regular basis, they go out to registrants and say, "Please confirm that your WHOIS data is accurate." So, they are still being done.

UNIDENTIFIED MALE: That's the reminders.

CHRIS DISSPAIN: Yes, the reminders. Just to make sure, those are still being done.

LILI SUN: Yes. I just want to confirm that, from my understanding, it's still a consensus probably to today, but I haven't seen any implementation or enforcement document relating to the reminder policy since 2004 and it was not reflected in the annual report at all.

CHRIS DISSPAIN: Understood.

ALAN GREENBERG: I and Susan believe that it is being audited. It may not be reported discreetly, and it's a question we should ask because I believe it is something being audited. Please continue.

LILI SUN: Yeah. So, based on the findings of the WHOIS accuracy reporting system, I would take that there is no risk for registrars did not follow the contractual obligations to validate or verify the WHOIS data since there is nearly no notice of breach issued to registrar.

ALAN GREENBERG: Okay. Go ahead, Carlton.

CARLTON SAMUELS: So, there are two issues. One, if there is the registrar is contractually obliged to check the accuracy of the WHOIS data at the time of registration.

LILI SUN: Even for the transfer.

CARLTON SAMUELS: Yes. This [inaudible].

ALAN GREENBERG: Under the 2013.

CALRTON SAMUELS: 2013, right. And the evidence suggests that they're not doing that as regularly as possible. That's the first one. So, there is no sanction

associated with that failure. One goes to the compliance, then the compliance, they send out a request for them to remedy whatever exists and after three notices and there's no remediation, they send out a notice of breach. There's a breach notice that is sent out, because remember, compliance people will try to get to the registrar using persuasion to get them ... Yes, collaborative enforcement is the way they do it and they try to get them to remedy before they send out the notice of breach.

What we don't have is a discreet measure of how many of the breaches were actually remediated after the first, second, or third try. That's what we don't have. It would be important to get that information because they just don't go to breach the first time that they recognize that there is a breach. They go message, message, message, looking for response, response, response. Some of them, they do have responses, so you want to make sure that those numbers kind of add up. Yes?

ALAN GREENBERG:

Susan is a better expert at this than I am, but my understanding is no breaches mean there have been no reported problems that were not fixed one way or another. So, it doesn't mean that they are knowingly ... That we know that Carlton has a registration that has wrong contact information. We've reported it. They have said, no, we're not going to fix it and there was not a breach. If it ever got to the point where they said, no, we're not going to fix it and we're not going to suspend his domain, then there would be a breach.

But, my understanding is everything is fixed for that particular report before it gets to the stage of a breach. Now, the real problem as I see it is that I don't believe there is any attempt to recognize patterns, that is a particular registrar we get a lot of these for and they fix them one by one, but we don't necessarily go and now audit everything that registrar has because we've noticed the pattern.

I think the problem is not that they're not following their own policies in compliance, but they're not using investigative methods that you as a police officer might use and are simply ... If someone reports a theft, we track – we look at that theft. But, we don't notice there are a lot of thefts in that neighborhood or take action, which any police department would do – any reasonable police department would do. I think that's the difference in what we're seeing. Not that they're not following the policy, but they're not being proactive in trying to find problems in the overall system.

LILI SUN:

So, next slide, please. There is one slide missing? Yeah, this slide, please. So, if you're looking at the contractual compliance annual report in 2016 and 2017, the most common issues addressed by ICANN with regards to the registrar compliance in WHOIS accuracy is about registrars failing to verify and validate the WHOIS information as required by the RA. So, it's major [inaudible].

So, based on the compliance annual report, we can draw the conclusion that the registrars are not following the contractual obligations to verify and validate the WHOIS data.

We are running out of time. The last point I want to point is can we go to slide 58? The last point I want to touch upon is about the WHOIS accuracy relating to the privacy and proxy service.

From my point of view, this area hasn't been touched upon yet. For the WHOIS inaccuracy compliance, you can see the privacy and proxy service providers contact information listed on the WHOIS data as long as that contact information doesn't [inaudible] to the syntax and operability standards. So, that will be [inaudible] as accurate WHOIS data.

But, according to the written briefing from ICANN – next slide, please. Although, the contractual compliance receives and processes the WHOIS inaccuracy compliance regarding to the privacy and proxy services, but since there is absence of an accreditation system for [PNP] service providers, it's difficult to automate the accurate information or domain names subject to the [PNP] service.

So, to my point of view, data accuracy which uses privacy and proxy services is totally uncertain. It also reconfirms the GAC's concern reflected before, it maybe protects the criminals to hide themselves. Next slide, please.

So, regarding to the recommendations, this subgroup has been proposed specific recommendations yet, but that may be some directions on this. So, one direction is how too strict compliance enforcement. The second is not ICANN, but the registrars, to play an active role in improving data accuracy. That's all from my side.

ALAN GREENBERG:

Okay. Thank you very much. One of the problems I see going forward at this point is we have a very large overlap between what you have done and the compliance group and I think we need to delineate to what extent you are going to look at the compliance issues and follow through on them and to what extent the compliance group is because clearly there's no point in finding errors unless we do something about them, but we need to make sure that within this review team we're handling them separately.

My inclination is to say it fits better under the compliance issue. Once your group has noted the issues, then try to have you looking at the compliance actions in parallel with the compliance group. That's my opinion.

One or two other very quick questions, going back many, many slides and I don't know if I can even find it. You say registrars are not doing something. Let's see if I can quickly find it.

UNIDENTIFIED FEMALE:

55?

ALAN GREENBERG:

No, it was way back before then. Ah, slide number 44. It is suspected that registrars haven't validated or verified WHOIS data upon registration and I think we need to be very careful on the wording there, that some registrars may not have – and not registrars in general. I'll give just one point. I think that's the only specific thing I wanted to correct. I think the whole issue of patterns is something we have to look

at. We're not going to fix data inaccuracy problems by looking at .0001% of them as samples unless we can learn something from that information.

We don't have any hands. Who would like to speak next? Susan, please go ahead.

SUSAN KAWAGUCHI:

One thing I'd like to just note is this is really important work, and thank you so much to the whole subgroup digging into this. I would like to not rush to my report on compliance. I'd like to be able to flesh out this a little bit more. I'm hoping nobody else disagrees with that.

Lisa, this may be a point or if I could get a clarification from you. It looks like what Lili was showing us in this report is that the recommendation 6, substantial failure and full failure, those standards are not being used to evaluate inaccuracy. So, we're really comparing apples and oranges here. Can you remind me what substantial failure and full failure is? It's been a long time since I've read the [inaudible] report.

LISA PHIFER:

Not off the top of my head, I'm sorry.

SUSAN KAWAGUCHI:

I can look it up.

LISA PHIFER: Just one quick comment, though, is that the methodology that [NORC] used in their original accuracy report, which was 2006, it evolved when ours was defined. So, I believe that one of the reasons they weren't using those categories was – exactly – was because as they refined their way of categorizing inaccuracy, there wasn't a basis for comparison. Do you want to read them off?

ALAN GREENBERG: We do have a speaker queue at this point. If you'd like to get in, then I'll put you in.

LISA PHIFER: Okay, but just real quick, full failure is failed on all criteria, undeliverable address and unlinkable missing or [inaudible] false name unable to locate to interview. That's really identity, then. Yeah, we're not going there with this.

Substantial failure is undeliverable address and/or unlinkable name. However, registrant located. Unable to interview registrant to obtain confirmation. Deliverable address, but unable to link or even locate the registrant removing any chance of an interview.

I had forgotten that the [NORC] study was focused on identity, which that will never fly.

SUSAN KAWAGUCHI: So, just to clarify, it wasn't focused on identity but included identity and actual outreach to registrants, which ours of course does not actually go that far.

LISA PHIFER: Right.

ALAN GREENBERG: I've got a speaker queue of Cathrin and Stephanie. Does anyone else want to be in the queue at this point?

UNIDENTIFIED FEMALE: I'd like to be in it again.

ALAN GREENBERG: Okay. Cathrin?

CATHRIN BAUER-BULST: Just to say thank you to Lili who has really done all the work and has done an amazing job at it. So, thanks again. That was really helpful. I just didn't want to take credit because Susan was thanking the full team, and my contribution at least has been minor.

ALAN GREENBERG: Stephanie?

STEPHANIE PERRIN: Thanks very much. My question was on sort of the qualitative analysis of the results. I guess it's been partially answered by Lisa. So, the [NORC] study did look qualitatively at what was happening in a full failure model, but I know in other studies, you can have data that is inaccurate – for instance, the last name spelled inaccurately or places wrong in the form, so you've got the syntactical errors, but there's no intent to alter the identity or anything like that. It's just plain bad inputting on the part of somebody.

So, you don't really have any way to evaluate that, do you? I hate to call it RS data. Can we rename that, please? Too far down. Especially after the [red's] article, you know?

ALAN GREENBERG: Lili and then Susan.

LILI SUN: Actually, for the evaluation for all my evaluation here are based on the background document. If we have challenges on the conclusion, we can definitely propose further questions for ICANN to prepare some written briefings or quick answers on that. So, for all the evaluation here are just based upon the background document.

STEPHANIE PERRIN: If I can just recap on that, it does sound like that program needs to up its ante a wee bit so that you at least know ... I mean, we don't have a problem. Maybe it's just these routine mistakes. Equifax always claims their 60% accuracy rating is not that bad. It's just input error. We don't

know until we do some quantitative analysis of some of these bad results. Thanks.

ALAN GREENBERG: Okay. We have Susan and me in the queue in that order.

SUSAN KAWAGUCHI: One of the things I just wanted to verify is the WHOIS data is validated but it's not verified, correct? Can somebody answer that for me.

UNIDENTIFIED MALE: No, verified first.

SUSAN KAWAGUCHI: Verified and not validated. I always get those ...

LILI SUN: No, no, no. Validate. Sorry. Validate is about syntax and operability test. Verify is the second step. It's to check if the identity corresponding to the registrant.

SUSAN KAWAGUCHI: Right.

CARLTON SAMUELS: I got it wrong. Verify has to do with identity. Validate is just the syntax to make sure that the address is the right form and [inaudible].

SUSAN KAWAGUCHI: So, you and I are in good company because neither of us got that right. So, they're only validating. Even though there is language that requires some sort of verification, that has never been imposed, so they're not tracking that at all.

One question we might want to ask, too, is on the suspended or cancelled category. Cancelled, to me, is deleted. The domain name registration is cancelled, so therefore it would have to be registered again. Suspended is simply suspended and could be re-unsuspended, and we don't know whether or not that data once it's unsuspending is accurate.

CHRIS DISSPAIN: I can speak to that a little bit.

ALAN GREENBERG: Did [inaudible] several years ago put in a data inaccuracy report and the response was it has been put on hold, which essentially means taken out of the zone file. This was about three or four weeks before an ICANN meeting. Before I went to the ICANN meeting, I found out that it was no longer on hold and it was raised at an open session, somewhat to the embarrassment of the compliance people and they admitted that once they verify that it is on hold they never go back and look again. They then instituted a program that they would go back and look, but

how many times they looked and how they verified, how long it lasted is not at all clear. So, I think the question is valid and maybe Lili has the answer to that. But, they did start doing some level of checking again, but how rigorous it was, I don't know.

LILI SUN:

Yeah. Just to add that during the presentation I [inaudible] one issue that compliance team has WHOIS quality review. It was introduced in the 2013 compliance annual report, I remember. But, it is a process to validate whether the registrars continually enforce contractual compliance of the registrar for the suspended domain names. So, whether the case that WHOIS data [inaudible] domain name online again, but again there is no further updates from the annual report on the WHOIS quality review process.

ALAN GREENBERG:

Back to Susan or were you done?

