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UNIDENTIFIED FEMALE:            Alright, did you need us to test the room?

UNIDENTIFIED MALE:            Do you hear me?

ALAN GREENBERG:                Welcome to day two of the RDS WHOIS2 Review Team meeting at our third face-to-face meeting in Brussels. We will be starting off the day with a review of yesterday and an affirmation of our various decisions and outcomes. And I think I'm turning it over to Alice, Negar?

ALICE JANSEN:                    Thank you, Alan. So we will start with the welcome. We have two action items.

ALAN GREENBERG:                I'm not good at organization.

ALICE JANSEN:                    That's fine, don't worry. We have one action item for Alan, Chris and Stephanie to update their statement of interest to reflect their appointment to the EPDP. Volker has an action item to update his statement of interest to reflect the acquisition of Key-System. Then draft report, we have a decision reached to produce a PDF of the executive summary and table of recommendations. We have an action

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item to change numbers to 1A and 1B, an action item to include rationale for not reviewing some of the objectives laid out in the bylaws and proposed by the GNSO.

There's a decision reached to incorporate GNSO and GAC input into the set of appendices, decision reached to retain individual GDPR sections for subgroups, and an action item to add a section on compliance objective six to note substantial body was done through WHOIS1 recommendation four subgroup and we should consider moving the subgroup's findings on that objective to the new section and make a decision after compliance [subsection] has been discussed. No issues there?

ALAN GREENBERG:

Only that my statement of interest was already submitted.

ALICE JANSEN:

Perfect. Thank you, Alan. Alright, so with that, we'll move on to [strategy priority.] Action item, ICANN org to provide a summary of the full working group's current composition and remit, action item for Chris to double check whether there are any meeting notes of [BWG] sessions, and then we have a series of decisions reached. Add a recommendation to put a mechanism in place to take a forward-looking approach regarding legislation that may impact WHOIS, add a recommendation that board working group RDS is of sufficient importance that it should publish minutes, etc., to enable review of these activities in the future. Add a recommendation to find dedicated staff but not a single person responsible for overseeing all WHOIS

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initiatives, and a decision reached for competition to not be included as a new recommendation. And then we have Cathrin as a penholder for updating all the new recommendations for the review team review, and Cathrin has done homework, so I'll pass on the [inaudible]

ALAN GREENBERG:

But first – sorry. The recommendation saying we should assign dedicated staff but not a single person, I don't recall that. Who – microphone, please.

CATHRIN BAUER-BULST:

Hi. Good morning, everyone. I would propose that we just look at the text of the recommendation, because I actually didn't explicitly address this issue. This just refers to our discussion yesterday about the need to appoint a WHOIS [tsar] where we decided that that wasn't necessarily the right way but that we didn't want to prejudge however ICANN decided to organize this. Rather, we just wanted to give them the task and then leave it to them to decide how exactly they wanted to organize themselves.

ALAN GREENBERG:

I was reacting particularly to the "But not a single person." Very often, assigning responsibility to three people in parallel allows them each to say, "I thought the other one was doing it," or, "That's not part of what I'm doing." So I would not want to explicitly say not. They may not end up doing a single person, but to rule out what is probably the most effective way to manage something, I wouldn't do.

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CATHRIN BAUER-BULST: Yes. If we look at the wording, you'll see that I tried to find an elegant way around being specific on this one.

ALAN GREENBERG: To be clear, I was commenting on what was on that slide.

ALICE JANSEN: Cathrin, would you like to read the wording for everyone?

CATHRIN BAUER-BULST: Sure. So the new proposed recommendation – I was hesitating as to whether people feel more comfortable reading in peace and quiet, but I'll read it. The ICANN board should put into place – or should put in place, whatever – a forward-looking mechanism to monitor possible impacts on the RDS from legislative and policy development around the world. To support this mechanism, the ICANN board should instruct the ICANN organization to assign responsibility for monitoring legislative and policy development and to provide regular updates to the board. The ICANN board should update the charter of its board working group on RDS to ensure the necessary transparency of the group's work, such as by providing for records of meetings and meeting minutes to enable future review of its activities.

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ALAN GREENBERG: Do we really want to restrict it to legislative and policy – monitoring legislative [inaudible] the world? I would have thought you'd want to give overall responsibility including those, but that implies it's restricted to that. At least that's the way – as I heard the words.

CATHRIN BAUER-BULST: Thank you, Alan. Yes, I actually thought about this because I had text in the beginning that said something like monitor developments around the world. The challenge that I felt at that point was to make sure that I wasn't proposing too large of an administrative burden on the organization and that I was being specific with my ask. So if we say something more generic, it has the advantage of really making sure that even, I don't know, natural disasters are taken into account. But at the same time, it creates a pretty big ask. And that was the part I was worried about.

However, I'm sure there's elegant wording that can be more inclusive of other things. But when I reflected on what could actually impact the RDS, I couldn't really think of anything outside legislation and policy, which is not [necessarily the] measures of a substantial kind that might also have an impact, but there wasn't really anything beyond that that I felt was important enough. So I then left out the very all encompassing wording in favor of this more specific point.

ALAN GREENBERG: Sorry, the kind of thing I was thinking of, if you look at the use of RDS today – WHOIS today, because that's the current form – by cybersecurity people and law enforcement, it's markedly different than

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it was ten years ago. The environment with everything from malware to fishing to the kind of things that are going on have created new uses for it. So I'm not sure ten years ago if there was the kind of analysis done to look for patterns in the DNS and how many other people are using this e-mail address or whatever. And as the use of it evolves, that may require changes that we actually have to think about. So it's not only the legislative, it's also just how the Internet world is evolving and what we're using the DNS for.

And if you go back to the RDS PDP, the semi-failed one, there was a huge discussion of, "But that isn't why we put it there." But the reality is we are using it for things that are crucially important right now, and as that evolves, I think ICANN may have to respond. And that's the kind of thing I'm talking about. I'm not trying to make it wider, just things directly pointing to the RDS.

CATHRIN BAUER-BULST: Alright. Thank you, Alan. And we probably can find some wording that is specific enough. And I see Chris has his hand up.

CHRIS DISSPAIN: So I think we just need to be extremely careful here. If WHOIS is used by other people for other things, that's fine, but as far as ICANN's responsibility and obligation is concerned, it is limited totally to its mission. And it's not for ICANN to say, "Oh, look, someone's using WHOIS to do something. We must now do this." That's not what it's about. If we happen to provide a WHOIS that entirely meets our mission that other people turn into something else, that's for them. And it is not

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– so Port 43 or whatever it’s called, the bulk access to data, is a classic example of that. That’s not part of anyone’s contract, it was never part of what ICANN did, it just so happened it was available.

So we've got to be very careful that we don't build into here some kind of ongoing meta obligation to the world to deal with WHOIS in a way that suits them simply because someone discovered a new way of using it.

CATHRIN BAUER-BULST: Alan?

ALAN GREENBERG: My response is the example I gave is directly related to our remit. As we pointed out – or tried to point out – to data commissioners, we are responsible among other things for the trust and stability of the DNS. Data is being used in ways that are allowing us to in fact have a stable, trusted DNS, then that becomes part of our mission. So that’s the connection I was looking at. Not necessarily a commercial use that has evolved.

CATHRIN BAUER-BULST: I think there's – also this sort of goes both ways, because if we said something like, “Should put into place a forward-looking mechanism to monitor use of the WHOIS or use of the RDS,” then that could both serve to address possible needs for new uses for stability and security reasons because the abuse scene evolves, as well as making sure that the use is in line with whatever comes out of the EPDP and the other

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[inaudible] to make sure that the use actually sticks to the framework that the ICANN community agrees to stick to. So that might be a neutral way of including that thought without necessarily specifying that ICANN needs to cater to whatever commercial interest wants to have access to the WHOIS, which I think is Chris' concern.

ALAN GREENBERG:

And I think Chris' words of – we can put within that phrase, “In support of ICANN's mission.” And I think that does that relatively cleanly.

CATHRIN BAUER-BULST:

So what we could do is to add a couple of words to say in the first part of the recommendation the ICANN board should put into place a forward-looking mechanism to monitor use of the RDS and possible impacts, and then the phrase just continues. That would be one way, and that could then fit very well with our idea to run regular surveys on what happens and the kind of thing that was proposed yesterday on the law enforcement survey, to run this again at regular intervals.

If there were to be some sort of an actual data gathering exercise occasionally on what's happening with RDS and who is using it for which purposes, that might actually be a very good way of creating a bit more transparency around the murkier areas of what happens with RDS.

ALAN GREENBERG:

I think when you use the phrase “use of the RDS”, “in support of the ICANN mission” and we're covered.



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LISA PHIFER: I think maybe what you mean is uses of the RDS, meaning you're not just counting how often the RDS is used but...

CATHRIN BAUER-BULST: Thank you to the native speaker. And I would not add "in support of the ICANN mission" because I don't think we should exclude those uses that there are not in support of the ICANN mission, and then it's also important to know about those, because then we might not want those.

ALAN GREENBERG: Starts getting into the area of what Chris said, that that looks like we're taking on as part of our job the uses which have nothing to do with our mission.

CARLTON SAMUELS: I just wanted to say, Chris' concern as I hear it was the commercial uses of the WHOIS data, which would not fall in place of ICANN's mission, and he wanted to restrict it so that we speak to those things, those uses that are in support of ICANN's mission. So if you leave ICANN's mission out of that line, it does not take into consideration [his caution.]

CHRIS DISSPAIN: Just to be clear, you're right, except I wouldn't limit it to commercial. You could have uses that are entirely altruistic but are completely outside of ICANN's mission.

CATHRIN BAUER-BULST: I think the practical implication of limiting it that way is that we only monitor the uses that we consider legitimate and then we don't have any information about all the rest. So I'm just wondering why you would already at the monitoring stage be restrictive like that, especially if the aim is to not necessarily cater to other uses. But of course that's a choice one can make. Stephanie.

STEPHANIE PERRIN: Yes, I'm really sorry I missed this discussion yesterday, but I think it is opening a bit of a can of worms if we set ICANN up as monitoring all potential uses. I'll give you an example that's currently in court. LinkedIn is litigating over scrapers gathering up data about LinkedIn subscribers and then predicting whether they're a flight risk.

Now, there's obviously algorithmic transparency there. Kids have to have a LinkedIn profile or they don't get job apps answered. It's a requirement nowadays, so therefore to think that a company is running around mining what's on LinkedIn and putting it together with other data and then deciding whether or not an individual might be a flight risk or couldn't pass a criminal record check or whatever, that's a problem.

But its not one that – LinkedIn has taken the relevant parties to court over it. ICANN does not want to set itself up by making any kind of commitments about monitoring uses of WHOIS for the same kind of activity. So for instance, making bulk data about a bad registration. Somebody may come along and say that the registrar that they

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registered with must be also crooked and therefore anybody who has a registration with Volker's registration company for instance is likely suspect. That's the kind of problems we run into rather quickly.

So I think it would be more useful perhaps to add to this recommendation a requirement that there be much more of a caveat statement about WHOIS. I mean we've always had WHOIS out there as if it was gospel and as if it was useful, and now we also need a caveat statement that any personal data here that is gathered by anyone is subject to the data protection law. There's still going to be personal data out there.

CATHRIN BAUER-BULST: Right. Thank you, Stephanie. Let's perhaps deal with the monitor uses bit first and then we turn to the general caveats part as [inaudible] suggested. Alan, if you want to react, you can, then Volker.

ALAN GREENBERG: Yes. We have a board member here who raised an issue, and I think we want to address that issue of making sure that there's no implication that we're going outside of our mission. And I think putting a phrasing somewhere in there saying "in support of ICANN's mission" covers that. Now, if Chris disagrees, I guess I'd like to hear it.

CHRIS DISSPAIN: If I may, I don't disagree, I'm just not sure. So we're looking at the first paragraph, right? Yes, that's where I'm getting confused. So in the first paragraph, "ICANN should put in place a forward-looking..." So would I

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be comfortable with “ICANN should put in place a forward-looking mechanism to monitor the possible impacts on the RDS from legislative and policy developments around the world?”

Yes, I’d be fine with that, because I think any legislative and policy developments around the world [that impact, in other words incoming] from stuff we would have to abide by. I’m not clear what the benefit and what we would be supposed to do about monitoring uses. If we monitor the use and we didn’t like it, we can’t do anything about it unless the contracted parties – unless we completely close access to WHOIS to people that we can control.

So I’m not uncomfortable with that principle, I’m just not sure I understand what we’re trying to achieve. And that’s why I talked about someone who is using it for something that is outside of our mission.

CATHRIN BAUER-BULST: Yes. Volker.

VOLKER GRIEMANN: Yes. Mine is very short because Chris basically already proposed the edit that I was going to propose as well, just to get rid of those five words of the first sentence, and I think we’d be good.

ALAN GREENBERG: Okay.

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CATHRIN BAUER-BULST: Alan, is that okay for you?

ALAN GREENBERG: I'm not going to fight for it. I raised the issue saying there may be other things that impact our ability to deliver a stable and usable DNS, and if such things happen, whatever they might be, we should be cognizant of them and not be caught unawares after the fact. And yes, I'm having trouble figuring out exactly what that is, but that doesn't mean it's not going to happen five years from now. That was the only issue I was trying to raise.

CATHRIN BAUER-BULST: Thank you, Alan. I think just with a view to time also, I think we should probably try to move on. I think the concept, the notion of policy can also accommodate some other developments, so that's why I didn't restrict it to legislative. But I really think, having reflected on it a bit yesterday, that that does encompass or does cover most of the relevant developments that could affect the RDS. So if it's okay for everyone, let's leave it at this. And then do you have any comments on the second and third part of the recommendation?

So the idea that for the board to be able to do this in a proper way, there should be a corresponding function in the organization that provides the necessary monitoring and information to the board. And then the last part was just to address this issue that we identified as a gap yesterday, which was that there aren't – or at least there weren't at the time when I asked – readily available records of any board meetings on this or board working group meetings. Stephanie.

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STEPHANIE PERRIN: I'm not objecting if we want to make this recommendation, but that is the role of legal counsel. I can't imagine why they're not doing it. It's kind of redundant.

CATHRIN BAUER-BULST: I would tend to agree, but we have past developments that might point in other directions, yes. So we thought it would not be – I mean if it's already in place, brilliant, then the organization doesn't have to do anything new.

CHRIS DISSPAIN: Doesn't do any harm to emphasize it by making that recommendation.

CATHRIN BAUER-BULST: Yes, exactly. Having it as something that is signaled as being important to the community seemed like a logical thing to ask yesterday. Any other comments on this? I'm very eager to hear from Volker's subgroup on privacy proxy before I disappear into my summer holiday. So we should probably, in view of time, be disciplined. Does anybody feel uncomfortable taking a decision on this language now? Not seeing anyone.

ALAN GREENBERG: Done.

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CATHRIN BAUER-BULST: Okay. Excellent, then I'll turn it back over to the new compliance language. Oh, day one takeaways. Okay.