SUSAN KAWAGUCHI:

The only other comment I wanted to make is if we went back to that chart, the ARS. It looks like the inaccuracy is moving up in number. So, from 28% tickets to over a third. Not this one, but ... And then this one is interesting, too, because of all the ... You can tell by region we have problems.

CARLTON SAMUELS: And the syntax and operability. [inaudible]. It's the previous slide to this one. That one.

SUSAN KAWAGUCHI: Yeah. So, in cycle one, there was 10,000 domains and 2,688 tickets. Cycle four, there was 12,000 domains and 4,681 tickets. That's a 2,000 ticket increase. So, it looks like either the compliance team is getting better at figuring out what is inaccurate or there were more inaccurate registrations out there.

ALAN GREENBERG: I think more disturbing is looking at that number and that says, if you look at cycle two and the other cycles just get worse, is a third of all registered domains have clearly blatantly inaccurate data on them and the numbers are going up, not down. Clearly, that is disturbing. It's about to be fixed because with GDPR we won't be able to see it anymore, so we can all have a level of comfort.

CHRIS DISSPAIN: A couple of things. Do we know the dates, roughly the years of cycle one, two, three, and four?

LILI SUN: From 2016. From January 2016 until December of 2017.

CHRIS DISSPAIN: So, that's four cycles over two years?

LILI SUN: Yes.

UNIDENTIFIED FEMALE: It's every six months.

CHRIS DISSPAIN: I have to say that seems odd, doesn't it, that in that period of time you would have what I would argue as not insignificant inquiries, unless the extra 2,000 names going from 10,000 to 12,000 were all bad and they've chosen them specifically to be bad, which I think is unlikely. It comes back to that thing of ... Yeah.

And the other question is do we know ... When you say it's inaccurate, do we know ... Is there a distinction made between missing and inaccurate in the sense of a blank box as opposed to something that's clearly wrong?

LILI SUN: I believe or missing or ... Yeah, like the country code mismatched with the post address, [inaudible] inaccurate.

CHRIS DISSPAIN: Right. So, some of it may be ... Again, we need to check this out, but we can take a view that there would be some of these records that are actually basically accurate, but have something wrong in them, and then there are heaps of these records that are basically inaccurate. Unless

you're suggesting, Susan, that one-third of people are deliberately ... I'm not saying it matters. I'm just curious. One-third of people are deliberately not putting in accurate information as opposed to not being accurate ... I don't know. As we know, it'll change anyway.

ALAN GREENBERG:

We're using various standards of what an accurate phone number looks like, what an accurate mailing address looks like, what an accurate e-mail address looks like. Now, e-mail is a relatively strict protocol. I don't know what the standards are for a postal mail address in Ireland. I presume there are some, but I know I can send mail to my relatives there with their name and the name of the town they live in and it gets delivered. That may not match the formal standards, but it works.

CHRIS DISSPAIN:

That's the Dublin [inaudible].

ALAN GREENBERG:

Well, Dublin, it might not work. I'm talking about really small farming towns and some of them have domain names. We have Stephanie and then Carlton in the queue at this point. I'm sorry, and Lisa. My apologies.

STEPHANIE PERRIN:

Sorry. Thanks, Carlton. We're getting better, you see? My question was is it possible, because I'm [inaudible] with the disparity there – Asia-Pacific, for instance, the accuracy rates are really low. Did we by any

chance implement the internationalization of all that effort during that period and is it causing inaccuracy? We don't know?

LILI SUN: I didn't see any IDN implemented in the past two or three years or in specific regions. Yeah.

ALAN GREENBERG: WHOIS is still 7-bit ASCII. Carlton?

CARLTON SAMUELS: So, going back to that because that's one aspect of it, they [inaudible] IDN realization for the WHOIS record is one thing that might [inaudible]. But, going back to the standard. It's one thing to say we have different standards for postal or e-mail, but you can only evaluate against one established standard and the [inaudible] standard for postal is what is used. I go with Alan on that. You can in fact get an accurate address outcome without following the standard, but the evaluation still has to use the established standard, so we need to make a distinction.

ALAN GREENBERG: There's a difference between willfully putting an address that you know won't work and putting something that actually doesn't work. There's no way we can distinguish.

CHRIS DISSPAIN:

I don't know how far down this road folks want to go, but actually you can. You can take a stab at it because you can look at the data and you can say there are a bunch of these which are obviously willful, Mickey M. Mouse, etc., whatever you want to call him, cities that are made up. Those are clearly willful. You can do that. Then, you can also look at them and actually do a sift through and say these are common mistakes and they appear to be common and they can be common across particular country, common across particular type of registrant. Again, I have no clue whether anyone wants to do that, but it is actually possible to do it.

I just want to say one thing, and again, I have no clue whether this is of any effort or help, but I can tell you that when we reduced the amount of data available in Australia on WHOIS, we estimated that our accuracy levels rose to around about 85-90%.

Now, I'm not suggesting that's a reason to do anything with WHOIS, I'm just saying there is a clear correlation between the willingness of ... Now, the point being, the crooks still find a way around it. There is clearly a correlation between the amount of data that is exposed and the willingness of people to provide it, whether we like it or not. Thanks.

ALAN GREENBERG:

Lisa?

LISA PHIFER:

Yeah. I was in the queue, but Carlton has actually covered part of it. The [UPU] standard is what's used to determine syntactic accuracy, and

then operability is what's used to determine whether in fact that post would be delivered to your cousin in Ireland.

UNIDENTIFIED FEMALE:

So, I'm not sure I even put it in the report, but in the discussion with the compliance they also not only used the [UPU], they used a Chinese database, and then they also, when they are investigating the inaccuracy reports, we'll do a Google map search. Is there this town in that country? That gives you a more reliability that, yes, this town at least exists in that country. Whether or not that street exists in that town in that country is a different thing.

The other thing that none of this does is verifies against or validates against identity theft because you can put anybody's information in currently and it can be an actual address. I used to combat this all the time when I was at eBay and Facebook. But, somehow that wasn't always responded to by ICANN compliance as an inaccurate data. The data was accurate. It was not accurate for that registrant and that argument is just ... I mean, I don't know how many times I've gotten into almost swinging fists over this and made ICANN compliance really angry.

But, the truth is I had run into more identity theft and not just, sometimes of our users in registrations – I mean, this one time at eBay, I called this poor old couple that must have been in their 80s and they're like, "Doman name? What?" Finally, I said, "You need to have your son call me." I didn't even know if they had a son. They're like, "Well, we just ..." I said, "Look, I'm just trying to help. I'll try to fix this for you, but somebody has taken your information and put it in a registration. They

may have taken it and done other things with it.” I said son and then I went to kids. “Have one of your kids call me.” And they did, so I gave them a bunch of advice that they probably never used. Those are just anecdotal.

One of the things, too, in the compliance information is ... They close a certain amount of tickets just right off the top. So, I did ask to see those tickets, to see if there’s some sort of pattern of why they would be closing tickets without any actions and their first response is not to provide that to us, but I’ll go back to them. I just haven’t had time.

ALAN GREENBERG:

I’ve got Stephanie and myself in the queue.

STEPHANIE PERRIN:

That does speak again to better metrics, because I mean, for compliance to be calling something that is syntactically correct, correct, accurate, is just plain dead wrong. Just because it clears syntactically doesn’t tell you anything. In fact, it’s a pretty good indicator for identity theft. So, we need to up our game here a little bit on our metrics and in our terminology. I can’t believe they would actually argue with you over that one. Come on. We wouldn’t get away with that in government.

SUSAN KAWAGUCHI:

There was [inaudible].

STEPHANIE PERRIN: Wow. That's really pathetic. Really pathetic.

SUSAN KAWAGUCHI: You know what? [inaudible] hit 30,000 of our users, and that's just ... We stopped them at 30,000. They would have gone on. And could never get a hold of that domain name until it deleted and then I picked it up and then the Facebook security team used it as a honey pot. Things still come back to those domain names even after everything is ... And they can sort of identify a lot. But, no, ICANN compliance is not our friend. They were collaboratively enforcing with the registrar who is a known bad player, and would not take it as my evidence at all. The only thing they did not use was Facebook's information was the name servers and the e-mail address.

UNIDENTIFIED FEMALE: Interesting.

SUSAN KAWAGUCHI: That happened so many times it's ridiculous.

ALAN GREENBERG: Just a couple of, I guess, cautions. It's conceivable that someone masquerading as Facebook is something they could determine, but if they chose to look at real information – I'm not sure how in the more general case that if I register a name as a Carlton Samuels at some address they can verify that is the wrong one. I mean, as a genealogist I have found out that no matter how weird your name is there is more

than one of you, and there is a lot of Mickey Mouses around. There's a lot of malicious parents with the surname of mouse naming their child Mickey.

At some level, how do we verify identity in situations where we're not talking about one domain where someone is identified, where Susan Kawaguchi is called up and said we have a problem, but trying to do it in an automated way on the hundreds of millions of domains.

I just want to make sure that if we're going to make recommendations, that it's something that's actually implementable. Stephanie has the answer. That's good.

STEPHANIE PERRIN:

Well, no. I was going to say that the reason why governments have been, in my view, extraordinarily slack at grasping the [medal] of identity theft is because precisely this costs huge amounts of money. As you pointed out, ICANN operates on a complaints-based system. Susan is in there getting paid by Facebook to pick this stuff up. She complains. That's a different problem. If she complains and she has credibility and they're not listening, I think that's a bit of a wee problem.

On the other hand, if I complain that Alan has taken out a website in my name, boy, that's a much more difficult problem and an expensive problem for ICANN to solve. That might be one where we'd have to go to independent dispute resolution to fight over what happened pretty quick. There are identity theft resources but they aren't official identity theft resources. The only thing my government was doing last time I

checked was giving you a new social insurance number, should you have gotten so far as to take out an insurance number in my name. Thanks.

ALAN GREENBERG: Please go ahead.

CHRIS DISSPAIN: Yes, I agree. Doesn't closing down access to the database actually make identity theft easier because no one knows that you've stolen that. Isn't that right? No one knows that you've stolen their name because you can't look it up? Or you do look it up and it can be my name.

I mean, bizarrely, there is another Christopher Leonard Disspain in the U.K. who is a distant cousin of mine whose family obviously took one look at me and went, "We want him to be like him." And Jill's [mother's] brother was Donald Duck, and he was christened three years before Donald Duck was invented. So imagine the fun he'd have. Seriously, it's true. Imagine the fun he'd have right now were he alive and if he had a domain name. He would be an example we'd be putting up on the board of someone who clearly is lying about his name.

UNIDENTIFIED FEMALE: Yeah, in my opinion, some of the identity theft may go down because there's no reason to do so. In this case that was the most egregious in my opinion, they were trying to make the domain look authentic and secure. That's the only reason they did it. In filing the complaint, I not only did it through the little complaint process but sent a note to Compliance and attested using legal language saying "under perjury of

law blah, blah, blah, I'm attesting this is fake. Facebook did not register this." The ten top registrars would have handed that over to me immediately. In fact, James Bladel in a discussion recently was saying if somebody registers a domain name in somebody else's name, then we're duty bound to hand that over, to transfer it over. Which causes all kinds of other issues. And this is a small issue [within inaccuracy] really overall. It just can have a huge impact on users, a big brand. The brand Facebook didn't really have much damage, but those 30,000 users that responded and had malware delivered to their machine.

ALAN GREENBERG:

We also have the situation of registrars who do respond and then are accused of domain hijacking because they responded to someone who was making a false claim.

One my problems with Compliance at all is not that they could say to Susan Kawaguchi, "Sorry, we do not have any rules that allow us to give you that domain name." My problem is the question then never comes up of, "Okay, Compliance. What policy do we have to put in place so you can address this kind of issue?" That question doesn't get asked, and they don't volunteer the answer. So I think it's, again, a philosophical thing.