ALICE JANSEN: Thank you. So let's go back to law enforcement needs. Action item for subgroup to consider the following items: geographic distribution of responses to date, compliance subgroup [also found] underrepresentation of global south in WHOIS inaccuracy reports. Is there a possible systemic issue? Discuss formulating a recommendation on continuous data gathering to inform future assessment of the effectiveness of WHOIS as well as future policy development, for example EPDP.

Discuss the possibility of opening this survey to cybersecurity professionals, if not at this point then in the future, potentially related to accreditation and [inaudible] maybe applies there. Bylaws mandated explicitly law enforcement, the results will need to be analyzed separately and not conflated. Discuss the possibility of repeating survey between public comment close and final report to allow additional participation and comparison of results. Public comment could include a way for interested parties to express interest in participating in next survey indicating the e-mail address, jurisdiction, geographic region. No problems there, Alan?

ALAN GREENBERG: The part somewhere there about opening it to cybersecurity people, which paragraph? That's the third paragraph. Now, are we going to make a recommendation that such a survey be done on a regular basis

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and possibly open it up, or are we simply saying that we should think about opening it up before we issue our final report? I'm not sure which of those it is.

LISA PHIFER:

These are points that were raised in discussion for the subgroup to consider in updating the report. They actually don't even have a draft report yet. So these are points to be considered in doing that.

ALICE JANSEN:

Decision reached, reopen the survey to collect additional responses, defer discussion of results and issues in recommendations until final survey close to avoid influencing respondents. Action item for Cathrin to draft a methodology and findings for review team review before August 6th plenary call, keeping findings confidential until the survey closes.

Action item that is completed, for ICANN org to investigate geographic distribution of responses to date and provide any available information to the subgroup enabling additional targeted outreach by subgroup members to underrepresented areas. Decision reached, new deadline for survey, August 6, 22:59 UTC, and that was reflected in the survey.

CATHRIN BAUER-BULST:

So it's already open again, right? Thank you, Alice.



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ALICE JANSEN:

Thanks, Cathrin. So with that, let's just move on to plan and annual reports. There's an action item for ICANN to recognize problems with the system that was used and to provide a summary of improvements already on the way, including under the new bylaws, such as annual progress plan that would include implementation of specific review recommendations and confirmation from review team members that implementation plan reflects the intent of the recommendation.

There's a decision reached for the subgroup to – subgroup [inaudible] recommendation 15 to 16 should result in a recommendation, discuss the need for metrics to be identified for each recommendation to allow for assessment of effectiveness. And then Alan and Lili should revise recommendation to address the concerns expressed about project management, communication of progress and tracking of metrics to [inaudible] progress and effectiveness.

Alright, I see no hands, let's just move on to compliance. The first decision reached is no further recommendation is needed regarding the compliance reporting structure. There's an action item for ICANN org to ask GDD what is the process and criteria used to determine the domain names [to review with us.] And I sent information last night, so it's all in your inbox.

A decision reached for the last percentage to be cited in the report, 30%, and note downward trend. Decision reached to add a recommendation that policy requirements and processes should be put in place to provide consistency in when domain names are unsuspended, and possibly a policy or best practice for indicating why a domain name is suspended.

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And ICANN org is to ask Compliance for domains rechecked after suspension what percentage are found to be unsuspended in total and the percentage that are still noncompliant. And this question has been relayed to ICANN compliance, so we should get the answer by the end of next week.

SUSAN KAWAGUCHI:

Just a quick statement on the 30% number. We asked GDD, but they came back with a 180 million number, which doesn't seem right. So just on a quick review of currently how many domain names are registered, if my Google search is correct, it came out to be about 330 million. 24 million of those are new gTLDs, so those wouldn't be impacted. So let's just round it out to 300 million. 30% is still close to 100 million domain names affected, which seems statistically significant to me. But I will change the report to note the downward trend, but we still have a long way to go.

ALICE JANSEN:

Thank you, Susan. So for recommendation 4.1 on metrics, ICANN shall recommend the GNSO to adopt a risk-based approach to incorporating requirements for measuring, audit, tracking, and enforcement in all new RDS policies. And there was an action time for Susan to refine the recommendation for the review team review and consensus to reflect concerns about risk-based approach [to] RDS policy, scope, [inaudible] for implementation. And there's proposed language.

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LISA PHIFER: Right. I just wanted to point out that each of these compliance recommendations, there's new proposed language we'll look at, so don't focus too much on what we agreed yesterday, but rather on the new proposed language slide.

ALICE JANSEN: Susan, would you like to present the new language for recommendation 4.1?

SUSAN KAWAGUCHI: So as you'll see, the bolded is the new language and it replaces the old language down below. ICANN should recommend the GNSO adopt a risk-based approach to incorporating requirements for measurement, auditing, tracking, reporting and enforcement in all new RDS policy.

ALAN GREENBERG: Is that going to be understood to having the same meaning to everyone? Carlton said, without his microphone, "Not likely." What does it mean to adopt a risk-based approach to incorporating those things?

CATHRIN BAUER-BULST: These recommendations are not standing by themselves. We're not just issuing those. We have a whole report to accompany them which explain exactly what we mean and why we would propose that. So I think it's a bit much to expect that everything just be self-explanatory from the one sentence that summarizes the outcome. And I feel

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perfectly comfortable proposing this with the rationale that Susan will provide in her part of the report.

CARLTON SAMUELS: To say that not everybody will understand it. Not to say that we shouldn't have it. Some people have to do some homework.

SUSAN KAWAGUCHI: They need to read the report. That's just quibbling there, Lisa. Okay, any objections to this? Chris said no as he walked out of the room, so we're fine then, right?

ALAN GREENBERG: Microphone.

STEPHANIE PERRIN: Do we have a good chunk in there explaining a risk-based approach, do you think?

SUSAN KAWAGUCHI: We could.

STEPHANIE PERRIN: But we don't now.

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SUSAN KAWAGUCHI: Not really.

STEPHANIE PERRIN: Because you'd be hard pressed to find it elsewhere in ICANN. Chris has left the room.

SUSAN KAWAGUCHI: If you'd like to help on that, that would be great.

STEPHANIE PERRIN: Well, since I've done so little so far, I suppose I should. Okay, I'll write something. I mean we only need a page, really, then they can do their own homework from there.

SUSAN KAWAGUCHI: Or half a page, really. We just need a definition of the risk-based approach.

STEPHANIE PERRIN: Yes, but I don't want to miss an opportunity to plug [inaudible] requirements and [charity] models too, so that's a page.

SUSAN KAWAGUCHI: Okay. You draft, we'll edit. How about that? Okay, so we decided on grandfathering – we needed to decouple elements of recommendations, decisions reached for two objections. Grandfathered domain names should be assessed to determine if information is

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missing from the registrar field. If [inaudible] statistically significant number of domain name registrations lack registration data, then the board should initiate action [inaudible] to ensure that all gTLD domain names adhere to the same registration data collection requirements. And so if we go to the next one – oh, go ahead, Alan.

ALAN GREENBERG: May I suggest adding of the phrase to the end, “In a timely manner?”

SUSAN KAWAGUCHI: So we do have new language.

ALAN GREENBERG: Right at the end. In other words, ensuring that it happens over the next 35 years is not appropriate. As much as Volker would like us to do that.

STEPHANIE PERRIN: What exactly do we mean by statistically significant? It’s already statistically significant if we can find it. So I’m not sure that this is really a good term to use. Of course, Volker and I would say that if there’s a statistically significant rate of abuse coming from these names, that would be a different matter, but we know there’s a phenomenon out there, right? So I’m not sure statistically significant is the right phrasing there. Thanks.

LISA PHIFER: Do you have an alternative?

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STEPHANIE PERRIN: Well, you might recall I objected to this in principle because I don't think it gets us anywhere. Yes, abuse – is there a problem here is the relevant question, not – we know it exists, right? So we're just cloaking in a whole lot of language, including so-called statistical terms, just to say, "Hey, we want this problem fixed." But it isn't a problem according to two of us. Three, because I think we could convert Erika to support us on this.

LILI SUN: Actually, I believe the usage of WHOIS data is not about the registrant [collecting] the information. So the information is here. It's also a need, at least for law enforcement agencies and the cybersecurity community. So the key element of the registrant contact information's mission is already a problem or issue. So we should make consistent requirement for the whole domain space. That's my point of view.

CARLTON SAMUELS: We got into this by Susan pointing out that there were close to 100 million domain names that may actually have gaps in the record because of missing data. And the question then became, if we are to be true to ourselves and about having accurate records, it would be incumbent on us to ensure that those records are actually updated. So that was the problem.

To the objective of having an accurate record, that issue still stands. So we want to address that, because that's where you were, right? So in

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my view, that requirement that you make the data accurate is made, is established. It is established that we want an accurate record. And so we go for that. It has nothing to do with abuse. Abuse starts at another level. So I feel that that recommendation is absolutely required, and I don't see any other way about it.

SUSAN KAWAGUCHI: Alan, please go ahead.

ALAN GREENBERG: Yes. One of the problems we have is we know there are 100 million grandfathered domains, plus or minus a few. As Volker pointed out, some of them may technically be inaccurate because of the format of a phone number or something like that, but the information visually is completely usable. The real problem is we have excluded doing any level of accuracy checking on that 100 million domains.

It might well be if we did that, we would find 90 million of them are perfectly formatted from our standards and it's only 10 million we're worried about. The fact that ICANN has not chosen to at least modify the ARS tool and do a sample verification of the ones that are grandfathered leaves us completely in the dark.

And we certainly have to do something to make that number more manageable because of what Carlton said. It may well be they [end up numbering] small enough that we don't worry about it, or maybe we have to, or maybe it's 90 million of them and then we have a problem.



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So we can't ignore the subject altogether. I'm agreeing with you and Carlton on that. We have to do something.

SUSAN KAWAGUCHI: Yes, and it's not just verification and validation of information, it's collection. There's no requirement to collect the registrant information for 2009 and before.

VOLKER GRIEMANN: Well, it's required to collect the registrant information, just not all of it. The e-mail address is the only bit that's not really being collected. Other parts of information are being collection.

LISA PHIFER: I thought I read it was registrant.

VOLKER GRIEMANN: I've seen no records, at least in our database, from grandfathered domains that have no information for the registrant. But that being put aside, I think this can still be salvaged in a way that might be acceptable. However, I would insert something between the findings of lacking data and the initiation of action where ICANN board would also be asked to investigate current trends of reductions of such domain names where such instances are occurring and that can be done on existing data because WHOIS ARS is already making investigations to that effect. And then making a judgment of whether the natural reduction is occurring at a pace that would be considered acceptable or if the quickening of

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that pace is deemed to be necessary by some form of standard that we would have to establish.

SUSAN KAWAGUCHI: Go ahead, Alan.

ALAN GREENBERG: Two things. On the previous discussion, we were told that we don't need to have a 14-page recommendation but we just need to use words that have some meaning. And the kind of description that Volker was talking about can be somewhere. This whole issue was raised by Stephanie saying the term "Statistically significant number" has no meaning. Can we try to replace that phrase and move on, please?

SUSAN KAWAGUCHI: Negar.

NEGAR FARZINNIA: Thank you, Susan. Yes, I agree with that. It would be nice if the term "statistically significant" could be defined so when that research is done, we know at what point you're expecting this number to be valid enough to be fixed, for example. And also, if there are terms being added like "in a timely fashion," that also doesn't really mean anything. What is a timely fashion? In my view it could be a year, in your view it could be six months, right?

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ALAN GREENBERG: Right.

NEGAR FARZINNIA: So it would be nice if we can put a nice, hard defined limit on that also.  
Thank you.

ALAN GREENBERG: I think what we meant by statistically significant is if the number was 5 million, we wouldn't be worried. If it's 100 million, we are. I think that's what our intent was. I don't know how to say that without actually sticking a number in there.

CARLTON SAMUELS: That's the issue. The original estimate was [towards 100 million of them that exist out there grandfathered.] And we don't know how many of those actually are missing that data. But it's inaccurate. We're saying every single one that [has those] is inaccurate. So whatever we need to do to reduce the inaccuracy and increase accuracy. And I don't know if you want to go for a number, a 5% or 10% of – just pick a number.

SUSAN KAWAGUCHI: So what if we went for 10%? What did you say?

CARLTON SAMUELS: Reduce it by 10% within two years.

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SUSAN KAWAGUCHI: No, if it's more than 10%.

ALAN GREENBERG: I happen to be responsible for a domain name that falls into that category, and the information is 100% accurate and current. We've never bothered looking at them to even know what part of today's 100 million may be problematic.

CARLTON SAMUELS: We understand that. We know the universal stat is 100 million grandfathered one. And of that 100 million, Stephanie said there might be 5 million, or you say there might be five, there might be 90. So let's find a way to figure out how many of those exist and make a commitment to reduce those to a certain percent.

ALAN GREENBERG: I think we've done that. All we need is a different phrase than statistically significant.

SUSAN KAWAGUCHI: Sorry, Chris, go ahead.

CHRIS DISSPAIN: No problem, this is just for my education I suspect, although it might be helpful. So the grandfathered domain names are the ones that are not subject to the new requirements of registrars to chase you down and

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get your name and address and all that stuff, right? They remain grandfathered forever, right?

So when they're renewed, they don't renew under the terms of the new. So right now, if I've had a domain name in .com since 2008 and it's got Mickey Mouse in there, or rather it's correct but incomplete – doesn't really much matter – that will continue to renew every year or every ten years or every five years under those terms.

So the question then becomes, in order for this recommendation to be effective, how would we go and find and get them to update the information? Would we have to introduce new requirements under which they're obliged to do that? Is that what we're actually saying? So what you're actually saying is effectively, overturn the grandfathering provisions that were put in place in 2013. Is that – in essence, that's it? Okay, thank you. I understand.

STEPHANIE PERRIN:

Chris has said some of what I was going to say. Pardon my chipmunk cheek with my croissant in it. If we wanted clarity – and it's one of the reasons I objected to this – then we should be saying, very clearly, because if I'm a brand new person who hasn't had this explained to me a few times, I wouldn't understand that some domain names persist as registrations under the 2009 RAA, as such are perfectly legal but don't have to have the e-mail contact. We recommend that in order for these to renew, they should have to renew under the 2013 RAA, which is a different recommendation than what this is, because right now I don't know how you force them to an accuracy requirement that they aren't

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required. And there was some discussion the other day about how some registrars – and I probably am peeing off a Caribbean island for one – have set up separate organizations so they can continue under the 2009 agreement. Is that right, Volker? That’s perfectly legal?

VOLKER GRIEMANN: Yes.

STEPHANIE PERRIN: So really, we’re making a recommendation that people should do something that is not in their business interest and that we should have registrants rectify something that’s perfectly legit. So hence I object again, but clarity would be great. If we’re not going to change it the way I’d like to see it changed, at least let’s explain what grandfathering is.

ALAN GREENBERG: There's text behind this recommendation.