Anyway, we're starting to run out of a lot of time but, Stephanie, please go ahead.

STEPHANIE PERRIN: Not to further complicate life in the middle of the afternoon when we're all falling asleep anyway, nor to run a commercial for my accreditation standards workshop, but that whole issue of individuals being able to get into tiered access and verify their data is an important one that will require some policy development because ICANN's not going to check on how many Stephanie Perrins show up down there or Alan Greenbergs. Somebody has to just to avoid this kind of phenomenon happening. Plus you have access rights, and you have to deliver on access rights.

Now your access rights principally are to the registrar that you registered with, but I would argue that you're going to have to provide access rights to what's in WHOIS. So just flagging it as – but all of these qualitative things are hard and expensive, and that's why we wind up ducking them and doing the quick easy stuff that's no longer easy when it's global. Thanks.

ALAN GREENBERG: I think we're wandering very closely into compliance anyway. Is there anything else we want to talk about on the data accuracy half of it, not compliance, before we shut out this session?

ERIKA MANN: I have one question, Alan.

ALAN GREENBERG: Erika, please go ahead.

ERIKA MANN: I was just complaining about the system because I was watching the system and it raises hand and then after awhile it drops it automatically.

UNIDENTIFIED MALE: It's only your hand, Erika.

ERIKA MANN: No, I don't believe it's only my hand. I was just wondering, is there actually an ideal scenario how WHOIS should be handled? Was this ever debated with regard to the accuracy. Was this ever debated? What would be an actual perfect set of WHOIS data? How would it look like? So it would not lead to any confusability or the question you just debated.

SUSAN KAWAGUCHI: I'm not sure this answers your question, Erika, but let me try. In the accuracy study, you asked about full failure and partial failure. There's the complete success path which is that every element that is tested is syntactically, operationally validated and then identity is verified, for [NORC] meaning that they actually tried to contact the party and ask, "Are you affiliated with this domain name? Did you register it?" and the party says, "Yes."

If I can just follow up on that. In the EWG report, one of the concepts that we proposed was having a validated set of contact information and that no one else except that one registrant could use that. I was

proposing that as companies would pay extra for that validation and a registrant ID or something that would go along with it. But then there would be instructions to all registrars: do not accept this block of contact information in a registration until you've verified with the validated – or verified, I can't get it right – registrant. Because that would put an end to - at least for big brands problems.

ALAN GREENBERG: Where are we in terms of our real break?

UNIDENTIFIED FEMALE: We're 15 minutes before the real break.

ALAN GREENBERG: Is there stuff being delivered, or is there any reason we can't have the break now?

UNIDENTIFIED FEMALE: No.

ALAN GREENBERG: We cannot have the break now? We can have the break now?

UNIDENTIFIED FEMALE: There's no reason we cannot.

ALAN GREENBERG: We are on a 15-minute break starting now.

Are we restarting? Okay, we are restarting after our afternoon break on Monday, 16 April, at the RDS WHOIS2 Review Team. First, I'll turn it over to Alice or Jean-Baptiste for a brief announcement.

ALICE JANSEN: Yes, thank you, Alan. I just wanted to note that we have an in-person observer, Pascal Crowe. He's an intern for ICANN with the ICANN GSE, the partner for Europe.

ALAN GREENBERG: Thank you. Welcome.

ALICE JANSEN: And he loves data, by the way.

ALAN GREENBERG: Do we have data for him.

I think we are now going to someone we haven't heard from today yet. We are recording. We're on Susan Kawaguchi to look at the Compliance subgroup.

SUSAN KAWAGUCHI: Okay, some of this will be overlap, so we'll just continue some of the discussions we started. The subgroup which is comprised of Erika, Carlton, Chris, Thomas, and I looked at Compliance, Rec 4, but we were

also Subgroup 6 and it was decided that we would merge those two subgroups together because compliance is compliance. So we're taking a look back to Rec 4 of the WHOIS review team's recommendation but then also looking forward.

So Rec 4 is: "ICANN should ensure that its compliance function is managed in accordance with best practice principles, including full transparency on resourcing and structure; provide annual reports; appoint a senior executive whose sole responsibility would be to oversee and manage ICANN's compliance function reporting to board committee; provide all necessary resources to manage and scale compliance team's activities." That was WHOIS Review Team 4 Recommendation.

Then our objective assigned to Subgroup 6 is "Consistent with ICANN's mission and bylaws, the Review Team will evaluate the extent to which ICANN org has implemented each prior Directory Service Review recommendation noting differences if any between recommended and implemented steps, assess to the degree practical the extent to which implementation of each recommendation was effective in addressing the issue identified by the prior RT or generated additional information useful to management and evolution of WHOIS (RDS), and determine if any specific measurable steps should be recommended to enhance results achieved through the prior RT's recommendations. 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 RT."

The initial set of questions of the subgroup which we're attempting to answer when assessing this objective: Do the current reports provide the details described above? Are they transparent and complete? Is the current appointment of a senior executive appropriate? Who does this person report to? Does the Compliance team have all necessary resources?

We'll step through all of this, but just as an overview, we met twice with the Compliance team, providing a list of questions that we drafted to the Compliance team ahead of time, and they provided written answers.

The first time we met with them, we were scheduled for an hour. It went almost to an hour and a half, and it was quite a dialogue. I thought it was really interesting, their answers to things and their concerns and their challenges. The second list of questions and meeting was right at the end of March. They did provide written answers and we did have a meeting scheduled, but we didn't have quite the dialogue and the session ended earlier. So there's definitely more work to do with that second set of questions and digging in. So this report isn't completely fleshed out as much as it could and should be.

On Rec 4, there should be full transparency regarding the resourcing and structure of its compliance function, you'll see we broke this into – and Lisa gave me this recommendation to do it this way – so we broke up the Recommendation 4 in this table. Do the current reports provide the details described above? Are they transparent and complete?

You can read what I've written in there, but they seem to – at least 66% of the work that the Compliance team does is the inaccuracy reports, and so that's a lion's share of the work they're doing. That's probably their main focus, although they have other duties that are registrar audit and things like that. There are other reasons for Compliance to look at all of the policies that they do enforce on and track. They may be looking at violations of all kinds of policies, but 66% of the reports are WHOIS inaccuracy reports and those usually come through that form that Lili had actually showed a template of that.

When we interviewed them about their process, their process has improved drastically between working the different employees of the team, members of the team working on the inaccuracy reports and their systems. So they have a much better technology in place now than they used to. And then they have a better process and a much bigger team to handle all the compliance reports.

I have the luxury of remembering the WHOIS Review Team 1 interview with the Compliance team and talking about the inaccuracy reports. At that time they were just trying to switch over to a different system that was more technology based instead of manual, and I had filed 30 reports the week before of which 6 were actually processed. So that led to an interesting discussion. That was back in 2011 or so.

So in evaluating and seeing the differences between then and now, I think there's a striking improvement and I think we should make sure we acknowledge those improvements but also not just let them rest on their laurels and expect more from them.

Inaccuracy reports are, except for the ARS reports, there's little proactive work that they're doing. It all has to be reported to ICANN, which they could use some improvements in being consistent in how they respond to inaccuracy reports. So we'll go through that a little bit more.

The next one: Is the current appointment of the senior executive appropriate? Who does this person report to? I did not understand until this meeting the difference between a board working group and a board committee. So I'll enter that into this report. We did meet with Jamie Hedlund who is the SVP of Contractual Compliance and Consumer Safeguards. He does report to the CEO, but this recommendation explicitly states he should report directly and solely to a board subcommittee.

I can remember all of the discussion around that on WHOIS1 because it seemed at that point it appeared that Compliance we reporting up to the legal department, which that's a conflict of interest and that was the viewpoint of team members on the previous review team. So we were very explicit in the fact that we wanted the Compliance team to be able to act almost unilaterally and not have report up to legal and take actions based on protecting ICANN instead of protecting the community and enforcing the contract.

I think we have a problem there with this recommendation, and it could be that was another recommendation that couldn't be fulfilled but we should look at that.

The third one is: Does the Compliance team have all necessary resources? From just the general two interactions we've had with the Compliance team, it seems like they do have a lot of resources. I don't think they did on WHOIS1. They were very small at the time. Actually, I meant to change that. They actually have 27 employees, and they had 6 during the first review. They also have a lot more new gTLDs and a lot more registrars, but I think they were understaffed and under resourced before. I think ICANN org and the board have done a good job of making sure that they've received the budget they need and to provide the technical or technology to provide the tools they need. And they have a lot more reports now than they ever had.

So there are a few issues, and I'm sure we could come up with a lot more. So the question was: Do the current reports provide the details described above? Are they transparent and complete? There should be full transparency. We do appreciate the Compliance team is working hard to receive input from the community. It's much easier to use the tool. It's a better tool than it has ever been. But the data that they report back is not clear. Lili's analysis or her subgroup's analysis made it pretty clear that a lot of that inaccuracy reporting, we weren't clear on it and we're all very well versed in WHOIS. So I can just imagine anybody that wasn't immersed quite as much in ICANN would have a difficult time weighing or moving through those reports.

In the second set of questions, like I said at the start of this, we didn't really have time to really go through the second set of questions. I've read them several times but had a lot of questions. I don't feel like they were completely answered in the depth that would have been helpful, and that could be just the way we framed the questions. So going back

to ICANN Compliance team and digging in a little bit I think is the next to-do for this subgroup, and we may find more information out.

On the appointment of a senior executive, is the current appointment of a senior executive appropriate? We do know that he reports to the board, so it we should look at this a little deeper. Do we need to determine whether or not it is feasible to adhere to the intentions of Review Team 1 recommendation? Chris might be able to tell us, give us a little insight. Why did the board make the decision not to implement the recommendation fully? What challenges would ICANN org face in requiring an employee of the org to report to the board? I don't know, legally is that an issue? And are there other examples out there in businesses of this type of reporting structure we could review and see? Do other nonprofits have a similar compliance function that does not report to the CEO or reports to a committee that includes the CEO but not to? And maybe a working group is just fine for the board.

And then ICANN should provide all necessary resources. We may want to take a closer look at how long it takes the Compliance team to implement new technology because a lot of times you hear, "Oh, there's a lot of technology that they're working on," but I'm not sure the timeline on when that's implemented and can actually be used.

I was hoping to dig into that a little bit more, and we requested interviews with two of the point people for the inaccuracy reports, but that request was rejected. They wanted more information on why we wanted to talk to someone besides Jamie and Maguy. I haven't given them rationale for that yet, so that is more to do on our subgroup part.

So in just reviewing things that are beyond the recommendation, Rec 4, one of the things that I came across in reviewing the consistent labeling and display policy – and I was a little confused on how this policy works even though I read it a couple times, so if anybody has insight, that would be great. But when I asked how many registrars actually list their contact e-mail address and contact phone, they said they had no data on that which surprised me because I thought that was a pretty hot topic for registrars to include. But we’ve also with the WDRP determined that that isn’t measured or tracked. So maybe one of our recommendations is all new policies, and we could limit that to all new RDS policies, implemented should be required to be measured, audited, and tracked by the Compliance team. It’s just putting rules into effect and saying, “Okay, follow them. Be good.” I don’t think that’s the way to run this system.

And then in reading the ARS report, I was surprised by this and I know I brought it up on a couple of our phone calls, but 40% of the domain names are legacy TLDs and do not have to comply with the 2013 RAA WHOIS data collection requirement. I don’t know if this is a problem or not, and I was one of the ones who said we shouldn’t talk about GDPR, but this could become a major problem in my opinion.