SUSAN KAWAGUCHI: And if you look at this, it says must adhere to– once the policy is implemented, all gTLD registrations must adhere to the new rules within a 12-month period. Because what I'm afraid of is we’re going to have a 2019 RAA and then we’ll have three different policies that a domain name may or may not have to adhere to. That’s a crazy way to have policies in my opinion.

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STEPHANIE PERRIN: But it's likely, right? Because there'll be some kind of a [soft deal cut.]

SUSAN KAWAGUCHI: Why? Because there was no intention at the beginning of this. When the 2013 RAA was put in place, the intention was all domain names, registrars negotiated against that and one.

STEPHANIE PERRIN: Right. Deals get cut, that's the problem.

SUSAN KAWAGUCHI: Deals get cut.

STEPHANIE PERRIN: Yes.

SUSAN KAWAGUCHI: I was just going to point out that, again, there's an entire section that provides that analysis, explains what a grandfathered domain name is, explains why this is a problem and then this is the recommendation to address the problem. So I think we need to focus on what the recommendation is, understanding that the context is provided in the report. So I can make that more clear in the report, but I think we should move on. I'll come back with something to replace statistically significant and give you some variations. And maybe we can do this part on [e-mail.]

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ALAN GREENBERG: Just to be [inaudible] Chris, for your information, we recently had talked about things like on renewal it had to be done, and Volker said that's going to be an undue –

CHRIS DISSPAIN: Susan, I understand you're going to go away and figure – yes. All I would say, I think, is if it's a matter for negotiation – if it's policy, it's policy, and I don't think it is. I think it's RAA. So it is a matter for negotiation. So I guess you could recommend that the board – subject to whatever conditions you decide – should negotiate that change. But it is only a recommendation that it negotiates the change. You can't make it happen.

ALAN GREENBERG: To be clear, this particular term was negotiated, but that doesn't mean it isn't eligible for consensus policy, should there be a consensus policy.

CHRIS DISSPAIN: Yes, but there has to be consent for it to be put into the policy mix.

ALAN GREENBERG: No. it's WHOIS. WHOIS is within the picket fence.

CHRIS DISSPAIN: No –



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STEPHANIE PERRIN: Yes, if we recommend a new policy is created and the board agrees to that, that you can't have separate standards for each –

CHRIS DISSPAIN: So I'm not arguing with that, and I'm sure that's fine. We can stop this discussion anytime you like, or we can play with it and tease it, I don't mind. But it seems to me that it's a question of where you draw the line. Just because the information ends up in WHOIS, is it WHOIS policy? The whole structure of WHOIS, especially in respect to the new rules under GDPR, is you can't just be collecting the information for WHOIS. You have to be collecting the information for a reason.

So that's really the key point, and where you draw your line and say, "Well, it is WHOIS, therefore it's policy," maybe, maybe not, depending on the circumstances. But [that is] an academic discussion, so I'll shut up now.

ALAN GREENBERG: We have toned this down several times now, and it's pretty damn soft right now. I'd have real trouble making it even softer.

SUSAN KAWAGUCHI: And one of my concerns is that if you look at what's going on with the GDPR and the EPDP, and is admin and tech going to be collected, if that comes out no, then you have a possibility the 100 million domain names

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that would not even require – by contractual terms be required to collect registrant data, that’s a big problem.

CHRIS DISSPAIN: Absolutely. So my point, I think, Susan, my overarching point would be – I get that, so then make a recommendation that’s clear on its face. Make a recommendation that simply says this shouldn’t be the case. This distinction should not be – and Volker and others have objected to that, right?

UNIDENTIFIED FEMALE: [inaudible]

CHRIS DISSPAIN: Okay. Well, you can, but...

SUSAN KAWAGUCHI: I think this is the last.

VOLKER GRIEMANN: I really feel that this is imposing an undue requirement upon registrants and registrars. This is going to be a nightmare to implement, to touch all those registrars that have contact information missing. In the first round of the 2013 RAA, in the course of that, over one million domain names went dark, hospitals and all kinds of stuff because they didn't respond in time to update request from registrar after domain name changed, for example.

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This will cause that again. Maybe at a smaller scale because the number of such domain names is smaller now, but still, I think the dangers and harms outweigh the benefits. There's no registrant data there. there is no e-mail, there may be no phone number, but you have an address, you have a name, you have someone to contact. There is contactability. There is no problem because you have data available to you that will be available to you if you are an eligible requestor under the GDPR. I don't see –

ALAN GREENBERG: Volker, the problem is we don't know that there is data available.

VOLKER GRIEMANN: There is data available, it just may not be the e-mail or the phone number. But we were still required to collect the name and the address.

ALAN GREENBERG: And it could be quite spurious. You as the registrar have data, but it's not necessarily the data that's in the WHOIS record.

VOLKER GRIEMANN: And you always also have the admin data which is also there. So I don't see the harm that is being helped by this recommendation. And without a harm, I think we should be very cautious about introducing anything that will introduce harm directly, which will cause harm to registrants and registrars.

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ALAN GREENBERG: [We're asking for] someone to look at the data to this point.

CHRIS DISSPAIN: Carry on with the discussion, or are we stopping?

SUSAN KAWAGUCHI: I'm really concerned that we're getting into the weeds again on this and maybe some more work needs to be done, and that Cathrin's leaving and we haven't even talked about the other issues, [privacy] proxy and single WHOIS policy, common interface.

ALAN GREENBERG: And we're over a half hour late already.

SUSAN KAWAGUCHI: And I was hoping we could park compliance and move on.

ALAN GREENBERG: We're already a half hour over and we don't have a tomorrow to [push it into.]

LISA PHIFER: So we're moving on from this specific recommendation, but I believe we need to confirm agreements on the rest of the recommendations. This is a major chunk of our report. Erika?

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ERIKA MANN: I understood you will park it and will come back with a new proposal, another one. Thank you.

SUSAN KAWAGUCHI: We can. And then I was also saying we should move on to the other topics. But if we want to go along with – so let’s move to slide 14. So we reached a decision, you can read the other [topic.] Low submission rate rephrased as follow, review the WHOIS ARS domain name [sample to each region.] Two, determine if the low WHOIS inaccuracy report submission rates in some regions are due to lack of knowledge of WHOIS and accuracy recording tools or other critical factors.

LISA PHIFER: Can I suggest in the interest of time that you focus on the proposed new language? So that'll be the next slide.

SUSAN KAWAGUCHI: ICANN contracts or GNSO policies should require that gTLD domain names – oops, that’s not it. No, we did reach the decision on that one. There’s no new language on that one, is there? Lisa.

LISA PHIFER: So I think that there are some minor changes in the wording of this recommendation. So the points that changed were how it was referred to. There were some objections raised about it being updated, so it’s

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been changed to say it should be treated. There's some new language about which the registrar knows to be incorrect, and also, it more clearly states that the issue is that the domain name that has been marked as being incorrect in this way should not be unsuspending. So the new language appears in the bolded text at the top and the old language appears at the bottom.

VOLKER GRIEMANN:

This new language has one problem, which is in the last section, number two. That sounds very determined and final. There may be reasons why unsuspending should be allowed, and I think we shouldn't say should not be unsuspending, but rather, should not be unsuspending without [yada yada,] going through the process, fulfilling the requirements which led to the suspension or whatever.

Basically, domain names with this notation should not be unsuspending means they are suspended forever that way. I say domain names with this notation should not be unsuspending without successfully going through the verification part. Notice to ICANN, what have you, without undergoing due process for such unsuspending.

Because obviously, if a domain name is suspended for that, the registrant may have a second chance for whatever reason. If he says, "Okay, I didn't want my private details in the WHOIS" even though he doesn't realize that it's not public anymore, so he gave Mickey Mouse but it's only a private webpage that does no harm, then we might allow him to unsuspending. So I just have a problem with the finality of this statement here.

LISA PHIFER:

So we changed the wording to “incorrect” at your request because the case that we’re trying to deal with here is when somebody knowingly puts in incorrect data, which may or may not be someone else’s data. Right? So we changed it from inaccurate, which could be somebody just putting a misspelling or something, to incorrect. You had some.

CATHRIN BAUER-BULST:

Yes. I was wondering whether the first part doesn’t address your concern, Volker, because it says it’s incorrect and remains in that state until the domain is due for deletion. So that doesn’t encompass the cases where the registrant says, “Oh, sorry, I didn’t realize that I had to provide accurate data. Let me now fix it.” Of course then unsuspension can be effected immediately. It is only in those cases where the registrant refuses to make any such corrections. So that’s what I think Susan tried to reflect in this part, which the registrant knows to be incorrect and that remains in that state until the registration is due for deletion. So doesn’t that put enough of a ringfencing around it for you to be comfortable?

VOLKER GRIEMANN:

I would just like to see it clarified because I know how sometimes wording gets their own spirit within ICANN. So I would just like to see something like the last part of the original being reinstated without the inaccurate data being remedied, and then have some safeguards that the remedy must be provided with evidence or something like that.

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Could be included in the text [inaudible] in the recommendation. I think the recommendation needs that last half sentence.

LISA PHIFER:

So I guess I'm confused. So the notation would only be there if the data hadn't been remedied, right? So if it goes through due process, the incorrect data is updated in some way to no longer be incorrect. There wouldn't be a notation, and then it would be eligible for unsuspension.

VOLKER GRIEMANN:

Well, I think what concerns me is that the way this is phrased right now can be implied to mean that once this notation is there, it's there forever. And I think in that case, we could also enter a number three, "This notation can be removed when the inaccurate data has been remedied or corrected data has been provided" or something like – just to make sure that there is no permanence there in case there's a correction.

CATHRIN BAUER-BULST:

Can I make a suggestion on this? We could just say "Which the registrar knows to be incorrect and that remain incorrect until the registration is due for deletion." Does that clarify your point? Because otherwise, if we add something additional to the end of the sentence, my fear is that we would say, "And if for some reason the registrar decides that for this particular registrant, inaccurate data is okay, we can remove the flag." And that's something that I would also like to avoid, because that creates unclarity.



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VOLKER GRIEMANN: I don't want that either, that's why I said we should have some language in there that an unsuspension of a domain that has this notation can only occur in certain cases which include correction with provided evidence. I would say [notification] to ICANN would be required as well so they could for example require to them inform the original complainant. Just certain steps that go beyond the registrar decided to switch it back on again. Basically saying, "Yes, the registrant said Mickey Mouse in the first registration data because he felt his privacy was [valid.] We saw that and said, okay, we suspend and give it the notation, and then he has remorse because he wants to have his private website back on." And there should be some allowance for that. And I think we should clarify that. That's the only point I'm really worried about.

LISA PHIFER: So I feel like you're going down the road of defining what the contract or the policy would actually say, where the recommendation is basically saying that there should be a contract language or a policy that provides for this case. So is it not clear in this recommendation that the domain name could be unsuspended if the data is corrected? Is that not clear?

VOLKER GRIEMANN: I think the current language is unclear because it seems to suggest to me that once the notation is there, there is no way to unsuspend it. And I think that's not what we want.

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ALAN GREENBERG: Does adding “without remedy” to the end fix that?

CATHRIN BAUER-BULST: Sorry, maybe “without correction” might work. I'm just worried from a lawyerly perspective, remedy always sounds like there's somebody filing legal action, which is not the sense of what you're trying to say, I think. [Is that worth correcting?]

ALAN GREENBERG: I'm not sure correction is the right word. [We're saying] without the inaccuracy issues being remedied. Does that take it away from lawyers?

SUSAN KAWAGUCHI: This is usually not – my point on this is that a lot of times, it's not inaccurate data, the data is accurate. Its not accurate for that person. So I was fine with using “incorrect.”

UNIDENTIFIED FEMALE: [inaudible]

SUSAN KAWAGUCHI: Yes.

ALAN GREENBERG: I'm fine with that.

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SUSAN KAWAGUCHI: Or “without correcting the data.”

VOLKER GRIEMANN: And just to be clear, our process involves when we unsuspend a domain with someone that comes and says, “Here's the correct data,” that involves checking that data as well. So then we are [already] requesting evidence for that because they already have one strike down and we don't want a second one for them.

CATHRIN BAUER-BULST: Volker, I have full faith in your company, I'm just not sure that everybody does it that way. I think that's why we need to maybe just be a bit more [inaudible] But if this addresses it for everyone, then maybe we're good.

UNIDENTIFIED FEMALE: Yes.

CATHRIN BAUER-BULST: Alright.

SUSAN KAWAGUCHI: It doesn't solve the online [inaudible] problem, but it gets us closer.

LISA PHIFER: So with that addition to the end of the proposed text, are there any objections to the text? Can we consider this agreed?

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ALAN GREENBERG:                   Agreed.

LISA PHIFER:                        I did some bad cutting and pasting. So we had a decision reached on bulk outreach yesterday, R 4.5. But up here – oh, okay, that’s just duplicated. I get it. Sorry, brain is not working this week. So just to be clear, yesterday we already agreed to recommendation 4.5. The only change here is trying to put it in the phrasing that “ICANN should.” Why am I not – I get it. So we’re on to 17, is that it?

Okay, and 4.6, ICANN should review the WHOIS records of gTLD domain names sampled by ARS for each region.

ALAN GREENBERG:                   Can we see it? Oh.

LISA PHIFER:                        To determine whether lack of knowledge of WHOIS inaccuracy reporting tools or other critical factors are responsible for low WHOIS inaccuracy report submission rates in some regions. So the bold is what replaces the other language. Does anybody have any issues with that? Can we agree that that’s agreed upon?

4.7 on slide 18. [inaudible] my eyes.

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CATHRIN BAUER-BULST: [inaudible]

LISA PHIFER: Okay. ICANN should direct Compliance to detect patterns of failure to validate WHOIS data as required by the RAA. When such a pattern is detected, an audit should be initiated to check if the registrar follows WHOIS contractual obligations and consensus policies. Sanctions should be applied if significant deficiencies in WHOIS data validation or verification are identified. We had quite a discussion on that one. Lili.

LILI SUN: Can we just add after the first line “Following the validation and verification?”

LISA PHIFER: The new language? I'm sorry, [did you have a –]

ALAN GREENBERG: Just go back to that one for a second, the previous one. I'm not sure the phrase “to detect patterns,” I'm not sure you can force someone to detect patterns. We're instructing them to look for patterns.

VOLKER GRIEMANN: “Yes. Investigate patterns.”[inaudible]

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ALAN GREENBERG: I would put “look for” because that’s all they can do. We can't guarantee finding them. And the language probably needs refinement, but I think that conveys the message.

VOLKER GRIEMANN: Just one minor comment. I still feel that we might want to see that – we might even want to include it in the supporting language, not in the recommendation itself, but just to say that if this audit can be included in part of the next audit cycle without undue delay, then that’s okay.

ALAN GREENBERG: This is a draft report. Let’s not agonize over it right now.

VOLKER GRIEMANN: Okay.

ALAN GREENBERG: Your point was made, and we could put in the text, but let’s get something done. We’re running out of time badly at this point.