Just because a registrar has signed on to 2013 RAA doesn’t mean that the legacy registrations have to adhere to those new rules. So the registrant name and e-mail address do not have to be – you do not have to provide those which made sense when you had three sets of data. But if we’re moving in a different world here of what we’re collecting, I would hate for a recommendation to come up for GDPR that we’re only collecting registrant data, we’re going to throw out those other two

groups of data, and then find that we're not even collecting it all. It just could be one of those loopholes that could be a problem. And it has been five years, so I think legacy domain names just because they didn't have to do it once should not get a free pass for not having to follow all current requirements.

I tried to dig in and find out a little bit why that happened that way, and there was definitely pushback from the registrars is what I heard. They did not want to go back and touch the legacy registrations and felt like they didn't have any opportunity to do that. I think upon renewal, if you're going to renew it, you have to provide the information.

So that is actually our report. There's still a lot of work to be done on reviewing more of the Compliance team's activities and getting additional information from them, which some questions came up today that we'll add to our list.

UNIDENTIFIED FEMALE: So maybe bootstrap conversation since we're all sleepy now. Susan, I like your recommendations, but I'm wondering how they relate back to the findings and problems that you identified.

SUSAN KAWAGUCHI: I think these two recommendations really do not relate to Rec 4. I think there are some other recommendations we could come out of once we have some questions answered. These really were Subgroup 6, so maybe under specific measurable steps should be recommended to enhance the results achieved. Because some of these things started out

at least as part of the discussion part of the review team report. And Recommendation 2 here, maybe we move that over to data accuracy.

UNIDENTIFIED FEMALE: The grandfathering?

SUSAN KAWAGUCHI: Yeah, the grandfathering. And just to make another point on those legacy domains, 40%, that's going to be huge. Those are domain names that are not going to be deleted and reregistered because those are early domains. Those are valuable. People are going to hold onto them. They're not going to – there's not going to be a turn of those registrations.

ALAN GREENBERG: Let me make sure I understand this. We're saying that if a domain name was registered at some point in the past, even if the current registrar is under the 2013, they are under no obligation to do any verification, validation, or whatever the right word is on the data?

UNIDENTIFIED FEMALE: No. Did I miss that? Is that true? Because that's not the point I was [making].

ALAN GREENBERG: Sorry. Maybe I'm missing the point then.

UNIDENTIFIED MALE: No, they're not required to collect the registrant name, e-mail address, and telephone number for the registrant. They are required for the admin and the technical but not the registrant.

ALAN GREENBERG: Okay, okay.

UNIDENTIFIED MALE: The technical may not necessarily be....

ALAN GREENBERG: Microphone.

CARLTON SAMUELS: What we run into, Alan, when we talk about it is that people were saying, "Well, it's usually the technical person who is the registrant anyway and admin," and you could never accept that that is the case always. But it is quite true the case that in the legacy registrations, especially in .com and they're high value domain names, registrant name, e-mail, and phone numbers were never required to be a part of the registration. And because they're relatively stable, those registrations, there is no reason to go back to them because they're stable.

ALAN GREENBERG: Dmitry?

DMITRY BELYAVSKY: What happens if the same registrant registers a new domain? Would that be [revalidated] and if changed sent [inaudible] changes? Thank you.

CARLTON SAMUELS: Contemporary registrations by that registrant, they must fulfill the requirements that exist today. All contemporary registrations must fulfill the requirements [inaudible]. The same registrant in the domain legacy, but if they are registering a new domain now, the contemporary requirements apply and they must provide [inaudible].

ALAN GREENBERG: But only in the new. The old registration is not connected to the new one at all.

CARLTON SAMUELS: It is not connected at all.

ALAN GREENBERG: The registrar may know you are the same credit card person, but the registrations are completely separate.

CARLTON SAMUELS: Right.

UNIDENTIFIED FEMALE: And we don't really know that this is an issue. We don't know that people are not putting the registrant name in. I didn't even know that was a possibility. I had never focused on that. But a) things should be standard in my opinion, and b) this could be a problem down the road.

UNIDENTIFIED MALE: Lili?

LILI SUN: I remembered Susan flagged this issue during the plenary call, and I did remember there were some legacy domain names which in the WHOIS accuracy reporting system we named it as grandfathered domain names. But I was still astonished by the figures Susan confirmed today, like 40% of the legacy domain names. And even the domain names registration was renewed. It should be on an annual basis, right?

ALAN GREENBERG: Or it could be every ten years.

UNIDENTIFIED FEMALE: It could be every ten years.

LILI SUN: So even the legacy domain names will be renewed. There is still no contractual obligation for them to collect the e-mail address and telephone number?

UNIDENTIFIED FEMALE: No.

LILI SUN: Okay, clear. Thank you.

ALAN GREENBERG: I can understand why the registrars would not want to do this. In many cases, these are autorenewals. They require no actual intervention if someone has a credit card onsite. And to add impediment to these legacy domain names which may have a lot of value suddenly disappearing, that's something no registrar wants to do to their customers.

Stephanie?

STEPHANIE PERRIN: But why would they disappear? It seems to me crazy to have one policy. Bad enough the guys go in and [sew up] all the decent words in the English language ten years ago....

UNIDENTIFIED MALE: 20.

STEPHANIE PERRIN: Yeah, 20. But then to say that they don't have to have their name, address, and phone number in WHOIS whereas the rest of us who are eating the dregs do, that just doesn't make any sense. There's no rational reason not to ask them for new data, not to with a policy on accuracy say every domain registration has to have the following core data elements. I mean, why is that hard? I don't get it.

ALAN GREENBERG: I'm not going to put on my hat as a registrar and defend it. I was told that, indeed, there was pushback when this RA was negotiated. I can see the rationale because right now a domain gets renewed probably with no contact whatsoever. To now impose a new set of rules saying you need to actually have the registrant go in and do something might well endanger some of these domains. I'm saying might. I didn't say will. And I can understand why they would push back.

STEPHANIE PERRIN: That is the flimsiest excuse I've ever heard. Really. Don't you think?

ALAN GREENBERG: I'm not justifying it.

STEPHANIE PERRIN: I'm not aiming that at you. I'm going for heavens sake that's stupid. I mean, I have all my domains on autorenewal too, but I still got suspended when they did the 2013 exercise.

UNIDENTIFIED FEMALE: [inaudible]

STEPHANIE PERRIN: Well, no, they won't know that I've moved or that they've moved because they don't know the address, right?

ALAN GREENBERG: No, but they may well have other addresses for me. I mean, did the domain I registered ten years ago, does it have a registrant domain name? I don't even know. I filled in whatever fields that were presented to me by the registrar. Did they ask me for it? I don't know.

SUSAN KAWAGUCHI: This is anecdotal too, but I was talking to somebody from DomainTools and they were surprised by that and they said, "I don't think that's an issue." Because they have all the data, especially for the legacy domains. So it could be not a problem, but if – and I was the one who said let's not talk about GDPR – but if we decide that collecting registrant, admin, and technical data is overcollection of data we say but registrants seemed the most likely to collect and the legacy domains don't have to have the same as your new domain, it's a problem.

ALAN GREENBERG: We can come up with an algorithm to say if that field isn't filled out, it defaults to another one or something like that. The administrator domain or whatever the thing is.

Lisa?

LISA PHIFER: Thanks. I'm wondering, Susan, if you actually asked Compliance how often those fields are not populated. It seems they might be able to tell that through ARS, accuracy reporting system, data. Even though that's not what the objective of that system is, they may have the data.

SUSAN KAWAGUCHI: That's a good point.

ALAN GREENBERG: And it's a trivial query for the DomainTools people should they want to give it to us.

SUSAN KAWAGUCHI: Right.

ALAN GREENBERG: Carlton is saying things, but we can't hear what it is. Does anyone else like to speak?

CARLTON SAMUELS: Two things. If you recall years ago when we heard about this gap in the registration record, Garth Bruen had done a sample and it came up for a lot of contentious meetings with the Compliance staff. One of the things that came out of that was there's a real good business reason that was articulated at the time to let sleeping dogs lie. And then it was touched on, I think Susan said something, that if you have to change the record you mean you amend the registration and you didn't want to do that. Renewal did not extend to amending registration.

It is like say, Alan, you have a store credit card and you simply make the charge and it's renewed. There's an auto renew tick on it and it happens five or ten year period or whatever. So that was the principle business reason that was given. That if you tend to do that now, you would be amending the registration record and you didn't want to do that.

ALAN GREENBERG: Out of curiosity, why does it matter?

CARLTON SAMUELS: To amend the registration record?

ALAN GREENBERG: Yeah. What is the magic that goes along with amending it?

UNIDENTIFIED FEMALE: [That happens all the time.]

CARLTON SAMUELS: If you amend the registration record, I think there is a whole list of things in the registrar area that is involved. This is what was said at the time. And the registrars believe that might be an impetus to change registrars, and that then goes to your bottom line so they didn't want to do that.

ALAN GREENBERG: [inaudible]

UNIDENTIFIED FEMALE: I just have a question along with this because to my understanding there was an obligation to check I think once a year whether there were updates required to the WHOIS data by means of an e-mail. And I guess that would apply also to the grandfathered domains, no? Why has that not been used as an opportunity to flag that the WHOIS record needs updating because obviously it does not match the criteria?

ALAN GREENBERG: Because the current [RAA 2013] does not require those fields to be filled in for legacy domains nor did the registrars want us to require it. So it is what it is.

UNIDENTIFIED FEMALE: I suspect the objective was to let domains that are just being auto renewed continue to be auto renewed without any additional action on

the registrant's part. So if the registrant is receiving reminders and in fact the record is compliant and they make no changes, it just continues to renew.

UNIDENTIFIED FEMALE: But everybody had to agree to respond to an e-mail to verify their admin e-mail address. I mean, that was a new function that went in in 2013. So I just think the registrars made an argument and somebody just backed off and said, "Okay, we'll give you this one; we'll take this one." But I think we have an opportunity to say standardize requirements across all gTLDs.

ALAN GREENBERG: It's a valid recommendation. It is actually WHOIS related. Do we have the most complex topic that has run out of questions immediately?

UNIDENTIFIED FEMALE: Just looking at my summary notes in front of me of your findings and problems and issues and wondering what follow up you wanted to do on the I think it was 4b but the recommendation regarding the organization of compliance and reporting structure. Just hearing you talk, it sounded like you wanted to look at why that recommendation wasn't implemented in the way that WHOIS1 envisioned and then possibly look at if that's not feasible at other ways of achieving that independence.

SUSAN KAWAGUCHI: Yes, and I don't know, Chris, you didn't respond before. I don't know if you were here in the room.

CHRIS DISSPAIN: About executive? Is that the one?

SUSAN KAWAGUCHI: Yes.

CHRIS DISSPAIN: I kind of got the tail end of it and I saw the questions up on the screen, so I'm happy to answer it if you would like me to. Can we get the questions back up on the screen again? There we go.

So I don't know the answer to the first bullet point. There are challenges, and it may be that the answers to the other two are the answers to the first one. There are challenges in an organization requiring an employee to report directly to the board. It's a very rare thing to do because all the employees report through a – I don't want to use the word hierarchy, but it's the only word I can think of right now – to the CEO and the CEO himself reports to the board. The only exception to that in the ICANN arena is the Ombuds-being and that person reports directly to the board.

Now would it be possible to have a person reporting directly to the board? Yes, but you'd need to ask yourself a question around how would you do reviews. There are questions that need to be asked.

So what's more interesting I think is the third one which is, are there examples of reporting structures that you could bring in other businesses? I think the answer to that is yes. I would argue that I'm not quite clear why there's a belief that there would need to be a direct report, why you can't report through the CEO. Alan, do you want to answer the question? Because I'm given that you waved your hand at me.