LISA PHIFER: Last one. Okay, slide 21. This is new language. “ICANN should direct Contractual Compliance to proactively monitor and enforce WHOIS data accuracy requirements to detect and address systemic issues.” So I'm going to stop right there because we’re going to change that to “look for” or “investigate.” “A risk-based approach should be executed to

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assess and understand inaccuracy issues and then take the appropriate actions to mitigate them.”

ALAN GREENBERG: How is this different from the previous one?

LISA PHIFER: The previous one was based on inaccuracy reports, either reported individually through the inaccuracy tool or through ARS review.

ALAN GREENBERG: All of which we removed from the actual wording though. Originally, it said that. The current one just says “look for.” What I'm saying is it sounds to me right now that 4.7 and 4.8 are duplicates of each other.

LISA PHIFER: 4.7 also includes an audit.

ALAN GREENBERG: It's more prescriptive than just “address,” but yes.

LISA PHIFER: I get your point.

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VOLKER GRIEMANN: I think the main difference here is that the first one is directed at registrars not doing their job and the second one could be more targeted towards registrants abusing it.

ALAN GREENBERG: Okay, I can live with it.

SUSAN KAWAGUCHI: Just to say that I think we tried to establish that difference, that this was about proactively monitoring. We're directing Compliance to pay attention and do it themselves.

LISA PHIFER: Yes. So can we agree on this one? Good. Yay.

ALICE JANSEN: So just to close on takeaways today, one, we have agreement reach on anything new. Include Stephanie's text in the strategic priority section as rationale leading to additional recommendation agreed earlier today. I.e., forward-looking approach to legislation. There's an action item for Stephanie to send a text to Cathrin tonight – so I mean yesterday – for inclusion in the recommendation one strategic priorities section.

STEPHANIE PERRIN: [inaudible]



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ALICE JANSEN: That one's completed. Okay. For safeguarding registrant data, we have an agreement reached to update findings but retain recommendation for review by data security experts. Do not include the recommendation regarding registrant notification. And there's an action item for Alan to update recommendation 3 to reflect agreements reached. And do you want [inaudible] objectives now, or are we all happy with the anything new and all good?

Alright, so the data objectives are to complete the approval of subgroup findings and recommendations, to conduct a critical assessment of current status, report structure and the need for any strategic changes, to consider the workplan in light of the progress that was made in Brussels and identify next steps to complete and consolidate the draft report, and then determine adjustment needed to the workplan. No comments?

ALAN GREENBERG: Other than to note we're an hour behind at this point. Volker's going to do privacy proxy in three minutes.

ALICE JANSEN: The points to consider is, do you agree with the subgroup's recommendation? Are those recommendations smart? Are there any open issues that require further discussion? Is the subgroup's output clear enough, concise enough? And did the subgroups fully address [inaudible] objectives? Should any specific measurable steps be added? And is the current workplan feasible? And with that, I will give the microphone to Volker for privacy proxy services.

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VOLKER GRIEMANN: Okay, privacy proxy services. I had intended to do a little bit more homework on the way here, but –

UNIDENTIFIED FEMALE: [inaudible]

VOLKER GRIEMANN: That's fast. Okay, go ahead.

SUSAN KAWAGUCHI: I just want to go back to that summary slide there. Is our current workplan feasible and everything? I may be the only one here who is like this, I find it very difficult – it's probably a learning disability – to read a report split up into pieces. I have to put it all together and read it as a whole report. So until I read the whole report, I'm just warning you now, there's probably going to be all kinds of crap coming from me once it's all put together as a whole report, because that's how I read. And so I think we should have that caveat in there. I'm waiting for – Alan's going to say, "But we all agreed to this." Well, agreeing to it in a bifurcated state as little pieces isn't the same as when it's all put together in a report.

ALAN GREENBERG: We've had the consolidated report for a week and a half now or something.

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SUSAN KAWAGUCHI: Right, and I haven't read it yet. But still, to be fair, Alan, we're putting pieces together, you know, into it.

ALAN GREENBERG: The purpose of this meeting, the reason we traveled halfway around the world, was so we could come to closure on the draft report. Otherwise, why are we here?

VOLKER GRIEMANN: Let's table that for a moment. In the sense of putting it aside, not putting it on the – privacy proxy. Like I said, I had intended to do a bit more homework over the last week, but circumstances of my work environment had caused a bit more urgency over there so I couldn't devote as much time as I wanted.

We had agreed that we would still look at the issues and the analysis section, and I would propose we first go through the issues just to make sure that everybody is on the level with them, and then enter into the recommendation that had been suggested yesterday. Up until yesterday, we had no recommendations on the docket for this subgroup. As we considered the recommendation 10 as fully implemented, my question to the group at this stage is whether that is still the case or if we have any inclination to move that to partial implementation.

From my personal view, I would see that with the 2013 RAA and the completion of the PDP part of the privacy proxy accreditation program,

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the board and ICANN have done most of their work. The only things that are outstanding at this time are the c on the IRT, the legal review of the IRT results by ICANN legal which is due any moment, to my knowledge, and the pricing issue which is basically an issue that ICANN has to make up their mind over. Other than that, with those, I still have hopes that [inaudible] will finish the work before we do.

[You'll not, but I have hope.] Just let me hope. Come on, give me that bit. So I just wanted to ask if there's any inclination to move from full to partial, and if so, what would be the arguments that we could use for that?

SUSAN KAWAGUCHI:

We did get some feedback in Panama, and I had multiple people ask me outside of the session, "How could that possibly be?" Because the IRT is not finished, so I think I'd be more comfortable with partially implemented but with some sort of explanation that we assume this will be implemented soon, and hopefully before our final report, we can change that to fully implemented.

ALAN GREENBERG:

My only concern is that we be consistent throughout the report. If you look at the IDN section, which we haven't looked at yet at this meeting, they're deemed to be fully implemented even though most of the stuff is not implemented because we can't implement until we do RDAP and a number of other things. So as long as we're consistent and use the same definition along the way, I'm happy with either way. That's all. So

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just to note to make sure we are consistent throughout the report.  
Cathrin.

VOLKER GRIEMANN: Lisa.

LISA PHIFER: Just to briefly say I think this goes to the definition of what does it mean for the success, what does it mean for the implementation of the recommendation to be complete. And possibly, one way to address this would be to say that you consider it fully implemented when a particular condition –

UNIDENTIFIED MALE: [inaudible]

LISA PHIFER: Right. So when the IRT is complete and the policy is adopted. No, it's already been adopted. What's the right terminology?

ALAN GREENBERG: Operational.

LISA PHIFER: But you get – yes, operational.

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VOLKER GRIEMANN: Cathrin.

CATHRIN BAUER-BULST: Yes. I was also trying to make a suggestion about how we can add flexible language that we might cut out. And what we do for the [legislative] discussions for these things is that we add a square bracket condition that then gets deleted by the time of the final report if the condition has been completed by then. And maybe there's some way we can add this in the recommendation now to signal that we think we can delete this come, whatever, October, but we don't yet know for sure. And that could be Lisa's phrasing. I was just hesitating a bit because when we say we consider implementation complete when the implementation is complete, [inaudible] risk sounding a bit like a tautology, but at the same time, we are talking about a specific process that was launched to address the issue, so it makes sense. But I have gotten over that possible objection.

VOLKER GRIEMANN: Thank you. That sounds good. And just as a reminder, the original recommendation 10, first sentence reads that the review team recommends that ICANN should initiate processes to regulate and oversee privacy proxy providers, and then how these [inaudible] could look. It doesn't say that it necessarily needs to be completed by the time that we do our report. So I would say that the initiation has occurred, and the initiation has occurred in the process of – it's basically very far beyond initiation at this stage. So I'm more inclined to tend to fully implement than partially, but of course, your mileage may vary.

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ALAN GREENBERG: If the recommendation said “initiate,” they started the rock rolling down the hill, they pushed it, that was their job. I think that’s reasonable.

VOLKER GRIEMANN: Okay. That having been discussed, the second point is the new potential recommendation that has been shifted here yesterday which revolves around the application of the 2013 RAA requirements on privacy proxy service domain names regarding verification and validation. Again, this is something that is already part of the recommendations of the PDP, and the only thing that’s standing between this being superfluous and not is the finalization of the IRT and the actual implementation of the program by ICANN.

So this seems to be something that we should put in brackets and only release if there's any indication by the end of our work that this review team – sorry, the IRT is failing to produce any outcome that would lead to the actual implementation of the program. Because in that case, it would make sense to insist that adequate rules be implemented. In all other cases, we would just be stating something that already is in place, and I think that would look bad, reflect badly on us. But again, we decided yesterday to move it here, and I have no objection to that, I just have the concern that if we state something that’s already in the process of being implemented, then people will ask whether we've done our homework right, [not] looked at what the specifics were of what's being implemented.

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LISA PHIFER: Volker, do you have proposed text we could be displaying for this recommendation? In brackets or otherwise.

VOLKER GRIEMANN: Yes. So it's just a one-liner here. "The RT advises the ICANN board to propose an amendment to the RAA that underlying registrant information of affiliated privacy –"

UNIDENTIFIED FEMALE: [inaudible]

VOLKER GRIEMANN: Okay. "For the ICANN board to propose an amendment to the RAA that underlying registrant information of affiliated privacy proxy service providers –" "Underlying [inaudible] registrant information of affiliated privacy/proxy providers be verified and validated in the same way as other registration data." That was just my off the cuff notation yesterday.

LISA PHIFER: Just a point of clarification, this sounds like it's the registrant information of the provider itself as opposed to the provider's customer.



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VOLKER GRIEMANN: The term that the privacy proxy accreditation working group used for the actual registrant information was “the underlying” by it’s lying under the publicly visible data of the registration. We could make that clearer just in case – yes, because it is PDP lingo. Cathrin.

CATHRIN BAUER-BULST: Maybe we can replace the “of” after “information” with “provided to.” Then it’s clear it’s not their own, but rather what has been provided to them.

VOLKER GRIEMANN: And many registrars are already doing that because they feel that’s already their obligation under the RAA, but it’s not clear. Stephanie.

STEPHANIE PERRIN: What about the unaffiliated ones? And I realize we failed to differentiate between privacy and proxy services when we were in the PDP, so we’re stuck with this mess now, but there's a big difference, and the difference may boil down to verification obligations under proxies.

VOLKER GRIEMANN: Next is Alan, then Lisa.

ALAN GREENBERG: Unfortunately, we don’t have any contracts and have no ability to either interact or require unaffiliated privacy proxy services from doing anything. All we can do is require our contracted parties who operate

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one to do so. That was the whole issue of accrediting privacy proxy services.

VOLKER GRIEMANN: Lisa? Sorry, Lili. It's too early in the morning, brain not working.

LILI SUN: So actually, this recommendation is generated by the findings of the data accuracy draft report. So there was a finding in the data accuracy draft report that the data accuracy that utilize P&P service is unknown. For the WHOIS [AIS] project, when it comes to WHOIS record that utilize P&P service, the ticket will be closed right now, immediately. There is no [oversight] about the data quality that utilize P&P service. So I just want to guarantee there are some measures in place to oversee the data quality that utilize P&P service.

ALAN GREENBERG: I have a question. How can someone even file a data accuracy report on a proxy thing other than to say the contact information for the proxy provider is wrong? Which I've done.

LILI SUN: So currently, if you are going to lodge a complaint regarding the P&P WHOIS data, you can still check if the phone number can get through or if the e-mail address, you get a bounce message back. So currently, the public WHOIS data is for the proxy service. Yes, it's the service

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provider's contact information. But yes, even on the service, there is an accuracy problem. You can lodge a complaint.

ALAN GREENBERG: You can, and they honor that complaint. They don't close those.

SUSAN KAWAGUCHI: The only way you can – sorry for interrupting – is if you've gotten the underlying contact data revealed and it's inaccurate, and they refuse to take any action. [Then] I filed. Usually. Well, GoDaddy is the only one that will reveal consistently, at least when I was doing it. But for the most part, they would already take action, but if they didn't, then I would file an accuracy report. So they will on the underlying contact data if you show it to them.

ALAN GREENBERG: They, Compliance?

SUSAN KAWAGUCHI: Yes.

ALAN GREENBERG: And Lili is saying they don't, so I'm confused.

SUSAN KAWAGUCHI: Well, anecdotal evidence, again, but that's my experience.

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ALAN GREENBERG: They certainly honor an accuracy report on the registrant of record, the proxy service. And Susan is saying that if you have the information revealed through some magic, they will honor a report on that also.

CARLTON SAMUEL So my understanding is Lili was talking about the public one of the [proxy,] the provider data, that's inaccurate. Susan is talking about the one that is under the curtain, and she's saying only sometimes. It depends on the provider itself whether or not you can even see that data. And they will take an action against inaccurate data to different levels.

VOLKER GRIEMANN: Stephanie is next, I think. Sorry, Cathrin, then Stephanie.

CATHRIN BAUER-BULST: Just to suggest that – I'm wondering why we want to attach it to the RAA if we have a whole effort going on to accredit the privacy proxy service providers themselves. So I would propose that we drop the "affiliated" and make this a general obligation for privacy proxy service providers, because that's what I think we're trying to do here.

VOLKER GRIEMANN: Stephanie, then Alan, then Lisa.

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STEPHANIE PERRIN: I'm actually agreeing with Cathrin here that there must be some way to get these guys, or if we can't, the unaffiliated ones – because I do understand that ICANN doesn't have a contract with them, but then there is a risk that criminal activity will all migrate to the unaffiliated proxies, service providers, and that they will become a whole new class of registrants that don't exist right now, and that the ability to take them down is going to be slower than would apply to a normal registrant. Am I right there? Because they're offering a proxy service. I'm also concerned that if their lawyers – we will not even be able to serve them and get the underlying registrants. And yes, I understand that lawyers are members of BAR associations and therefore wonderful people, but not necessarily be on the law, and difficult to nail in jurisdictions where the law is less – what's the word – vigorously enforced.

CATHRIN BAUER-BULST: And isn't the whole exercise – sorry, Alan, but I'm still stuck on my question and I'm not getting [responses.] Isn't the whole exercise of the accreditation process designed to catch both the unaffiliated and the affiliated ones? Why aren't we hooking into that rather than the RAA?

ALAN GREENBERG: The privacy proxy PDP was to put in place policy saying you are not allowed to run a proxy service without having appropriately accredited it. Okay. If that were done, it would be a done deal. This is – we're putting in place to say if that fails, if we cannot get the privacy proxy thing going for one reason or another, then at least for the affiliated

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privacy proxy services – which are the only ones we have any contractual control over – they have to verify.

Now, we have no way of verifying that a particular proxy service is affiliated. You can bury these things through 17 levels of interaction, but it's a contractual obligation at least. That's all we can do. There already are these underground privacy proxy services. I dealt with one or was involved with one for a Chinese registrar that had a proxy service in France. They had invalid information, the proxy service moved to Russia. There's nothing we can do about that, but at least with this rule in place, there would be an obligation for them to do something if indeed they were affiliated.

CATHRIN BAUER-BULST:

Can I then just – Sorry. If we assume that the privacy proxy effort does go through, does this new accreditation agreement already include this obligation, or do we – yes. So this is just a backup. Sorry. Then I withdraw my comment.

VOLKER GRIEMANN:

Yes, that's why I phrased it like that, [inaudible] exactly the same reasons Alan said. I do not see that we have a hook or handle on unaffiliated privacy proxy service providers if the privacy proxy accreditation service program doesn't go through, other than starting a new privacy proxy service accreditation program, which, well, it's probably not something the board is inclined to do if the first one fails, because the reasons for failure would be so significant, I think – would have to be so significant that restarting it would be out of the question.

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So we would just include a backstop to clarify an RAA requirement to ensure that there's a backstop in there and that the underlying information, for those that we can regulate, is verified.

ALAN GREENBERG: To make it better than it is now.

VOLKER GRIEMANN: Yes.

LISA PHIFER: I think I have like three separate things by now. One is the underlying registrant information, I knew that had to be wrong, so I looked up in the policy itself and it's underlying customer information. That occurs regularly in the policy. There is one place where it refers to underlying registrant information, but it's underlying customer information because sometimes the customer for a proxy service is not the registrant.

I wonder if this recommendation, since it's sort of a backup recommendation, shouldn't have a trigger in it that says in the event that the policy is not operational by some particular date, then... And then my last point is that in the case where it's a proxy provider, the hook, if you wanted to make one, is that the proxy provider is in fact a registrant and could have obligations.

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ALAN GREENBERG: That's a fact.

LISA PHIFER: My point is whether or not they're affiliated.

ALAN GREENBERG: Okay, what you're suggesting is something we've never talked about before. That's saying that a requirement for a registrant, if you were doing it on behalf of someone else, you have to have accurate information. Interesting concept. We never looked at it from that point of view, I don't think.

VOLKER GRIEMANN: It's an interesting concept. I think the privacy proxy accreditation working group dealt with that because they had a very broad definition of privacy proxy services that would include even law firms doing registrations for their clients anonymously and stuff like that. So I think the accreditation program deals with that. We haven't discussed it here so far, but yes, if that's something we want.

ALAN GREENBERG: I'm simply saying if that had been a requirement in the RAA for every registrar to put in the registrant agreement, it would be addressing it in a different way. but interesting.

VOLKER GRIEMANN: Yes.



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ALAN GREENBERG: The question is, do we want to do that here? Let's leave this one for the current go around. In the final one, if it looks like the privacy proxy is going down the tubes, then we can perhaps add that in there. Thank you.

VOLKER GRIEMANN: I just have one worry by putting in a fixed date, because that basically limits the ability of ICANN to set on various reasons based – an implementation timeframe which they normally do in which contracted parties need to become accredited or come into line with the new policy. There's usually a timeframe between three months and nine months, sometimes even longer. I don't expect it to be this long in this case, but this is something that's usually debated as part of the IRT, and I don't think we have such a date yet. And by setting such a date, we might infringe on the rights of the IRT [with] ICANN.

LISA PHIFER: You're right that actually, typically, it would be within a certain number of months from adoption of the recommendation.

ALAN GREENBERG: I was going to say by the time the board adopts the recommendation, that's a year from now. If we're still paddling at this point a year from now, things aren't really great.

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VOLKER GRIEMANN: Okay. I'm open for suggestions of cleaning up the language. I would suggest we don't do it here in the effort of time. I just would like to go briefly through the issues that we have noted, to just see if there's consensus on those. Obviously, the first line of the problem that we have no recommendations would have to be changed.

And issue number one, [do we have an issue as we raised them in the last version?] Because I have different ones [than the last thing that was sent to me.] Mine starts with issue number one, "the review team views with concern the current intent of ICANN to fund..."

Well, I'll just summarize. The first one from here is funding. I think we shouldn't make a recommendation, just note that there is an issue that may lead to issues down the road in getting this program accepted by providers instead of people trying to find ways around, which I [hearsay] certain parties are very creative at. The second one –

LISA PHIFER: Volker, do you want us to display the actual draft report instead of the slide?

VOLKER GRIEMANN: I think that would be helpful just because it's also in the draft stage, and I would like to see just if there's some input before I finalize the language. And I don't suggest that we go over it word by word, just collect some input and then move on so we can finalize it next week.

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SUSAN KAWAGUCHI: Can I ask Lisa a question? In the NORC studies – not so timely anymore, but – wasn't there a reference to privacy proxy registration?

LISA PHIFER: Yes. NORC did a frequency of privacy proxy services study, and then also in the registrant identification study, they measured the number of registrations that were privacy proxy, associated with a privacy service and a proxy service, yes.

SUSAN KAWAGUCHI: But there was no study of abuse?

LISA PHIFER: And there was a third study, not done by NORC, done by NPL I think – ten years ago – that looked at abuse of privacy proxy services and found that privacy proxy services were abused statistically more often than domains that are not registered with privacy and proxy. There was a statistically significant difference, but it varied according to the type of abuse.

VOLKER GRIEMANN: And I think we [reference this] in issue number five, which we'll get to.

LISA PHIFER: It's referenced in the report then?

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VOLKER GRIEMANN: In our report, issue number five, we have that. Not the report, but that ICANN should look into that again.

LISA PHIFER: [inaudible] But we might want to reference that study too in this one.

CATHRIN BAUER-BULST: You're also referencing the study that was done for the CCT Review Team, no?

VOLKER GRIEMANN: The actual language of the issue doesn't reference any studies. We'll get to that. Could you just scroll down to the issues? Just a little bit up. There we go. The first issue was the question of funding. The program, as ICANN is proposing, very high fees comparatively, and we are just noting that this can cause a cost barrier to potential applicants that would potentially cause them to circumvent or [inaudible] adoption of the program by providers. We didn't feel that there was as recommendation arising from that, it's just something that we wanted to note as a potential issue.

It might be resolved by the time that we issue our report depending on how ICANN comes out on the cost issues. It's just something that was still very much in debate at the IRT, and I therefore feel that we should leave it in for the time being unless things change with the position that ICANN has currently taken.

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The second one refers to the temporary specification for ICANN [with regard to] ICANN GDPR, [it provides many] benefits currently provided by privacy proxy services to registrant, and therefore we expect that the market for such services will start to shrink, as obviously, people don't have to pay to hide their data anymore because it's hidden by default.

We were unable to assess exact impact of the GDPR requirements on privacy services at this time, just noting that this might be an issue in the future. Three, we see no urgency or need to delay the implementation of the accreditation program to the GDPR, and I have a small addition that I would like to suggest to that, because the main part that's currently causing this delay is the delay of ICANN legal to finish its legal review of the recommendations and the proposed implementations with regard to the GDPR.

Basically, baked into the original privacy proxy working group PDP, recommendation was that ICANN should conduct a legal review, and based on that legal review, if that finds no objections to the way that the proposed policy is implemented, it should go into live status. But this review is apparently taking ICANN longer than anticipated. We still have no date for the provision of that.

However, I feel uncomfortable with saying there's no urgency to delay or need to delay. [inaudible] a critical component of the implementation or a requirement for the implementation is still missing, because ultimately, if the legal review takes longer, that might suggest there are legal issues with the implementation currently proposed, and in that case, there might be actually a reason for delay because more work is required or something else.

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I just would like to caveat that with “provided the legal review comes out with a satisfactory answer” or something like that. Alan.

ALAN GREENBERG: Has there been any input, any feedback from ICANN legal as to whether they just haven't gotten around to it or it's problematic?

VOLKER GRIEMANN: I'll just dig out the e-mail, the last e-mail that Amy sent us. Just a second. Originally, the review was expected to be completed by the end of June, and then we got feedback. That was on the 8th of July. The legal review is not complete yet, they are still awaiting an ETA. And they will provide issues at the next meeting, which was expected to happen last Tuesday and then was cancelled again for no given reason.

ALAN GREENBERG: Reference to issues implies they perceive there may be problems.

VOLKER GRIEMANN: Basically, while the review was still not finished, they already had some points that they would like to raise. But they didn't go into what those points were at this stage.

CARLTON SAMUELS: The latest from Amy was that they had problems with the accreditation and they were looking for – they sent out a model and they're waiting for feedback.

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VOLKER GRIEMANN: Well, to answer Alan's original question, they haven't not gotten around to it, they're working on it. And apparently, that work is turning out to be more complex than they originally imagined. But what I hear is that we still expect a delivery before the end of our work. Still, does that influence in any way the language that we currently have with issue number three? Should we just put that in brackets and leave it in in case the legal review comes out by the end of our work and has no objections, then remove those brackets? Or should we just add a caveat that refers to the legal review? Susan?

SUSAN KAWAGUCHI: I'm confused by the language "sees no urgency or need to delay." So is that meaning there's no urgency to delay, or there's no urgency for the accreditation process?

VOLKER GRIEMANN: I think I wrote that, so yes, I think it was no urgent reason not delay, basically. So no urgent cause. The language [inaudible]

ALAN GREENBERG: May it say "it's not aware" instead of "sees?"

VOLKER GRIEMANN: Yes. Very good.

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LISA PHIFER: I think the problem is “urgency” seems kind of contradictory to “delay,” right? So “compelling reason to delay?”

VOLKER GRIEMANN: Actually, I've been drafting a bit last night and I see I just removed “urgency” before this, so great minds think alike. Yes, so basically, we leave it as is and then just strike it in case there is an urgent reason that comes out of the legal review. That would be my proposal.

LISA PHIFER: [inaudible]

VOLKER GRIEMANN: Yes. The recommendation number four suggests a mix of incentive and sanctions to encourage and enforce this policy once implemented. The IRT should be encouraged to also discuss incentive as the current focus of the program seems to solely rely on sanctions. May already be superfluous by the time that our report comes out. Some of us felt that it would be helpful to be in there, but on the other hand, if our report comes out after the IRT finished the job, this has no meaning. So it's also something I would put in brackets for the time being. Susan?

SUSAN KAWAGUCHI: I sort of added some of that language simply because at that time a couple of months ago, it seemed like one of the biggest delays was the price, pricing, and so ICANN might want to give incentives to – if they maintain what some are considering a high barrier accreditation fee,



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then they could sort of remedy that. Not remedy. They could make that more palatable with some incentives, financial incentives.

VOLKER GRIEMANN: I think we had Lili and then Alan.

LILI SUN: Actually, I was surprised to see a term like “incentives” here. If there are no incentives, why we need a P&P service?

VOLKER GRIEMANN: Incentives for the providers of these services, as in to get accredited.

LILI SUN: Yes, I understand for the accreditation there will be a cost for the P&P service providers, but this cost can be transferred to the customers who use the P&P service. And I believe the P&P service, there is a business need from the customer side, so there are already enough incentives for the P&P service providers.

SUSAN KAWAGUCHI: That was part of the first recommendation, WHOIS1 Review Team stated incentives in the recommendation. That’s why I put it in there.

VOLKER GRIEMANN: And just to respond before I go to Alan then Stephanie, many of these programs, especially if they are affiliated with registrars, do not turn a

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profit. They are just a service that they have to provide because otherwise, they would go to registrars that do provide that service if you don't provide it.

So this is in many cases for service providers a loss leader that barely breaks even, and then adding cost to that is relatively expensive. I agree there are providers that make a lot of money on this, a lot, but not all of them do. Alan.

ALAN GREENBERG:

Two things on that one subject. It's a very price-sensitive market. When you register a domain, "Hey, you want privacy for another \$1 a month or \$5 a year?" If that's \$30, you're not going to get the same number of takers. So it's a price-sensitive business in any case. The reason I raised my hand, however, is it strikes me that at the top of this whole section in the draft report, we need to say this was drafted in July 2018 and it's a moving target. But just to make it clear. They may be reading it two months later or three months later. We should simply say when it was drafted so we're setting the frame.

VOLKER GRIEMANN:

Good point. Stephanie?

STEPHANIE PERRIN:

Actually, I was going to propose that we, at least in the body of the text, have an explanation of how the financial implications of this whole thing are going to be in play over the next little while, because just as I had brought up earlier that we're going to price legitimate privacy proxy

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services out of the market unless ICANN backs down on its pricing model, the balance of cost possibilities under the GDPR may change if somebody complains about the cost of a privacy proxy service.

In other words, if you can't count on your rights being protected by law under GDPR, you may still pay GoDaddy to give you a privacy proxy service. And if the price goes up, that may be contested as not a reasonable fee under the GDPR and therefore the whole thing – plus with the shrinking market because the accreditation is going to disincentivize anybody who can get away with being a criminal with a proxy service, because we can't reach them anyway and they're going to change jurisdictions.

So I realize I haven't explained that in a logical way, but there is a need in the text of the report to explain some of these financial implications. On the one hand, on the other hand.

VOLKER GRIEMANN:

Well, you explained it well enough for me to understand, and I think that is a valid point. I just fear that they may be already overtaken by time once we are ready to publish.

STEPHANIE PERRIN:

True, but I'm trying to make us look as intelligent as possible under the circumstances. That's all. This is pure vanity here.

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VOLKER GRIEMANN:

And number five is something I added because – snort. I'm sorry. Number five is something I added, and this might be just something that we would like to dig in a little bit deeper because it's a topic dear to the heart of many of us, which is the propensity for abuse in privacy proxy services.

I just referred that we have addressed this issue but were unable to find any data whether such domain names under such services have a higher propensity for abusive registrations, and added that it may be beneficial that a future review occur regarding the impact of privacy proxy services on abuse. That would not go to the level of a recommendation, but rather some note to the community that this is something that might be worth looking into.

Such a review would depend on the proper collection of data to track over time any trends of abusive use of domain names using privacy services. And I realize this is very hard to do because it would require first to identify domain names that are on the privacy services, and then put them into baskets of this is abusive, this is not abusive.

So this would be, I assume, a rather costly and work-intensive study, which is I think why we didn't have it as a recommendation, but still, we – I think enough members of us felt that we should in some form or shape address the issue of abusive registrations and suggest some way forward that a future review team be able to better assess a necessity for an action.

Well, I basically suggest that ICANN now starts collecting data. It will allow a future review team to make decisions based on that data. I think

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that would be helpful. And we could in this instance also add the studies that Susan referred to. [inaudible]

SUSAN KAWAGUCHI: The Richard Clayton studies? Those? Yes.

VOLKER GRIEMANN: If you could just send me the data for that, I'll include that in my final draft that I will send around next week. Okay, and unless there are any more issues that anyone wants to add or recommendations that we have forgotten, any further comments, I will conclude the privacy proxy service. In not as little time as I hoped, but still under the time allotted.

ALAN GREENBERG: Lili.

LILI SUN: Actually, for the issue five, if I'm right – yes, it also originated from me. So at least from my impression, on the P&P service, [inaudible] intent to be abused. And also, Lisa mentioned the survey or study could have served as a reference. My intention to raise a concern is that if we are going to introduce a new service, there should be enough safeguards put into place to take proactive measures to mitigate the potential abuse.

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If the IRT already addressed the issue, then we can just explain here. If there are not enough safeguards in the IRT, we should put a recommendation on this.