ALAN GREENBERG: I'll answer that question, but why don't you finish whatever you were [replying to].

CHRIS DISSPAIN: Well, it's relevant to what I'm saying, so if you could answer that, that would help me.

ALAN GREENBERG: Well, I can give you some examples. In the board's wisdom, they said the compliance person will report to the CEO. Then the CEO left and an interim CEO was appointed, Akram Atallah, who we now had Compliance reporting to the organization that is responsible for interacting with and contracting with contracted parties. Let me finish. And that's deemed by many people to be a conflict.

Then Göran was hired, and he said immediately Compliance will keep on reporting to Akram because he knows what's going on there and I'm busy with other stuff. So we have a situation where Compliance was reporting to the person responsible for the contracted parties who

Compliance was trying to enforce action against, and that's deemed to be a conflict.

CHRIS DISSPAIN: Okay, I'm maybe being dim because just tell me the obvious then. Why is that a conflict?

ALAN GREENBERG: One of Akram's responsibilities is to keep the contracted parties happy. Compliance is now reporting to him and keeping the contracted parties unhappy.

CHRIS DISSPAIN: Okay, so two things arise from that. The first question is, if that is indeed a problem, then there are ways of solving that problem that do not involve breaking the reporting wall of having someone report directly to the board. I mean, it's pretty simple. You just say, "Actually, we think that it's wrong for whoever it is – Jamie I guess – to report to Akram. Jamie should report to Göran." That's fine and that would be easy to fix.

ALAN GREENBERG: Except when Göran wasn't even there.

CHRIS DISSPAIN: No, let me get to that. Again, in an interim circumstance, I think again you have to ask yourself the question, what is the answer to the

question. So in simple terms given that it is clearly considered to be a problem and given that it's not currently the case, I think it is a principle worth stating as a recommendation that this should not happen. I think that's perfectly sensible. But do we have any – again purely for my curiosity – do we have any evidence or implication that there was a problem or is it just a perception issue? Sorry, I didn't mean just a perception issue to imply that therefore it's not an issue. Perception is very important.

ALAN GREENBERG:

Not that I'm aware of. I was just pointing out why perhaps, certainly in my perception watching the last review team, Susan can speak to being on the last review team, why they thought not reporting to the CEO was something they recommended.

CHRIS DISSPAIN:

Understood. I just think as a general principle reporting directly to the board is not always, I don't actually think that solves your problem. I don't think it solves your problem. I mean, who's on the board right now you're going to report to?

ALAN GREENBERG:

We have Susan and then Stephanie.

CHRIS DISSPAIN:

We're going to have to get Becky out of the room every time the report [inaudible] and possibly Avri and then possibly Sarah and then possibly –

I mean, by the time we finish [inaudible] around – Ram would have to go because of Afilias. So it doesn't actually solve the issue. In fact, it creates more conflicts probably.

ALAN GREENBERG: Susan, did you want to comment?

SUSAN KAWAGUCHI: Yeah, and on the first review team it was at that point Compliance was reporting to legal which seemed like a conflict. Legal department is supposed to protect the company and to have the Compliance team who is going after contracted parties, then that's a problem.

ALAN GREENBERG: And it was particularly a problem because they were rumored in cases where legal explicitly told Compliance, "Don't take action against those friends" and so forth.

Stephanie?

STEPHANIE PERRIN: I have to say of all the conflicts that I've noted at ICANN, this seems to be the most trivial of them because really when I was [inaudible] of risk management, the ADM looked after the risk guys and we did the quality for the data and the social security systems and the guys over here did the investigations. There's a creative tension when you have the guys who are supposed to be watching and enforcing all in the same area.

And the idea of reporting to the board just seems a bit crazy. Anyway, just my two cents.

ALAN GREENBERG:

If there are no more other questions, then I have one. In Lili's presentation, there were a number of potential recommendations which were really compliance ones. I don't know to what extent you had reviewed that in depth ahead of time, but do we want to talk a little bit about whether these are things the Compliance subgroup wants to look at and decide how to address? Or [how] do we move forward with this overlap?

SUSAN KAWAGUCHI:

I'll go first, and then I'm sure you have something. We definitely have more work to do on this subgroup on how the inaccuracy tool reports are handled. A certain percentage, and I should have included this in the report, but a certain percentage is just closed and it would be interesting to take a subset of those and see why they were closed and whether the reasons they gave for closing them were accurate because there's definitely some anecdotal evidence that there's not a whole lot of rhyme or reason sometimes when things are closed. You file a report and 24 hours later it's closed and it's like, "Really? Did you look at this?"

And also if the consistently handle similar reports in the same way, again anecdotally I've heard that recently – I don't file these like I used to do – but if you say the address is inaccurate, then now sometimes Compliance asks to see actual postal mail that was refused because it couldn't be delivered. That's a lot higher burden than going to the UPU

or to Google Maps. So I think we need to dig in on the inaccuracy reporting tool and the process surrounding that.

There were a few challenges that ICANN Compliance team has stated. They need better evidence from the community to actually take action. They would love to be able to take action on certain things that they've identified but don't have the evidence to do so. Some of those are WHOIS related; some of them are probably not.

And then I think we also need to look at who is advising them on interpreting the RAA because interpretation of legal language, it depends on which side your sitting on or which corner your on on how it's interpreted. So those are some issues that we need to do some more in depth. Some of the things I've written down from Lili's presentation we can follow up too.

Did you want to?

LILI SUN:

Yes. From the data accuracy perspective, there are at least two aspects we can follow up on compliance. One is about the [consensus] policy like the WHOIS data [reminder] policy and also about the WHOIS [quality] review process. So since these two matters were not reflected in the compliance annual report or the WHOIS improvement annual report so what is Compliance team's efforts on these two matters?

The second is relating to one question we raised for ICANN [inaudible]. Is there any common ground for the [inaudible] inaccuracy complaints? We got the written briefing, so there is a list of reasons behind this. So

my intention for this question is actually do we really have some bad reputation registrars? Are there further actions Compliance team can take to deal with these bad reputation registrars? But given the written briefing, it seems like there is no such bad reputation registrars identified. So maybe we need to further dig into this question.

ALAN GREENBERG:

I think that's the key message that I got out of your report. That if we have this large number of registrations with inaccurate data or perceptibly inaccurate data, the number is so large that sampling to fix the problems doesn't matter. Yes, we will fix 3,000 a month or whatever the number is. That's nothing. We have to start looking at patterns, whether it's patterns of registrars, patterns of registries, patterns of countries where they come from, whatever it is and start capitalizing on that.

That drives me to ask Compliance, do you do anything like that? And if not, is it a lack of resources or is it a lack of policy and process that allows you to do that? I think that is a key. Essentially, we're asking them, do you need a recommendation from us to allow you to do this so that we can start taking things on more than a one-by-one basis? Which is all they do.

In our interview with them, the first one that I attended, they were very emphatic that no matter where the complaint comes from whether it's the automated system or Susan or Joe who we never heard of before we handle them all the same. And we explicitly asked the question, do you deal with people like the Anti-Phishing Working Group? We

incorrectly asked the question, do you have a representative there? And they said no. We treat everyone the same.

Jamie, I believe it was Jamie, then elaborated saying we do talk to them. We have contacts, but we don't have a formal relationship. And yet later on I think it was Maguy said again we have nothing. I think if we Compliance is not dealing with the people who recognize patterns and whose business it is to recognize patterns, they are missing a real opportunity. And I think we need to again ask those questions and phrase them in a way that we get a really clear answer. Thank you.

We have Stephanie.

STEPHANIE PERRIN:

Not to be a broken record on the risk management, and I can understand why they were trying to do the "we treat everybody the same" routine. And that may have been very important in the past, but with this kind of inaccuracy rate, you have to do a risk assessment and start batting down the ones that are the worst.

Now maybe the guy that registers his 300 domains in one day and has them active within half an hour is already getting taken down by the APWG, but I hear from other of the cybercrime guys that sometimes these domains, they know they're bad actors and it's in nobody's interest to take them down, i.e., there's no money there, so they don't.

So I really do think that the Compliance folks have a responsibility. Rather than harassing innocent Canadians who happen to have forgotten to change their address and suspending their domains, they

should do risk assessments and pick on the ones that need it. Now I do understand that's a nightmare. So the policy framing of that would have to be very articulate.

UNIDENTIFIED MALE: All Canadians [inaudible].

ALAN GREENBERG: I personally think it is reasonable to harass Canadians if they live in Ottawa.

UNIDENTIFIED MALE: I think all Canadians are innocent. It's an oxymoron: innocent Canadians. Clearly, just Canadians will do.

ALAN GREENBERG: Cathrin then Erika.

CATHRIN BAUER-BULST: Just a suggestion picking up on what was just said, whether in I think you said we call this bootstrapping, whether in making the recommendations we can think about recommending a trusted [staggered] system like it is done for [illegal content] that you say specific complainants have shown over the years to be more credible than others and therefore reports that come from those complainants or from a specific organization or member of that organization should be treated in a different manner. And then that could be an element for

the risk assessment that the organization might need to do in order to deal with the complaints in a more efficient manner.

ALAN GREENBERG:

Erika?

ERIKA MANN:

I was wondering listening to what Alan actually said I wasn't attending the exchange which you had with Compliance but I wonder if you had a chance to talk to them about their internal procedures. Not talking about financial audits, but I'm talking about internal Compliance audit, because that's what's typically done in companies who do have – actually, is it working or not?

UNIDENTIFIED MALE:

Yes.

ERIKA MANN:

Who do rely on compliance structures. Was there something mentioned like this? Because once you have [audit] established, all these elements you talked about like detecting pattern, identifying risk behaviors either in certain groups or with regard to certain topics, they would pop up in such kinds of audits. I wonder, is this already done, or is this still a missing piece?

SUSAN KAWAGUCHI: No, that's a missing piece, because they don't have access to all the registrations. They can only do them one by one.

ERIKA MANN: [inaudible]. They would have to work with the other [inaudible].

SUSAN KAWAGUCHI: Right, so –

ERIKA MANN: You would have a [inaudible] view.

SUSAN KAWAGUCHI: Right, so they would have to set up a huge database of some sort, or go to domain tools. They do use domain tools as to verify and check histories and see what's going on with a domain name. So they could do that, but they only – except for the ARS, which they just started that one in 2016, they had not been looking at domain names at all. It was only the ones reported. They didn't do any proactive review – unless I'm – yes, it was just by complaint, and it's still maintained that way, except the ARS report.

When we were asking questions in the first interview with them about being members of any sort of organizations and with [the phishing] it seems like a slam dunk that everybody that's a major business at least – this is my – and I don't know what law enforcement does with this, but you get a feed from the APWG and then you block those, like Facebook

would block them and you can't use those domain names in anything, communication, posting or anything on the site. So why wouldn't they do something like that, get a list of those and go in and validate them for inaccurate WHOIS? Or it's a phishing thing, so why don't they turn around and tell the registrar to suspend the domain names. Yes.

ERIKA MANN: [inaudible]

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: Susan, you had your hand up. Was that just responding to Erika?

SUSAN KAWAGUCHI: Well, I added my phishing comment.

ALAN GREENBERG: I've got Carlton and myself in the queue. Anyone else? [inaudible]

CARLTON SAMUELS: Going back to the – there's two issues. One, the bulk complaint system. There was a real problem with them taking bulk complaints. If you remember, the [inaudible] I think there's a fellow named [Derek Smythe] who is a part of that group who would always send reports to the At-Large WHOIS Working Group from as early as 2009, and the

complaint he and Garth Bruen used to say, “Well, we can’t actually register multiple complaints with the ICANN complaint system, so we can’t put a whole bunch of complaints in and show the pattern.” And it’s the bulk that shows the pattern, and they couldn’t do that. So that was one disability.

The other one was in the CCT, we wanted to know whether or not there was a [inaudible] MoU kind of relationship with the reputation companies that also starts from the bulk system. So the reputation companies that would have already done the analysis, and all they would send to ICANN Compliance then is that we know for sure that these are bad actors, then make the recommendation to shut them down.

And we thought it would certainly suit some of the hard work from ICANN Compliance if they had an MoU [inaudible] with the reputation companies, because the reputation companies would be the ones who do the grunt work. The pushback was – well, I don’t know. Yes, it was a pushback. “Well, they’re not all the same. Reputation companies don’t have the same reputation, so we couldn’t accept it that way.”

But you see it. If, Alan, they were doing the pattern matching, they would be much further ahead in dealing with these kinds of complaints. So if they’re not depending on somebody to do the pattern matching, if they don’t trust an external party to do the pattern matching, then the recommendation ought to be that you have to put the pattern matching in place. And the pattern matching is not so difficult if you begin to look at two or three fields together, because that’s what it really means. You’re looking at multiple fields together.

And so that is where I think the recommendations from this group this time will have to be a little bit more specific. This is one area where I think we have to be very specific about what we're recommending, especially with respect to the pattern matching. Thanks.

ALAN GREENBERG: Thank you. I had myself in the queue, but I'll move myself to the end and we have Cathrin.

CATHRIN BAUER-BULST: Precisely on this point, one thing that the GAC has put a lot of effort in supporting has been the DAAR, the Domain Abuse Activity Reporting. I keep going back to the DART which apparently they got a cease and desist letter for, so it's the DAAR, and that's the two issues that have been tagged by the registrars in terms of acting on the information that comes out of the DAAR which is based on various reputation feeds, including that from the APWG and a couple other.

There are more than ten feeds that are all reputable in their own respect, and those are cross-referenced by the office of the CTO, and there's currently a process going on for validating the methodology that the DAAR applies, because the main problem that the registrar has been raising is that this information is helpful to look at trends, that it cannot be the basis of individual compliance actions because it is not sufficiently reliable to allow for compliance actions.

Now, this is a view that we have contested because we do not believe that after cross-referencing ten different cross-reputational feeds and at

least generating a list of worst off that you cannot at least take action on these worst off. And I think there was a recent letter from a bunch of companies actually highlighting the pattern relating to one particular registrar which still has not been deaccredited.

So I think – we see at least in the CCT Review Team I believe there was a direct link between the reputational feeds’ outcome and at least likelihood that the WHOIS data was also falsified or incorrect if verified. And so that may be something that we might want to explore in terms of further recommendations whether we can also come out in support of DAAR and say, “Okay, at least Compliance has to take a look at the trends, and if there’s overwhelming evidence, then there should be a proactive check.

And I do see the link to WHOIS in there being this correlation that was identified by the CCT abuse study report, so maybe we can work on that, because I believe it’s a really promising step forward to more systematic action, but it apparently needs a lot more push from the community to actually result in anything other than just reporting.

ALAN GREENBERG:

Thank you. Deferring to Cathrin was a good idea. She said a lot of what I was going to say. We have Erika in the queue. Do you want to get in first, Lisa?

LISA PHIFER:

[inaudible]

ALAN GREENBERG: Okay. Erika.

ERIKA MANN: [inaudible]

ALAN GREENBERG: Okay. Lisa.

LISA PHIFER: So Cathrin, I'm just wanting to make sure I understand what you're suggesting. DAAR currently uses third-party reputation feeds as a basis for identifying potential bad actors. But can't lead to Compliance action on those individual bad actors. But you're suggesting that perhaps that output has not been compliance actions, but rather a trigger for Compliance to do some deeper investigation into an area that's proactive as opposed to reactive, waiting for the complaints to come in?

ALAN GREENBERG: That was actually pretty much exactly what I was going to say. We cannot deaccredit a registrar because they're listed by reputation services, but we can use that as a rationale for starting to look at their data in more detail. Of course, ignoring the fact that with GDPR we may not have access to that data, but we'll ignore that for a moment. You're in the queue, Stephanie.

I have partially a statement and partially a question for Chris, so he has to listen. Cathrin earlier suggested – I think it was Cathrin – that we

consider putting something in like a trusted complainant, that is we should recognize that some people may be more valid – that implies there may also be some people who are less valid, but I’ll ignore that for a moment. ICANN has avoided like the plague doing any value judgments, and whether it’s a value judgment on who makes a complaint or a value judgment on a number of other areas completely unrelated to WHOIS and compliance. And certainly when we go back to look at applicants for gTLDs, that has been taken almost as a religious position, that we must not make value judgments.

Do you see this from the board perspective? Do you see a potential legal liability if we start making value judgments on any of these things? Clearly, on who should get a choice TLD, let’s not talk about, but on things like compliance.

CHRIS DISSPAIN.

How would you be making a value judgment?

ALAN GREENBERG:

Well, we’re saying the Anti-Phishing Working Group we trust, and Joe’s Anti-Phishing Working Group we don’t.

CHRIS DISSPAIN.

Well, no. You wouldn’t be saying that, presumably. You’d be saying the principle of accrediting, trusting a group of people is worth examining and would help, and would mean the following things. You wouldn’t be saying who it is [inaudible]. You’d be saying that ICANN should work on a set of criteria under which the principle of a trusted complainant or

whatever can be put in place. I don't remember, what's the name of the – it's like a guardian, isn't it? In law when you have someone who steps in on your behalf and makes the – that's what you're talking about, isn't it? Somebody who can independently make a complaint. Yes, sure. I can't see any problem with that at all. It strikes me as being eminently sensible that it ought to be possible for X group suitably accredited to be able to make complaints.

ALAN GREENBERG: A lot of things are eminently sensible that ICANN doesn't do.

CHRIS DISSPAIN. Now you're just being silly.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: That's my job at this time of day. We had Cathrin and then Stephanie, I think.

UNIDENTIFIED MALE: [inaudible]

CATHRIN BAUER-BULST: Just to say I wanted to clarify that I'm not asking for a value judgment. There are different ways you can create these trusted flagger systems.

One is just to create it on the basis of track record. So if I get X number of complaints from Joe Schmoe and 50% of them turn out to be junk, then I will have less confidence and then I'm not likely to give them trusted flagger status.

But if I get 20 complaints from Joe Smith and 19 of them turn out to be accurate and for one the domain has expired, then I might consider lending more weight to Joe Smith's complaints because they have proven to have a certain track record. Of course, you can adjust that, and there's good practice in the industry. If you look at what YouTube does or others, trusted flagger systems all over the place for illegal content, and we can draw some lessons from how they work.

And it's not a value judgment in the sense that you say somebody is more special than somebody else, it's basically saying you have the normal process and then there are people who have proven to be particularly reliable, so it's an objective judgment based on how they've performed in the past. And you maybe then treat it differently because they have proven to be accountable and accurate.

ALAN GREENBERG: Completely rational. Stephanie.

STEPHANIE PERRIN: One of the reasons I really supported the EWG's recommendation for a consolidated system, whether it's all in one place or whether it's distributed but it's still consolidated, is because it's much easier to do risk assessment. And once you're doing risk assessment, particularly in a

tiered system, you have to remember that the Joe Blows that are sending the terrible reports in are going to be screened out of getting access to the data because they're not going to pass the aforementioned accreditation standards. And so then you're going to have trusted guys who are actually doing the examination of the records. You'll still get random complaints that you can't dismiss as random complaints, but it'll be way easier to do the risk assessment. Thanks.

ALAN GREENBERG:

Susan.

SUSAN KAWAGUCHI:

So when we were talking about using third party reputation feeds, I was actually in a Puerto Rico meeting in a meeting with Compliance, not to do with the Review Team. And we were talking about [inaudible] which is one of the registrars that is very problematic. And Maguy and Jamie both admitted, "Yes, we know that. We don't have the evidence." If somebody reports an inaccuracy report and they respond and say, "No, the registrant said this information is accurate," it's closed. Done. Or the registrant has updated the information, it's closed.

So there's no rationale of taking all "Okay, they've had an extraordinary amount of inaccuracy reports or phishing reports coming out that they have more phishing domains than the average registrar" or something like that. So whatever the enforcement issue is, they take them one at a time, take action, and close it.

Now, if the registrar didn't respond or refuse to do what they were supposed to do then it gets escalated and a notice of breach could be issued. But as long as they play the game – so there has to be some rationale for, "Okay, we're seeing a lot of bad behavior here. We don't want that bad behavior in our system, our environment here in the Internet, so Compliance will take additional actions." But they will not. They're like, "Point us to what point in the RAA it says we can do that."

ALAN GREENBERG: Stephanie, and then me.

STEPHANIE PERRIN: To my way of thinking, a mature organization is absolutely unable to ignore risk, and that's risk on a platter with kid gloves being delivered to you. So we need a policy that allows them to either hand that off to a law enforcement agency to investigate or there needs to be a way of ramping up. But you can't – ICANN won't survive across a number of fronts if it ignores huge risk like this. It makes a mockery of the way it's managing the system.

So what's the answer? I don't know, because I realize you've got a problem. You have an investigative problem, you've got a "How do you bust them?" problem. You've probably got an international jurisdiction problem in many of these cases. So you punt that one to the GAC. They're going to solve that.

ALAN GREENBERG:

The case I mentioned before where I had made a complaint that they ignored, and then finally they shut down that one domain and then it popped up again. That happened to be a registrar in China that was using a privacy proxy service ostensibly in France, and the address mapped to a very nice little bakery in a tiny little town in France with a postal code that violated the French postal code system, and a phone number and an e-mail address that was @domain.com, a domain not registered. So it could never work because the domain didn't exist. Not the user didn't exist, the domain didn't exist.

So they did shut down that one, as I mentioned, even though they had rejected that same complaint from someone else. But they didn't do anything about the 1500 other domains registered with the same privacy proxy service, and that's why I said we need to ask them, "Is it a staff problem or is it we need policy to allow you to do it?" Because one way or another, when they know there are 1500 domains that are clearly violating the policy, there's no reason for them not to take action against them.

STEPHANIE PERRIN

Well, you don't really know that those 1500 were all illegal, did you? I mean the privacy proxy could have been an innocent guy that got used by a crook, right?

ALAN GREENBERG:

I won't quote what the domain name is here. There were patterns. But it doesn't really matter. That's up to them to investigate, and if they decide it's an innocent problem, then it's an innocent problem. But in

this case, we knew it wasn't an innocent problem. They eventually changed the address of their privacy proxy service to a completely valid address near Moscow and it was working perfectly after that. But they need to either be told we need to fight for resources for you, or we need to make sure that the right policy or process gets put in place so that we don't ignore these kinds of cases. I think we have a recommendation once we figure out what the problem is. Anyone else? Last call on compliance. Lisa.

LISA PHIFER:

So this is not an additional question, but rather a suggestion, which is that both during discussion of compliance and discussion of accuracy, we identified a number of potential questions for the Compliance department mostly, and so I wanted to suggest that staff provide that draft list of questions to Susan and Lili and ask for the two of them to take a look at that and maybe come back in one of our parking lot sessions tomorrow with a synopsis of where we're going with the overlap between the two teams, and Outreach to Compliance.

ALAN GREENBERG:

If there's nothing else, we have 25 minutes more. The next topic is outreach, which is one of mine, and I think we can easily do it and wrap it up before we reach the deadline.

UNIDENTIFIED FEMALE:

Hooray.

ALAN GREENBERG: Maybe. But my estimate of what things are not going to be controversial is not always right.