VOLKER GRIEMANN:

Well, a part of our conclusion was that the PDP working group has discussed this issue and dealt with that topic with the mechanisms that they have for getting [reveal] and relay of underlying information, therefore allowing people to get at this service. And other remedies were also discussed.

So we basically found that it was part of the job duty of the PDP to address this issue, and they have debated this and addressed this as good as they can. And our view would then be that we trust the PDP has done a good job on that, and future reviews of the impact of the PDP might then have something to work with. But at this stage, it would be premature to say that the PDP has not done their job right, because we haven't seen it work yet.

LILI SUN:

Can we have a [section of] analysis on this in the draft report?

VOLKER GRIEMANN:

Yes, I think we can.

LILI SUN:

Thank you.

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STEPHANIE PERRIN:

Not to prolong the agony over this, but – and I think I brought this up earlier – there is a risk that the privacy proxy accreditation, the impact of our work on that PDP in the IRT will be to change the parameters and to prove the allegations of criminal use of privacy proxy services actually true. Because once you start accrediting and making the threshold higher, then the crooks are definitely going to go gravitate to the [hole,] as I think Volker has pointed out a few times yesterday on other topics.

So on this one, Clayton I think – and I believe I talked to him about this a while ago – actually found that banks for instance, were using proxy services. So hardly the worst criminals in the world. Well, opinions differ on that. But anyway, they're theoretically legitimate. But that might not be the case once we drive the price of accreditation up and price this thing out of the market, and provide plenty of incentives to go to a proxy and then close down all the time.

So we may have a new fleet of actors. I think it is worthwhile having Clayton redo his study and see what happens in a few years, but I did have the temerity to question that whole thing with – anybody know Clay's supervisor, Ross Anderson? Makes Milton Miller look like a patient man. As far as Ross is concerned, that was the definitive study and we don't need any more studies. But I think it's going to change. That's just my gut feeling. So a paragraph assessing the implications of the IRT once it gets implemented might be useful for a future RDS review team to look at.

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CATHRIN BAUER-BULST: Sorry, I just missed a part of the discussion because I dove into the [inaudible] study which is the one I recommend that you also reference, which actually has as chapter on privacy proxy and a correlation with abuse where they said that according to their preliminary analysis, there was no direct link you could make between the use of a privacy proxy service and the prevalence of abuse.

But just in terms of the issue that you raised, issue number five, perhaps we could indeed combine the considerations we've just made into a recommendation that could be further assessed, even if Ross Anderson might disagree. The [inaudible] study though – and that was done for the CCT review team which looked at the prevalence of the use of privacy proxy services across legacy – the old and new generic TLDs.

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: Microphone, please.

CATHRIN BAUER-BULST: Yes, so what I'm just trying to say is that there was an initial study that suggested that further follow-up should be done. And I don't know, maybe on the CCT review team can tell us whether this is already a recommendation coming out of that review. But if that's not the case, then we could consider recommending that there be further – basically just picking up the issue of the proper collection of data to track over time any trends of abusive use, and that could be done either through a



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new study or through recommending that the DAAR tool include a possibility to distinguish between the use of privacy proxy services and other, or both.

CARLTON SAMUELS: Responding to the idea about the CCTRT as looking at, one, there was a recommendation that we should collect more data to look precisely at that, and two, we should extend the capability of the DAAR also to ensure that that kind of data is collected.

LISA PHIFER: So a clarification, they're saying the CCTRT did already formulate a recommendation on this. So can you forward that to us?

CARLTON SAMUELS: Yes, I can forward it.

VOLKER GRIEMANN: Ultimately, we could also reiterate that recommendation as part of our work. We note that CCTRT has made that review and felt it's significant enough that we would have made that same review if it hadn't already been made, that same recommendation if it hadn't already been made, something like that. Just send that to me so I can include some reference.

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ALAN GREENBERG: Volker, where are we in terms of finishing this? Because we have a break we could do now or not.

VOLKER GRIEMANN: I'm basically done, we just –

ALAN GREENBERG: Okay. Let's finish this.

VOLKER GRIEMANN: Yes, I'm basically done, I think. At this point, we have some ideas of what else to include. I would have to phrase some language on that that I would [send] over to you next week, and then we have a final discussion. But I think we're close to finished.

LISA PHIFER: I'm going to try to recap the decisions that we reached and see if we can't at least document where we are. So we did discuss the phrasing around whether the implementation of the recommendation is complete. I didn't hear a decision on whether to leave that as fully implemented or partially implemented. Cathrin.

CATHRIN BAUER-BULST: Just to say that I subscribe to Volker's logic that if we asked to initiate it, that was the request from the first report, then as soon as the initiation was done, are we going to now say we have to wait for implementation,

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or do you consider that fulfilled? So I would feel comfortable with leaving the current language.

LISA PHIFER:

So does anyone disagree with leaving it as fully implemented so long as it explains that it's because the recommendation said to initiate the policy work and that initiation is completed?

STEPHANIE PERRIN:

Sorry if that's already in there in the body of the text, but I just want to keep putting the caveat that ticking the box and saying "We said initiate, yes, we initiated, done, tick," we still have to evaluate whether this has moved the yardsticks in a positive or a negative direction. So that's where the impact analysis of the PDP and the IRT comes in. I'm really begging for program review, you know? That's what I'm begging for here, because I really wonder if we haven't seriously put a great big target on for crooks to figure out different ways.

LISA PHIFER:

Okay, so we're agreed that the recommendation will still be fully implemented with appropriate explanation. There's a proposed recommendation on the table. I don't think we have tested it for consensus, that in the event that the PPSAI policy does not become operational by – and think of a timeframe which Volker will tell us – the ICANN board should propose an amendment to the RAA that underlying customer information provided to affiliated privacy proxy providers be verified and validated in the same way as other registration data. And I

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guess we'll revisit our consensus level on that when we have the actual text from Volker.

We have a decision reached that the entire section of issues should be prefaced with a qualifier that says the issues are based on the status of the PPSAI implementation as of July 2018 and it will be revised as implementation continues. There was a suggested change to the language in issue three to say that it's subject to confirmation after ICANN legal review is completed. And again, Volker will provide us with the actual text, but that was the sense of the agreement.

And then to sort of touch on the items that Volker will reflect regarding issue five is that we'll include an analysis of privacy proxy abuse risk in the report reference to potential impact of GDPR on usage of people services, include a reference to the WHOIS privacy proxy abuse study – that's the Clayton study – and also to the CCT study and recommendation that was formulated. And that would all be part of issue five or the supporting text for issue five.

VOLKER GRIEMANN:

Okay, then I yield the floor to Alan. I think we are just one hour behind now.

ALAN GREENBERG:

Well done us. I think we're down to only 55 minutes behind. We have a break that was scheduled nine minutes ago. Let's try to keep it at not much more than ten minutes and be back. And we are adjourned for ten minutes.

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Okay, we're reconvening after a short break, and we'll continue with the recommendation number two from the last WHOIS review team, single WHOIS policy, turn it over to Carlton.

CARLTON SAMUELS:

Thank you, Alan. So the context as the recommendation and just to bring you up to – bring it in, the recommendation says – it starts with saying the policy is poorly defined and decentralized, and the recommendation is that, A, the board must see to the establishment of a single policy document, and B, that the policy document should collect all of the relevant or related WHOIS policies in that single document. And that when it goes – finding is that the staff did provide a single digital source for all things WHOIS on the website, and the question for this review team is whether or not we think the website is a good substitute for the single document.

[inaudible] the website is a single document, it substitutes for the single document, and if you look at the website, you would see all of the documents pertaining to WHOIS as if all of the consensus policies, all the contracts, etc. collected at that website. So we feel that the website itself represents the single policy document of the recommendation.

In the response to the board, the board took onboard, took into consideration some comments, especially from the SSAC, that says, well, you don't just need a single document but you also need a single policy. And whether or not the board decided that they would initiate a set of processes that eventually would lead to a single policy. And this is

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where the question of whether or not we'll arrive with a single policy came into being.

The specification for the – the temporary specification that was implemented in response to GDPR we feel is the board taking action to have a single policy for the first time, and we believe that when the EPDP that is established has completed its work, you will have emerging likely the single WHOIS policy. Next slide.

So those issues were the ones we took into consideration. One, we felt that the organization of the content of the website could be improved, but in the event that the EPDP came back with a consensus policy, then that would have been a moot exercise anyway, so that would become archival storage. And the new policy then would replace this website, so we would need to reorganize all of that data [at all.] Next slide.

There are no recommendations, because we take it that the policy – the recommendation – no new recommendations, rather, because we feel that the recommendation from the first team is fully implemented. And that's where we stand. Done.

ALAN GREENBERG:

Comments, questions? I'll make a comment that I don't intend to put in the report, and that is I'm not at all convinced that what will come out of the [EPDP] is a single policy, because they're delineating certain aspects of WHOIS, and I don't believe it will, even at that point, be a single policy. But I am quite willing to accept what you're proposing at this point and let the next review team worry about it. Stephanie.

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STEPHANIE PERRIN: Well, it's not even in the charter that we're aiming to have a single policy. I think we're only aiming to confirm or deny the interim spec, which isn't a policy, it's a liability coverage measure. I really choke when I read this, "Accepts that WHOIS1 review team recommendation two is fully implemented," because I know my own group is going to go apeshit over this, apeshit being a good English language word, but there we go. Let's hope they read the surrounding text where we modify.

CARLTON SAMUELS: And let me respond to that quickly. [inaudible] if you look at the text of the recommendation, they have done exactly what the text of the recommendation required. So you have to [inaudible] on the balance of the evidence, it is fully implemented. Beyond waiting for something to emerge from the EPDP, that's added value, but in terms of what the recommendation was, it's fully implemented. I don't think we could reasonably argue with that position.

ALAN GREENBERG: I think moreover than that, the concept of a single WHOIS policy that encapsulates everything related to WHOIS would include parts of the UDRP, parts of various other things. So I don't think it will ever be possible to constitute a single self-contained WHOIS policy just because it's interwoven into a lot of different aspects. And in fact, as we've noted earlier today, there are several aspects of WHOIS policy that in fact have never been determined as policy but are part of the RAA and they were negotiated at one point. They could be subject to policy, but

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we're not likely to open certain can of worms unless we need to. So I think, for better or worse, they said a single policy document. May not be what some of them meant, but that's what they said, and we've done it.

STEPHANIE PERRIN:

Far be it from me to hold us up arguing about this, but Canada's telecoms used to be regulated under the Railway Act. Eventually, we brought in a telecoms regulation, and now everything's supposed to be herded under that. ICANN has yet to do that for WHOIS, and we're still not doing it. So that's the difference, I think, whereas for instance in the criminal code, we try very hard, and drafting is under instructions, that when something slips into another piece of legislation, it references the criminal code and you amend the criminal code which is now that tall, but that's how it's done. That's not what we do at ICANN with WHOIS. I would just say you have to bring Bill Smith back to the discussion, because he was really the instigator of this.

ALAN GREENBERG:

As we discussed, he did want a single policy. Lisa.

LISA PHIFER:

So I just want to confirm, are we in agreement then with the conclusion here and no recommendations coming from the subgroup? Any objections?



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ALAN GREENBERG: Thank you. Thank you, Carlton. Next item on our agenda is common interface. Volker.

VOLKER GRIEMANN: Okay. This is another one of those where I wished I had more time the last couple of weeks to finish drafting the language of the problems and recommendations, so there's still a bit of work to be done in the analysis and findings section, cleaning up the problems and issues. However, I think on the underlying content, we are pretty much in agreement on that, the basic gist being that the InterNIC sites not being overhauled but a common interface being provided on the new whois.icann.org website, and we found that while this was not part of the original recommendations, the common interface that has been established has no metrics that can be used to determine its effectiveness, that we would recommend that metrics and SLAs could be used to address this [and to actually spot] noncompliance with WHOIS requirements. And that lead to the following recommendations, which are currently still in a bit of a draft stage. Or should I just first go into the new issues? Let's do those last.

First recommendation dealt with our intent to recommend to ICANN to define certain metrics or SLAs that would be tracked to determine the consistency of results and queries and use of any common interface existing in future, used to provide one-stop access to registration data across all gTLDs and/or registrars or resellers. We also recommended specific metrics that could be tracked, which would be how often are fields returned blank, how often is the data [displayed] inconsistently, overall and per gTLD.

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And I think we would probably want to define what we actually mean by “inconsistently” just to make clear what our intent is, so what the problem is that we want to address by this metric, and how often the tool does not return any results overall and per gTLD, and what error messages are received that could cause the above metrics. That was the first recommendation.

UNIDENTIFIED FEMALE: [inaudible]

VOLKER GRIEMANN: Metrics we collected on –

UNIDENTIFIED FEMALE: [inaudible]

VOLKER GRIEMANN: Yes.

LISA PHIFER: Volker, so you would expand in the supporting findings for this recommendation what you mean by “displayed inconsistently?” That’s your suggestion?

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VOLKER GRIEMANN:

That would be my suggestion. I would like to just ask for comments on that from those who suggested that to just frame that word so we can better explain what we mean by it. Any takers?

By inconsistently, do we mean inconsistently with different results coming from the same domain name at different times, or do we mean inconsistencies with regards to data coming at all? As in sometimes we get a timeout, sometimes we get redacted data, sometimes we get – what was it? The third one was that the data – the rate limiting set in or something like that. Was that the intent behind that? Alan?

ALAN GREENBERG:

I think that the intent of that one when we wrote it was the kind of things you're talking about now, inconsistent, different results, different times, some gTLDs – top level domains – work, some don't, that kind of thing. I think in light of what we know today, we probably need another recommendation that is specifically due to the impact of GDPR where we no longer can presume that the registry or the registrar – either one – is the definitive source, that the common interface has to display both, at the very least if they're different, or perhaps all the time and let the customer decide.

So I think GDPR has had an impact which I wasn't foreseeing – maybe other people were smarter – and I think we need a specific recommendation on that. And you could incorporate that as one of the inconsistencies, but I think it's a very special inconsistency we want to deal with separately. So I think that one was for semi-random inconsistencies, not GDPR. Because we wrote that before GDPR was

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implemented and before we saw the result of that. So it wasn't the GDPR inconsistency we were looking at there.

VOLKER GRIEMANN:

Yes, that's part of the new issues that we have discussed on the mailing list already. We are looking at whether they could be turned into recommendations or not. The first one, as a result of GDPR implementation, registrar and registry interpretations may result in different registration data returned by WHOIS for the same domain name, and I would say it's not just interpretations but obligations in this case, because the temporary spec has different obligations for registrars and registries.

And just to go on the [EG,] the registry may redact data that the registrar displays, or vice versa, so that's something that with well, we originally agreed that we wouldn't delve into the GDPR too far, but it's something – so that's why I'm not quite comfortable with making a recommendation out of that. I would trust that the EPDP in some form or shape deals with that issue, but I still would like to include it as an issue. But obviously, if the rest of the group feels different, then we would have to discuss that.

ALAN GREENBERG:

I don't think the EPDP can fix it, because the registrar and registry may – and in many cases are – in different jurisdictions and subject to different law. So it is almost inevitable that in some cases, there will be different answers.

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VOLKER GRIEMANN: So we might just – trying to think this through – recommend to ICANN that they display both results in parallel?

ALAN GREENBERG: That's the simplest thing to do, then there's no judgment call on their part.

VOLKER GRIEMANN: Still, do we want this as a recommendation or just a note in the issues?

ALAN GREENBERG: I would say recommendation.

VOLKER GRIEMANN: Even though we said we wouldn't do GDPR?

ALAN GREENBERG: No, we said we're not going to attempt to fully understand everything. But something that is self-evident at this point in time, I don't think we can sidestep.

VOLKER GRIEMANN: Okay. Let's base this on the original thought that – so we'll just take the language over there, "As a result of GDPR implementation, the registry and registrar output or obligations may result in different registration

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data returned by the WHOIS for the same domain. We therefore recommend that the single interface provided by ICANN provides both datasets in parallel to assure a more complete result.” I'm open for language suggestions here.

LISA PHIFER:

So are you saying that you think – so you're saying that the common interface would display the registry output and the registrar output, but the registrar output is not necessarily the full WHOIS data. You can get that by going to the registrar on their webform, but ICANN cannot get that through Port 43 in some instances. So I just don't know what you're trying to fix here.

VOLKER GRIEMANN:

That's true. There are certain issues with that with some registrars. In those cases, a link is already there and is part of the registry [inaudible]

ALAN GREENBERG:

There is a link, but it's not always valid. There are many cases where that link doesn't work and you can only find the right link by going to the registrar's homepage and finding [it.]

VOLKER GRIEMANN:

Yes, because I think in many cases, the links to the Port 43 address or the webpage may have changed.

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ALAN GREENBERG: Or it's simply the one they used four years ago.

VOLKER GRIEMANN: Yes.

ALAN GREENBERG: I understand there are current problems with Port 43, and I would like to think that ICANN could require that their access be whitelisted. It's implicitly rate limited, it's not a bulk data. And I don't much care if ICANN screen scrapes a web query to the registrar or uses Port 43, that's not my problem. The original requirement says you should be able to go to a common interface and get WHOIS information, and that's now broken because of GDPR. And I think we're saying it has to be fixed. Otherwise, the whole thing might as well be scrapped and [go back to Intranet.]

SUSAN KAWAGUCHI: Exactly. Basically, GDPR has completely blown up the first review team's recommendation here on a common interface. It doesn't work. We're back to where we were in 2012 where you'd have to – you can get the registrar, but then you have to find their website and you have lots of different places to go to, so it's very difficult now to find an actual WHOIS.

My experience is there's still probably about 65% of the registrars who are providing that data, but for a full WHOIS, that may be proxy and that's why they're doing it, but I don't have that data in mind. And this is just anecdotal, my experiences plugging in lots of WHOIS requests for

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WHOIS records. But essentially, common interface is broken. I would love to be able to say “ICANN, fix it.” But we need to be extremely clear on that language then, because I can see them saying, “Oh, no, we are showing the registrar record and the registry record but it’s not the WHOIS data.”

ALAN GREENBERG: Right now they're showing the – for thick WHOIS, they are showing the registry data, which is no longer the definitive one.

SUSAN KAWAGUCHI: Yes, they're showing Port 43. Like if you look up a GoDaddy registration, you will see the registry data. You will also, most times, see the – sure you are.

ALAN GREENBERG: Okay. Not when I did it.

VOLKER GRIEMANN: Part of the problem, I think, is that while ICANN has made a policy decision once to move to thick WHOIS, that policy decision has been partially undone by the temporary specification, because the relevant data s now more accurate at the registrar again even for thick registries. And ICANN is specifically telling those thick registries to include language that certain information can only be gotten at the registrar, which basically tells everyone that we’re back at the thin regime now even though we haven't made that policy decision within ICANN.



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Because it's the only practical way currently foreseen to implement the GDPR on the level that protects all the parties without requiring any implementation that nobody has thought of yet.

So the solution for this problem will likely only come from the EPDP, because they will have to figure out how to restructure everything that it works again. They will have to figure out if we stay with thin, the de facto thin, or if we –

UNIDENTIFIED FEMALE: [Not in the charter.]

VOLKER GRIEMANN: [Not in the charter?] Okay.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Microphones, please, if we're going to have [inaudible]

STEPHANIE PERRIN: Not in the charter.

VOLKER GRIEMANN: But anyway, before we delve into the depths of EPDP, I just wonder how much can we recommend without infringing on the charter of the

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EPDP? How far can we go? What can our recommendation be in this instance that still works but stays within our limitations, so to speak? What can we do?

UNIDENTIFIED MALE: [inaudible]

STEPHANIE PERRIN: This is why I wanted the RDS kept alive in some sort of [inaudible] state. I know you groaned when I said that, but because – really –

UNIDENTIFIED MALE: [RDS hasn't been killed off.]

STEPHANIE PERRIN: Well, no, but the GNSO is going to kill it at the next meeting, I believe.

UNIDENTIFIED MALE: [inaudible]

STEPHANIE PERRIN: We'll have to reconstitute to pull all these things together in one common policy, because we're actually driving it further apart in the EPDP. We're not even going to review the relevant pieces that ought to be reviewed in order – that were left out of the temp spec because ICANN did such a rush job on the temp spec.

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ALAN GREENBERG: Excuse me, we're talking about the common interface right now.

STEPHANIE PERRIN: I know.

ALAN GREENBERG: We cannot solve all of our problems today. Volker, do we have a speaker queue?

VOLKER GRIEMANN: Yes, and that speaker queue was for Stephanie and then you, and then Cathrin and Carlton.

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: No matter what happens in an EPDP or something else, there was always going to be the potential right now for registries and registrars to give different data because they are subject potentially to different law. When thick WHOIS PDP was discussing this, the presumption was that for a thick WHOIS, the only time the registry and registrar data would differ is in a transient state while it was being changed and a timing delay, or simple error, something's broken.

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Other than that, they were presumed to be identical, and I believe we said the registry was going to be the authoritative. I think that, but it almost doesn't matter. Right now, that is no longer the case, and I see no solution but for the common interface to provide both of them. It could do something more sophisticated and look at whether they're different or not, but let's not make their life difficult.

VOLKER GRIEMANN:

I agree with Alan there. the question is though, can ICANN provide both of them in parallel in every case? Is this even remotely possible?

ALAN GREENBERG:

We know that there are some registrars you can't get data from, so the reality is, of course they can't. But at that point, that is in violation of a policy saying a registrar must provide WHOIS data and a registry must provide WHOIS data. I'm not going to go into the mechanism by which they get it, whether it's Port 43, screen scraping, whatever. The recommendation from the last WHOIS review team said we want a single place to get definitive WHOIS information. I think we're just adapting that to today's world. Can't do it, let them come back and say that.

CATHRIN BAUER-BULST:

I just had a comment on Volker's earlier [inaudible] question about the purpose of a common interface in the times of GDPR, and I think even if there were to be very little data actually available, one essential purpose of the common interface could be a clear pathway to how data

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can be requested, and the not actually point to the appropriate ways to contact the registrars.

And that's something that came up at one of the cross-community sessions where Lauren and Elliot Noss had a very interesting discussion about what exactly should be included in the common interface [for trying] to facilitate user requests for data without passing any judgment on whether they're legitimate. And I think that purpose can still be served regardless of what comes out of the EPDP. So I would propose that we don't abandon this idea even though I fully see your point on the contents of the actual record that's displayed.

VOLKER GRIEMANN: So should we propose that the common interface should provide both records or when that is not possible, the definite link to where to obtain those?

UNIDENTIFIED FEMALE: [inaudible]

VOLKER GRIEMANN: Yes.

ALAN GREENBERG: The definitive link is what we're trying to avoid. Certainly, the original recommendation said we want a place someone can go to to get WHOIS information other than domain tools in that day. I see no reason to

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abandon that right now. Now, if the answer comes back that it's impossible, fine, we'll deal with it, or they'll deal with it.

VOLKER GRIEMANN: Cathrin, [inaudible]

CATHRIN BAUER-BULST: Yes, and just to say that in a sense, it can be a combination of the two, right? Because there will always be some data returned, but we have technology [so] some of it could be redacted in the central point of access. And of course, what the GAC would be interested in is preserving that central point of access in combination with an accreditation and authentication system so that you could actually then channel the request appropriately, which is sort of a single [part] of that. But regardless of where we end up on this on the content, I think for the redacted bits, we could still provide some guidance as to how to go about requesting access to the redacted bits without giving up our essential idea that ideally, data would be provided where possible.

ALAN GREENBERG: If the data isn't provided in either, then so be it, it's not there.

CATHRIN BAUER-BULST: Yes, but then I do think you should have the link to where to get that data, if not through the single interface. Because if we want us to be in any way user friendly given the number of records that will be redacted,

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there should be some guidance as to how to move from there instead of, as you were saying, outdated website addresses from four years ago.

ALAN GREENBERG: But that's going to differ on who you are. Law enforcement will have a different method than me as a common person with no credentials.

VOLKER GRIEMANN: But they could still go through the same common interface. Erika.

ERIKA MANN: I'm not sure if you can always automatically say that they shall provide a link to information where you can find the information. But definitely, they shall provide information where information can be found. In an ideal situation, it can be a link. In some cases, it might not even be a link. That's already the case now in certain areas when you go beyond ICANN where sometimes, the information – you can't trace the information, you can't find the information link depending on the local legislation. But you definitely need to provide information where you can find the information. Yes. I know it sounds strange, but legally, some countries require – or allow you not to provide it via a link to information.

ALAN GREENBERG: Look, it's conceivable sometime in the future when we have accreditation and automated authentication, the single common interface, you could even type in your credentials and get the

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information unredacted if you have sufficient credentials. But all we're asking for right now is the public information.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Let's not [dillydally] at this point.

VOLKER GRIEMANN: There seems to be some form of agreement that the common interface should be futureproofed, kept updated through the changes required by new policy that has been developed with the temp spec, is being developed by the EPDP, and maybe other efforts that may be going on in the future. How do we frame that in the recommendation? Do we want to say that ICANN – we recommend that ICANN continues updating the common interface to remain usable and provide as much information about a domain name as obtainable, including displaying registrar and registry information where such information differs? Just throwing things out there.

ALAN GREENBERG: I would not say something like that, because that does imply that once there are credentials and authentication, that ICANN would have to address that also. I would simply say ICANN should display all publicly available WHOIS information, which implies both registrar and registry. Leave it at that. Otherwise, we're getting into a real messy situations,



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and there probably are even legalities that we don't even want to think about right now.

VOLKER GRIEMANN: Probably, yes. Is everybody in agreement with that basic concept? Lisa, then Alan.

LISA PHIFER: So there's a lot of publicly available information that doesn't come from registrars and registries.

ALAN GREENBERG: That's why I said i.e. the registrar and registry-published WHOIS information.

CATHRIN BAUER-BULST: I would still like to have a reference to the link to further information about where to get the information, because I do think it's key to have this reference as a user-friendly way of dealing with the restrictions to the system.

VOLKER GRIEMANN: Okay, sounds like a job to make a recommendation out of that, but we'll try our best. Okay.

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ALAN GREENBERG: Are we finished with what you have so far? Because I have one more to add.

VOLKER GRIEMANN: I would still – one point that I would like to confirm is we are still in agreement that ICANN has fully implemented the common interface, even though the implementation has been made less effective over time due to influences outside the realm of ICANN. And while we recognize that ICANN could have dealt with this earlier and taken care of this and fully had some development to keep the usability of the common interface at this stage up, I think the recommendation was originally fully implemented, it just has been deimplemented by GDPR.

ALAN GREENBERG: One could argue that because of the timeout issue and things like that, they didn't fully implement it. But I'm willing to give them the credit.

VOLKER GRIEMANN: Yes. Same here.

CATHRIN BAUER-BULST: Cathrin, then Alan.

CATHRIN BAUER-BULST: Yes, sorry, just a small point. I know we're not dealing with RDAP, but I was told that because we also have the service level agreement language in the issues that you identified, apparently because the new

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protocol is less lightweight than the old which was rather crude in the way the lookup works, there are now problems with the SLA times that were agreed before for WHOIS lookups. So just a flag, we may just want to ignore this, but apparently, this is an issue with the RDAP functionality.

VOLKER GRIEMANN:

Well, RDAP is not even implemented yet. We're still looking at specifications for that. I think it would be too early for us to make any comment on RDAP. Let's just deal with what is implemented and what we can look at.

ALAN GREENBERG:

I would suggest a new recommendation that InterNIC be either deactivated or deprecated, deprecated meaning when you go there, saying this is not the current version, or deactivate it and point to the current version. Right now, there are still lots of things on the ICANN website that point to InterNIC and lots of historic things that point to it. And if this is the definitive one, we should start taking action to phase it out. It's a very short, simple recommendation.

VOLKER GRIEMANN:

I think you have a comment on that, Lisa.

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LISA PHIFER: Yes. So one of the reasons that this recommendation was implemented this was is that ICANN does not have any direct control over InterNIC. But ICANN certainly could not point to InterNIC any longer.

ALAN GREENBERG: The InterNIC website says, "This is a term under license from the U.S. Department of Commerce to ICANN," if I remember correctly.

VOLKER GRIEMANN: Don't look at me, Alan, I don't know.

ALAN GREENBERG: Who does operate it? "InterNIC is a registered service mark of the U.S. Department of Commerce. It is licensed to the Internet Corporation for Assigned Names and Numbers which operates this website." That's what it says. I read it on the web, it has to be true.

VOLKER GRIEMANN: is there any way we could find out who operates this?

ALAN GREENBERG: We could do a WHOIS query on internic.net.

UNIDENTIFIED FEMALE: [inaudible]

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VOLKER GRIEMANN: Well, but coming back to the original, do you think this is important enough to make it a recommendation, or would it also suffice to make it a note in the findings that the old site is still out there and it creates some form of confusion for those people that only know that old site or that are still linked there from some other sources, and therefore we would recommend – or we note that it would be helpful that some notice be put up there that the new common portal is available and provides more up to date, complete information?

ALAN GREENBERG: I – okay.

VOLKER GRIEMANN: I don't see that it rises to the level of a recommendation that would have to be analyzed by the next review team in detail. Just a hint to ICANN web design or whoever has that site to do that. Lisa, Alan.

ALAN GREENBERG: Look, I made a comment. I believe if it's not a recommendation, it disappears into the history. I'm happy to be overruled and move on.

UNIDENTIFIED FEMALE: [If I may.]

VOLKER GRIEMANN: [First Lisa, then you.]

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LISA PHIFER: I was just going to say that you could – whether it’s a recommendation or an identification of an issue, I’d leave aside, but you could say that ICANN should take any reasonable steps that it can to deprecate use of InterNIC.