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Alright. If we can go to the next slide, please. The recommendation was ICANN should ensure that WHOIS policy issues are accompanied by cross-community outreach, including outreach to the communities outside of ICANN with a special interest in the issues, and an ongoing program for consumer awareness.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: I'll defer answering that for a moment. The way we were going to approach that was to look at the outreach resources – and there were a number of them that were identified – look for inconsistencies, errors, out of date information and gaps, and then to review the various outreach events and activities. And we did that. Next slide.

And that was describing the methodology which I just said. Okay, in summary, there's a lot of information on WHOIS, there's a lot of information on registrations and they are, to some extent, mixed together because before the recommendation from the WHOIS 1 Review Team to make information on WHOIS clear, there was a lot of information already there on WHOIS sort of mixed in with other things.

What we found was there is no consistency whatsoever in terms of the data, both the content and how it is pointed to, so you'll find WHOIS-related data in three or four different places across the ICANN website, not necessarily cross-linked. The information may well be in conflict with each other, it's not consistent, and provides a very messy picture.

In terms of outreach, we were provided with a long list of places that ICANN talked about WHOIS, and presumably WHOIS accuracy and things like that. They were all essentially ICANN insiders. There was no real outreach to try to explain WHOIS to people outside of our environment. And one of the questions I have for the group in general is, was that a reasonable recommendation? Are there places who are very interested in WHOIS but not involved with ICANN?

Clearly, Chris's question was a good one. We might have been able to reach out to some data commissioners and explain what WHOIS is to them earlier. They may not have listened, Erika doesn't think they would have listened.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG:

But it's an interesting concept. And clearly, as far as we can tell – and we have asked the question, but I don't think we've actually gotten a definitive answer because we asked the question again, "Exactly who outside have you talked to?" And I think we're still waiting for that answer. At least I didn't see it. We got an answer. And the answer was? Well, okay, we'll come back to you in a moment, Alice. I don't remember seeing that, so maybe we have an interesting answer. Next slide, please.

Alright. So there's a wide variety of information. As I said, it points to various places. We use terminology that has switched randomly over the years. When we came up with the term RDDS, we simply said, "Let's replace WHOIS with it," which suddenly we have a new word showing up in some places, sometimes attached to WHOIS, sometimes not, which adds to the confusion.

Then of course we dropped one of the Ds, and if you talk to people and say, "Which of the Ds in RDDS does the D in RDS refer to?" You'll get different answers. And the information is just not necessarily in a way that people can use it and find it. There are some very interesting tutorials, little videos that ICANN put together. And I think one of the next slides has it. Am I correct? Yes, okay. Here we have some examples.

This is the WHOIS portal. It's a very pretty portal. It has four major columns, and if you – let's go to the next slide. Now, if you click on one of the ones in the first column of "About WHOIS," you'll notice the first item is a WHOIS primer. It's a relatively interesting site that tells you a

lot about WHOIS. If you go back to the previous slide – if you just go to the portal, you’ll never find it. It’s not pointed to there. But if you happen to click on one of the first column items, you’ll see a mention of it. And yet it’s probably the first document you want people to look at. Next slide, or the one after the next slide.

Okay. This is the registrant rights – sorry, benefits and responsibilities. Sort of. Go to the next slide perhaps. Okay. This is the Registrant Rights and Responsibilities under the 2009 document. If you go down a little bit farther, somewhere else it’s called the Registrant Benefits and Responsibilities. Notice it says “View current policy.” 2009 points to a document which is not valid anymore. It points to two documents. It points to the Registrant Benefits and Responsibilities, and Rights and Responsibilities.

Of course, we understand what those terms all mean. And if you go to the Benefits and Responsibilities, you’ll go to this one which is called Rights and Responsibilities even though it was Benefits when you clicked on the link .and it says, “View current policy.” And go to the previous slide, and that’s the current policy which replaces the Benefits and Responsibilities. It’s a mess. Okay, so we actually have the RAA point in two different documents which are the same document under two different names. Next slide. Next slide.

Okay, here’s the registrational education materials. These are videos. They’re pointed to – to find them, you have to say you’re interested in registrar things, so a regular registrant will not likely find them because they’re listed under registrars. Next slide.

Now, there's notice a screen capture of one of the videos, and they're talking about if you want to find out more about a domain name, you want to do a WHOIS search. To do that, you go to internic.net or .org, something. Now, that's a site which is still there but is deprecated because it's replaced by the WHOIS portal. But we're still pointing to InterNIC there. It actually does work, I think.

UNIDENTIFIED FEMALE: [inaudible]

UNIDENTIFIED FEMALE: It does work.

ALAN GREENBERG: It doesn't work?

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: I think InterNIC is still working, but whether it is or not, if we've replaced it by WHOIS portal four years ago, we shouldn't be pointing people to it. It also says to go to internic.org to find a list of all valid registrars, which may or may not still be there. It's a mess, bottom line is. Next slide.

So my draft recommendation is all public-facing information related to gTLD registrations needs to be reviewed and reformulated, and that

includes RAA-related documents, registrant rights and benefits, responsibilities, WHOIS portal education materials to ensure up to date and consistent messaging. And clearly, we would be foolish to waste time doing it until we understand where we're going to be post-GDPR.

So by the time we issue our report and the board acts on it – which is now we're targeting roughly June of 2019 – hopefully we may know what's happening with GDPR. Or maybe not. But it's a real mess, and I will note that that recommendation goes past WHOIS, because from a registrant's perspective, you can't segregate WHOIS from the other aspects related to registration issues. And so it needs to be presented in a unified, single picture with consistent messaging. And I think that's the last slide. It is. Pardon me?

ALICE JANSEN: Would you like me to read the response that you received from the subject matter experts?

ALAN GREENBERG: Oh, yes, please. This is the response to, "What outreach have you done outside of the ICANN environment?"

ALICE JANSEN: Yes. So this was sent to the subgroup list on April 10th. The answer is, "ICANN's Global Stakeholder Engagement, GSE, is currently comprised of 24 staff in 21 countries. The team provides a point of contact in the region for the ICANN organization and the ICANN community. Raising awareness, providing outreach and understanding of ICANN's role and

remit, driving participation, ICANN policy development and technical activities. RDS WHOIS is one of the many current topics addressed by GSE. Outreach activities are currently tracked, however, this distinct topic of RDS WHOIS is not. Please see the GSE's activity stream at – and then there's a link – for an up to date listing of activities.”

ALAN GREENBERG:

I guess my off the top answer to that is I have looked at their activities, and most of their activities seem to be focused on people who either are related to ICANN or potentially interested in working with ICANN. So I'm not quite sure it addresses the typical user or registrant who is not an ICANN person. That's my gut feeling. But I guess my original question stands: was it a reasonable recommendation to be able to reach out to people who are not part of our normal community? And we have Carlton and Lisa.

CARLTON SAMUELS:

Yes, the question is still relevant and it still stands, Alan. What the report is trying to say is that ICANN now has a global stakeholder team. And they are on the frontline of outreach because they provide the strategic plans. I know for example the Latin America and Caribbean region, one of the major plans or plan is for outreach to non-ICANN stakeholder communities such as the Business Chamber of Commerce people, the university students and so on. They have a whole list of constituencies that they're trying to message.

So in that operation, in that move, they are in fact trying to make further inroads into the non-ICANN stakeholder community in terms of

messaging about ICANN and what they do, and presumably WHOIS will come into it as part of that. And I think that's what they want to say with that response.

ALAN GREENBERG: As people speak, I guess I'd like an opinion of, do we deem that recommendation to have been followed and we need no follow-on, or does there need to be a follow-on?

CARLTON SAMUELS: My response is we need follow-on to it. There is some evidence, but they're doing outreach not just about WHOIS but about ICANN generally, and we need follow-on.

ALAN GREENBERG: Sorry?

UNIDENTIFIED FEMALE: Could you add me to the queue?

ALAN GREENBERG: Yes.

LISA PHIFER: So I really have two questions, and I want to disclose that I actually worked some on the microsite and drafting some text for it. So I'm speaking probably as much as a subject matter expert on this area as I

am supporting the review team. One of the challenges that we've faced was identifying what the target audiences were, and that's exactly why you saw some inconsistency in the site, is some material is written for people who are well versed, at least in the domain name industry and registrations, if not WHOIS, and then other material that you were specifically looking for would have been written for the average Internet user. And that of course was much harder to provide because you don't know the starting point necessarily.

So my question for you would be whether you would see benefit in identifying audiences and the type of information that you think those audiences need, or whether you actually want to identify audiences that are not a target for outreach?

ALAN GREENBERG:

I'll address it when I get back, and I'll put Stephanie in the queue. We have Erika next.

ERIKA MANN:

My point maybe relates to what Lisa was just asking, because I think when you look at the site – which is actually pretty well done, I find it one of the best topic-specific sites on ICANN, but there's one big but. Coming back to the question you raised if there shall be particular audience which are maybe not in the moment really finding this information relevant, I would say yes, because the topic is so relevant now for so many players and so many people are focusing on it, it would be good that it would have some introduction which would be easily readable and would make it easy for somebody either from the policy

environment or the data protection environment to actually understand the topic. Most of it is highly sophisticated, and as you say, it's more for ICANN experts.

So in the moment, the primer has an introduction, but the introduction is a much more topic-specific introduction. It's not a general introduction. The general introduction is actually when you go to the history of WHOIS and then you scroll down, and pretty much in the center of this longer post, you find an introduction which is giving you some background information.

It starts – just to give you some idea, “WHOIS at the center of long-running debate and study at ICANN,” and then it continues to evolve the theme. But this is at the center at a place where you would never expect it to find. I'm not saying you should take it out there, you might want to keep it there, but it's maybe not the most ideal location. So I think you just need a little bit of rewording and replacing some of the content which is already there, which is sometimes hard to find, as Alan was saying.

So it's not so much work, but I think we should point to it, and it would be great if we could get this updated. I had a particular point while I was evaluating practically each page, because I was trying to find something related to consumer trust, which is, for the public, a super important question. It's very hard to find something. You don't find it, actually. Only indirectly, but not in a direct framing. So I reviewed the complete documentation which we have online here.

ALAN GREENBERG: Just to be clear, I think that microsite is great. I did have one problem with the pointer to the primer, which I think should be in the front page. People self-select and would ignore it if they knew what they're talking about. I'll answer other questions as we come back to you. And we have Stephanie. Oh, Cathrin. Sorry.

CATHRIN BAUER-BULST: Thank you, Alan. I just went back to the recommendation. I was wondering whether maybe in answering whether it's been implemented or not, we can add a bit more nuance. So we could distinguish – first of all it says outreach to communities outside of ICANN with a specific interest in the issues, and an ongoing program for consumer awareness. So we could distinguish between those two, and then we could also distinguish between whether we require information to be made available, which I guess we agree the microsite does in a very comprehensive fashion, or whether we also require going beyond that in active outreach activity that actively approaches those two categories of users, and that would distinguish there.

The communities outside of ICANN with a specific interest might be covered by what Alice just read out about the GSE outreach program, and the ongoing program for consumer awareness, I think that's a pretty tall order. I understand that there is a – at national level, there are efforts going on. For example, I learned that – and I think I was mentioning it earlier that the German consumer protection agencies have been very actively promoting the use of WHOIS as a consumer protection tool for consumers to verify who they're engaging in a transaction with. But that is a national effort that would have to be

implemented, if anything, in cooperation with the consumer protection authorities from a given country. So it doesn't seem like that has to be done, but we can also look at how much we want to ask for here. So just to sum up, I think in terms of making information available, it seems like you've verified that that's the case, but if above and beyond that, active outreach was demanded, then at least for the second group, this has not really happened, if I'm not mistaken.

ALAN GREENBERG:

Stephanie.

STEPHANIE PERRIN:

It seems to me that you can't possibly have an update site that serves such a broad range of actors. You need a stream, like the newbie, complete – I'm not allowed to say the complete idiot, but we used to just call it [inaudible]. And you still have a need to have stuff for moderate experts, and certainly, researchers.

So in that respect, it's a great site. It's way better than what we had before, but it's not there yet. My own view is you'd never know there's been a battle royale over WHOIS from reading this if you come upon it. You think, "Oh my, isn't this civilized?" And it hasn't been civilized whatsoever. So I realize it's very hard from a corporate perspective to write accurate descriptions of really heated discussions, but possibly a little more color in the description might be helpful. Or even just a discussion of how the different stakeholders use WHOIS and how they feel about it. That's one of our complaints as the NCSG with so many things that ICANN puts out, you'd never know that some of us are dying

on the ramparts trying to stop something. We don't agree that WHOIS should continue. So I would hint that it's a qualified success. Better than what we had before, but boy, a long way to go.

ALAN GREENBERG:

Yes. As I said, I thought the microsite was very good. The fact that the other stuff that was left around from previous generations was at odds with it and sometimes conflicted, and certainly not easy to find – if you happened upon one of the other things, it didn't point to the WHOIS portal. And typically not vice versa.

The whole issue of, "Do we want outreach to the man in the street about WHOIS?" Well, a year and a half from now, it may be a rather moot case because there's not a lot of stuff that man in the street is going to be able to see in WHOIS, or it may be still very relevant. We don't know where it's going to come out. So I don't think we want to be very prescriptive, but it's quite clear in my mind that from a registrant point of view and possibly from a user point of view, we need to get our act together and make all of this information consistent and findable.

Lisa asked the question of, "Do we want targeted things for the novice, for the registrant?" I've watched the evolution of websites over the last several decades. As people put information one way, then suddenly became the trendy thing in universities to put "For current students, for staff, for whatever," and my reaction to those very often is, "I can't find anything anymore."

On the other hand, for someone who is in one of those categories, it's probably perfect. So I think very often, you need multiple views depending on how you want people to find things.

We have Stephanie in the list again, and Lili.

STEPHANIE PERRIN:

I agree with you, Alan. I hate those "For current students." It's become stupid. However, on this, there's no way that – there's such a disparity, like if you don't know anything about WHOIS. The other point I'd like to make is the more that WHOIS ceases to be a public portal, the more you will need registrants to understand what's happening to their data. And relying on the registrars has not proven to be particularly successful.

Now, in terms of outreach, the strategy for ICANN's outreach program I leave to the Finance Subcommittee of the GNSO where I'm pretty grumpy about it because I'm not sure there's a clear strategy. We get people who don't understand we're not the IGF and we're not a bunch of things. But people should understand how the domain name system works and why they want one. And I don't actually see that anywhere.

We've got whole countries where people think getting on the Internet is getting on a platform. And I'm not here to cut the business of Facebook and Google or anything, but they should understand that they could actually purchase a domain name and have their own place. And I don't see that in the public-facing material. And if it isn't there in the public-facing material, sooner or later the different constituencies will put up their own sort of rival information, and then we'll be back in the, "So who do I believe?" problem.

So I think this should be as all-encompassing as it can be with different streams. Thanks.

ALAN GREENBERG: Thank you.

CHRIS DISSPAIN: When is my turn in the queue? Thanks.

ALAN GREENBERG: I will put you in the queue. First we have Lili, then we have me to answer Stephanie, and then we have Chris.

LILI SUN: My understanding for the Recommendation 3 outreach, it falls in two parts. One part is the education. So the WHOIS micro website, I can take this micro website as an implementation of both Recommendation 3 and Recommendation 5, which is fine. But my understanding for the second part, outreach is engagement with the communities about what is going on for WHOIS.

So going back to all we have discussed today about the implementation of WHOIS 1 recommendations, there's so much stuff going on regarding WHOIS policy development, like the accuracy reporting system, but we seldom see anything like feedback from the ICANN community about what is going on relating to WHOIS policies. It was not reflected in the annual report or the Compliance annual report at all, so I believe there

is a missing part for the outreach. It's engagement with the communities.

ALAN GREENBERG: Thank you, Lili, and again, I'll go to the back of the queue. Chris.

CHRIS DISSPAIN: I may have misheard or misunderstood, so if I have, I apologize. But what I think I've heard Stephanie talking about was outreach and explain to people about the fact that they can have their own domain name rather than being on a platform. I think we need to be extremely careful. ICANN's mission does not encompass spreading the word about how wonderful domain names are, and it doesn't encompass any form of anything that could be considered marketing, for want of a better word of putting it. So I think we just need to be very careful we don't end up in a situation where we appear to be suggesting that we should be outreaching to bulk up the market, or rather bulk up the use of domain names. But as I say, I may have misunderstood. So thanks.

ALAN GREENBERG: [inaudible]

STEPHANIE PERRIN: If I could respond to it, yes, I take your point, Chris. I wasn't suggesting we should market for the registrars, but we should at least explain – I meet actually some of our fellows who didn't actually realize the mechanics of the domain system. So to the extent I'm always critical of

outreach, in this case, it's really important that people in developing countries understand that they too can have a domain name. Thanks.

ALAN GREENBERG: I believe we have a number of registries who would love us to advocate that people buy lots and lots of domain names. Regardless if that's a good thing or not, I don't think it's as WHOIS issue.

Now I lost track of who we have next.

UNIDENTIFIED FEMALE: I'm in there somewhere.

ALAN GREENBERG: I think it's Lisa next.

LISA PHIFER: Thanks. The question that I wanted to ask – [I'll] actually raise one of the challenges that was faced by the microsite and suggest that you think a little bit about how you would answer the question, which is, of course the microsite is built up over time of material developed at different points, so it becomes a larger and larger resource. By necessity, because it's describing a moving target, it becomes inconsistent.

So if you were to make a recommendation that the microsite should be overhauled as to be easier to navigate and self-consistent, would you at the same time want the existing material to go away and let the new

microsite build up? Or would you want old material even though it was inconsistent?

ALAN GREENBERG:

Since I was the one who said it, number one, when I said there are inconsistencies, I wasn't talking about the microsite, because I found that was moderately consistent. It was the other parts that are scattered around the ICANN website that were completely at odds with the microsite or the benefits and responsibilities. And the bits and pieces that show up in different places on the site authored by different people and not at all related to the microsite, and as I said, not pointing to it or from it.

The methodology of how you fix it, do you erase everything and then start building up from scratch or not, I'm not going to get into the design aspects. There are pros and cons, and we can discuss it. I think one of the things that is critical on the long term is doing things with a focus group or outside advisors, not just to do a lot of work inside, then suddenly tadah and reveal it. I think there are better ways of doing things than that. Carlton.

CARLTON SAMUELS:

Thank you, Alan. This is one of the things I pointed out on dealing with the site, the webpage for all things WHOIS. It's really comprehensive, and it might – as Alan said – benefit from an outsider's view on it in terms of how it's restructured. But in terms of the documentation, you get a lot of it from it, most of it is there. It's just that it could be improved with an outsider's view of it I think. Thanks.

ALAN GREENBERG:

We are over time if we're going to allow a few minutes for wrap-up and end it. Are there any other issues on outreach? I haven't heard a lot of general disagreement. Clearly, the information needs to be consistent. There's no point in doing it until we understand how the world is going to look, and that will drive it in several different directions of who to advertise it to, who not to advertise it to and whatever. And what I'm hearing is once we know where we're going, the future that we're looking at post-GDPR is going to be very different from what we have right now, even if we don't know the details.

And clearly, outreach so people can understand the new world is going to be warranted regardless of how successful the last outreach effort was. So clearly, we're going to make a recommendation in that direction. Reasonable summary? Any further comments? Lisa, any final? No? Then I'll turn it back over to Jean-Baptiste, I guess, for any wrap-up.

Who's going to summarize all the decisions we made all day?

ALICE JANSEN:

So we will start with a review – sorry, this is Alice for the record, Jean-Baptiste has changed his voice. So we'll start with the review of day two agenda. So you'll start your day with your breakfast. Yummy. And then we'll go over the Day 1 debrief, so we'll give you the highlights of what you discussed on Day 1 in case you missed some of the conversation. And then we'll go over the Day 2 objectives. Then we'll have Dmitry for the IDN-related presentation, followed by Susan who'll be presenting on common interface, and we'll have a coffee break, and Susan again –

sorry, Susan, that's a lot for you tomorrow – will discuss the privacy proxy services, and you'll have an hour for your lunch.

And then we'll go to Lisa and then any other community members who wish to deliver an update on the ongoing community initiatives. And then we'll have the WHOIS 1 implementation assessment. So that'll be a time of the day when you will discuss the recommendations overall, the findings, where there's overlap, how we apply the implementation assessment tool that you defined earlier in the process. So this will be an intensive session as you can see, we are having that session as well after the afternoon break.

And then we'll close the day with the consumer trust report from Erika as Carlton will be leaving us on Day 3, so we need Carlton for that discussion. And we'll close the day with AOB and closing remarks and review of agenda Day #3.

ALAN GREENBERG:

While we have that up on the slides, knowing what we do about how today has gone, do each of you who are responsible for any of those items tomorrow feel the time is woefully inadequate or much too much? So we've got 30 minutes for IDN, 30 minutes for common interface which is essentially the portal but just the WHOIS part of it, not the text if I remember correctly, two hours for privacy proxy, and consumer trust, one hour. Does that seem reasonable to people, or do we want to make adjustments based on how our experience has gone today?

I think we're going to have some slack because we have a fair amount of time allocated to the WHOIS 1 implementation assessment. Essentially, the review of today because we've got an hour and a quarter followed by another 45 minutes. So we have two full hours on that, so we can eat into that a little bit if we feel it's necessary. So people are comfortable with it?

ERIKA MANN: Just one thing.

ALAN GREENBERG: Mic.

ERIKA MANN: Sorry. It's not relevant for the protocol, but okay. Just one thing. I have to be tomorrow from 10:00 to 12:00 with a client. It's an urgent case, and so I have to apologize. I will be in the morning, I'm just stepping out and it might go much quicker. Might be just one and a half hour or one hour and then I'm back. So just a due informed apology. [inaudible]

ALAN GREENBERG: But you're comfortable with that being during privacy proxy?

ERIKA MANN: Yes. Of course.

ALAN GREENBERG: Okay. Alright, then I hear we're not going to make any changes today, but we'll be flexible tomorrow. Do we have a slide right now for Day 3, of which topics are left for Day 3? Actually, I have it here.

UNIDENTIFIED FEMALE: I have it if you need it.

ALAN GREENBERG: We have law enforcement, anything new?

UNIDENTIFIED FEMALE: No.

ALAN GREENBERG: Safeguard registrant data.

UNIDENTIFIED FEMALE: Yes.

ALAN GREENBERG: So clearly, if we need up with spare time tomorrow, we can move one of those up as we start the discussion. So I think we're okay.

ALICE JENSEN: Yes, you do have a couple of parking lots on Day 3 as well, so in case there's anything you want to go back to.

ALAN GREENBERG: Once we get to Day 3, we can't defer to Day 4.

ALICE JENSEN: Nope.

ALAN GREENBERG: Back to you.

ALICE JENSEN: We will provide highlights to Alan, Cathrin and Susan of the meeting today so we can voice in tomorrow during the recap of Day 1 so it's clear for everyone and we're all on the same page. That's okay. And don't forget you have dinner tonight at 7:30, Finnish-Italian fusion, every exciting.

ALAN GREENBERG: Walkable from the hotel?

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Or set a time when we leave.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Before we finish talking about dinner, is there anything else, or can we close the session out? Final comments? Then thank you all. Thank you for any remote participants if we had any. And if we can close the recording, and we'll restart again tomorrow morning.

[END OF TRANSCRIPTION]