VOLKER GRIEMANN: If we find out who does it and just send them an e-mail with the request, we might even not have to do it because somebody might do it in the meantime. That would be the best solution in my view. Anyway, I think if there isn't anything else, we could close this topic and move on to the next in the sake of time. Yes, just let us recap what we have, and then see if everything is agreed as we think it may be, and then move on.

ALAN GREENBERG: InterNIC is registered to ICANN. As I said, I made a comment. Everyone can shut me down, I'm quite happy. Let's move on.

LISA PHIFER: Alice, get this to go back up one. So I think we were in agreement with this recommendation 11.1 where the findings for this recommendation were going to include an explanation of what it means for data to be displayed inconsistently. And Volker, you asked several questions about what that means. Did you get an answer? Do you feel you know what “to be displayed inconsistently” means?

VOLKER GRIEMANN: Yes. [Yes, I think I do.]

LISA PHIFER: Could you enlighten us?

VOLKER GRIEMANN: That wasn't on the microphone, so I am safe. Inconsistently means that results may vary from query to query and therefore be prone to cause confusion.

LISA PHIFER: For the same domain name?

VOLKER GRIEMANN: For the same domain name. That was my understanding, yes. Yes Stephanie.

STEPHANIE PERRIN: How does that happen?

VOLKER GRIEMANN: I have no idea.

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STEPHANIE PERRIN: So that means I can ask for a domain name today and I could come back tomorrow and I'll get different results? Wow, that's not very reassuring. [Probably no.]

VOLKER GRIEMANN: My assumption would be that you wouldn't receive any results on one day, some results on the other, and timeout on the next day. The results themselves, if you get them, would be the same.

STEPHANIE PERRIN: Okay.

VOLKER GRIEMANN: I haven't heard any instance of a domain being registered to Mr. Smith on the first day, Mr. John Turner on the second and Mr. Smith again on the next day. So unless somebody aggressively updates this WHOIS information.

LISA PHIFER: We're agreed on this recommendation with the – I guess the changes that data is displayed inconsistently for the same domain name, both overall and per gTLD. And then the new recommendation, ICANN should update the common interface to display all publicly available WHOIS output for each gTLD domain name, that is both the registry and registrar WHOIS output, and the issue text that would lead to that recommendation is noted on the slide.



VOLKER GRIEMANN: Maybe just one suggestion here. instead of “should update,” “should keep the common interface updated to display” and so on. That means that there's a duty of care to take into consideration all new developments.

LISA PHIFER: I think you mean maintain.

VOLKER GRIEMANN: [Maintain, yes.]

SUSAN KAWAGUCHI: I'll throw a curveball here. So in the GoDaddy instance, the information may be available publicly if you go to their website. So are we asking ICANN to make GoDaddy provide that through Port 43? So whatever's available on their –

ALAN GREENBERG: That's implementation.

SUSAN KAWAGUCHI: On their website?

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ALAN GREENBERG: If Port 43 works for ICANN or can be made to work for ICANN, I don't mind them using that.

SUSAN KAWAGUCHI: So right now on a GoDaddy domain name, if it's in the U.S. for example, you can go, you can look up, get the thin WHOIS, you can get redacted information for the most part through the WHOIS lookup on ICANN.org. But if you go to the GoDaddy website, you can get the full information, right? Is this recommendation intending to force GoDaddy to provide that full information where they publicly display it on their website to then be available on the common interface? Then we need to say that.

VOLKER GRIEMANN: I would disagree with that. I think regardless of what the method is of obtaining that WHOIS record, there are valid reasons why access to WHOIS information may be rate limited. If you shut down the barn door and leave open the door in the back of the barn, the horses will still escape. So the rate limiting is a legitimate means of preventing scraping and overdo bulk access of WHOIS data by those parties where there's no control over their use. If suddenly we were forced as registrars to provide one portal with full information, I would assume that that portal would soon be flooded by requests that cannot obtain the data directly anymore and then just use this portal as a backdoor to gain data that they wouldn't otherwise be able to obtain.

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ALAN GREENBERG: I presume ICANN can implement rate limiting on their common interface as well as anyone else can to make sure that doesn't happen. No?

VOLKER GRIEMANN: Having experience with ICANN technical implementations, I doubt that.

ALAN GREENBERG: If that's –

VOLKER GRIEMANN: [Just to] remind people of the application portal where everyone could read everyone's applications for the new gTLDs, and various other implementations at ICANN that had significant security issues.

LISA PHIFER: So going back to what I think the original objective of common interface was, to provide that one-stop shopping to get what you could get if you could figure out where the data was. So a straightforward interpretation of that is that you should have to go through whatever process the registrar would have imposed to get that data. Right? It's just that you visit ICANN.org in order to have that happen to you. And we want that to be presented on the same page, whatever happens at the registrar and whatever happens at the registry, without having to do a two-step process. Correct?

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ALAN GREENBERG: Correct, yes. Just an aside. If we have to start tempering our recommendations because we believe ICANN does not have sufficient technical skill to implement a web query, then we're in the wrong business.

STEPHANIE PERRIN: Actually, I think it's not us that's in the wrong business, it might be ICANN if they can't manage that. But I'm just wondering, ICANN is not under the RAA, there are no obligations on ICANN in terms of bulk data restrictions and rate limiting. Should we not recommend that ICANN live with the same kind of bulk access restrictions that the registrars have to live with? It would be a bad thing if registrars had those requirements in their contract and then ICANN went ahead, agglomerated it all and wasn't living under the same rules. Right?

LISA PHIFER: That actually was indirectly my point. It's not a matter of technical competency in "Could you scrape the information and provide it faster and easier?" It's a matter of actually providing whatever the policy is— or best practice – that the registrar provides to get data when queried from them to the common interface. And that'll vary by registrar. So, are we agreed on this recommendation, and Volker has some fancy text to write to support it?

VOLKER GRIEMANN: I don't have any fancy text yet, but I'll suck something out of my thumb.



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ALAN GREENBERG: Data accuracy. Lili, it's all yours.

LILI SUN: I have been restructuring the [inaudible] parts on the data accuracy from last week. There are not so many updates in the restructure. I just need to reorganize analysis and finding parts, and also link the problems and issues identified with the recommendations. So I noticed that there [were] comments from the floor during ICANN 62 regarding the definition of the accuracy, so I'm here just to reiterate my understanding or position on the data accuracy.

So I referred back to the NORC study [inaudible] and also the WHOIS1 review team final report. The definition for data accuracy, not only including the [inaudible] as depicted in the WHOIS accuracy specification in 2013 RAA, but also, the WHOIS data needs to have association with the registrant. So that's my understanding, and also the starting point for the data accuracy draft report.

And for the five recommendations regarding WHOIS1 on data accuracy, I grouped the five recommendations into three levels. So the first level is to have the registrant public education. This is actually the recommendation five. Recommendation five requested ICANN to widely and proactively communicate with current and prospective registrants on the requirement for accurate WHOIS data, and also prominently circulate the registrants' rights and responsibilities document to all new and renewing registrants.

So in the draft report, I marked this recommendation as fully implemented, but the effectiveness should be reviewed. And I also

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linked the statement here to the recommendation generated by the outreach subgroup. So it is clear that in the WHOIS micro website and also the 2013 RAA, there is a registrant rights and responsibilities document there, but to what extent the current and prospective registrants had received the document and accepted the requirements needs to be reviewed.

So the second level of the WHOIS1 recommendation is to develop a clear and [inaudible] and enforceable [change] of contractual agreements with the registries, registrars and registrants to require the provision and the maintenance of accurate WHOIS data. So initially in the draft report, I marked this recommendation – this is actually recommendation number eight. So I marked this recommendation as fully implemented, but after going through and revisiting the draft report, I may change the conclusion to partially implemented, for I noticed – excuse me one minute.

The implementation review for the subsection 3.4, there is an implementation review of the recommendation eight. It indicated that the registrars are required to react to the WHOIS inaccuracy complaint or the WHOIS ARS report. So there is not a proactive way systematically to address the contractual obligations. This also lead to the recommendation 4.7 we discussed this morning. So the Compliance team needs to look for the patterns for the inaccuracy issues.

So for the third level of the WHOIS1 recommendation, it's to direct ICANN to take appropriate [measures] to reduce the number of WHOIS data that goes into the accuracy groups of substantial failure and full failure as defined by the NORC study, and also to report annually on

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above reduction in [inaudible] way, and further request the Compliance team to develop metrics to track the impact of the annual WHOIS data reminder policy.

So the majority part of this recommendation was addressed by the WHOIS ARS report, WHOIS ARS project. There are some observations or findings in terms of the implementation of this [inaudible] recommendation. So I want to read out here about the key findings here. So number one is even without identity accuracy check, I believe WHOIS ARS is an effective way to push the exposed registrants and registrars to improve the WHOIS data. But at the moment, only the exposed or identified registrants and the registrars will be affected.

UNIDENTIFIED FEMALE: [inaudible]

LILI SUN: This is the draft report of the restructure. And actually, the number one was in the initial draft report already.

UNIDENTIFIED FEMALE: [inaudible]

LILI SUN: Yes.



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UNIDENTIFIED FEMALE: [inaudible]

LILI SUN: The initial draft report we have. If you can go to the subsection 3.2. Yes, [go there.] Yes, the implementation review of recommendation six. Yes, six.

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED FEMALE: [inaudible]

LILI SUN: Still need to scroll down. Scroll down. Still scroll down. Yes, after the table. Yes, you can see there are some – several observations here. So I just read out the number one. So I believe the WHOIS ARS is an effective way to improve the WHOIS data quality, and [considerable,] there are at least 20 WHOIS records [that were] updated, identified by the ARS project. And also, yes, if you consider, about 60% of the tickets lead to the suspension and the cancellation of the domain names, so I believe this is an effective way to improve the WHOIS data in general.

So the second observation is that all those tickets went through the first [inaudible] notice during phase two, about 60% of the tickets related to domains were suspended or cancelled, and around 20% of the tickets lead to changing or update of WHOIS data by registrar. So based on the

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fact there is an estimation about the general WHOIS inaccuracy rate, it's still around 30 to 40%, and this is also consistent with the overall operability accuracy. So I believe there is a rationale to still improve or progress WHOIS data in the future.

And the third observation is that considering this was also raised during the compliance subgroup's discussion here today, and if you consider there are – the tickets generated by the WHOIS ARS project, there are about 60% of the tickets lead to the suspension and the cancellation of the domains, and 20% lead to the updating of WHOIS data. So the perception here is that the registrars did not validate or verify the WHOIS data upon registration or domain transfer in general.

This also lead to the proposed recommendation 4.7 we discussed earlier, and the fourth observation is that the WHOIS ARS project only checked a small fraction of WHOIS record. So, so far for the six cycles in phase two, there are less than 60,000 that were checked. Comparing the whole domain space, there are 300+ million registered domains, so I believe the improvement of the WHOIS data across the whole domain space is still very limited.

The fifth observation, you can see on the screen that there are seldom notice of breach issued by ICANN to registrars for tickets created. At least so far, only one registrar was deaccredited during the WHOIS ARS project. My understanding is that if the registrar failed to validate or verify the WHOIS data, it's already a breach of the RAA. But I don't understand why there is an informal consultation with the registrar and there are no sanctions on the breach off the RAA.

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I added a new observation under – this was discussed earlier during the compliance subgroup, that for each cycle of the WHOIS ARS project, there are about 50% of the tickets closed before the first notice. The close reasons vary, but above 50% was due to the WHOIS data was already different compared to the sampled time. This issue was also raised by Susan. So I don't understand why, just in a short period of time, like for the ARS project, it's between the sampled time and [then the] Compliance to look at the ticket, it's four or five months, why 50% of WHOIS data is already different from the sample time? Is this an indication of some issues?

UNIDENTIFIED MALE: [inaudible]

LILI SUN: Alan?

ALAN GREENBERG: If you're asking us the question, I don't have a clue. I could make some hypotheses on why some of them are different, but I'm purely pulling things out of the air. I guess one would have to look at a moderately large sample of them to try to understand what kind of domains they are and what are the reasons that the content may change. Are there other things in play at the same time that are causing problems to be fixed? It's hard to imagine that on a random sample that's happening, but honestly, I don't have a clue. I'm not sure anyone else has a – it's an interest issue to raise, and we certainly could make a recommendation

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saying ICANN should attempt to investigate why. I'm not quite sure how one goes about that, but certainly, it's a rather anomalous thing that half of the ones that are selected as being invalid change by the time someone looks at them.

LILI SUN: [inaudible]

CARLTON SAMUELS: Question, I'm asking Lili if the change is from the negative to positive. Is it a positive change?

LILI SUN: There is no evaluation –

CARLTON SAMUELS: We don't know?

LILI SUN: Yes, there is no evaluation. So since the WHOIS data is already different, the Compliance team will not look at it anymore.

ALAN GREENBERG: I guess I would be curious to know if it got changed from something the automatic tool found to something else that's purely spurious, would Compliance just ignore it anyway because it's not the same? I don't know. Assuming it's fixed.

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SUSAN KAWAGUCHI: Or was the selection process flawed so they're selecting more than they should, and when it gets to Compliance, Compliance is saying, "No, that doesn't fit our process?" But also, I had made a note to myself – I don't think this was really [inaudible] strong enough probably yesterday, but we should ask GDD about that, and compliance, I guess, both of them to come back to us and tell us why there's such a big difference, give us some examples.

LISA PHIFER: Can I just follow up directly to that? So the response that we did get back pointed to the sampling methodology in the latest ARS report, which does pull essentially a representative but randomly generated sample of domain names that are proportionate to the size of the TLDs, but we didn't ask for specific examples of things that would be discarded because they changed. What does changed mean?

And I think that really would get to your point, and you probably – I mean you could ask that now, but probably, if this is an area that you want to dig into, you need to make a recommendation that this be looked at as opposed to asking them to look at it and come back to you and then formulate a recommendation. Right?

LILI SUN: So regarding the recommendation part [five,] the draft report, so I was assuming the WHOIS ARS project will go on, keep on going, and for the identity accuracy check, although there were some difficulties to

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implement it, but ICANN org will find a way anyway to proceed. So based on this assumption, the recommendation generated by this subgroup has led to the recommendation 4.7, to strictly enforce the contractual obligations, and also to identify maybe the – to target, more targeted, the registrars exposed or identified during the ARS project.

But I learned from the discussion yesterday. I don't know the clear workplan or roadmap for the WHOIS ARS project. Are we expecting the identity accuracy check anyway in the near future? If it's not – yes, and the problem identified by the subgroup is that the objective of the WHOIS data accuracy – I mean the reliable WHOIS data is not achieved at all.

ALAN GREENBERG:

Certainly, I would have liked to think that when the accuracy project was undertaken and they found things like half or 40% of the tickets they created were closed because the data had changed, that they would react to anomalies, curious anomalies like that to try to understand it better. Clearly, they're not. So I think that particular one is a reasonable recommendation we could make that ICANN should investigate.

I have no reason to believe that the program is being shut down, but is it helping things, or is it simply allowing us to quantify the inaccuracies? I'm not quite sure. Volker.

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VOLKER GREIMANN:

I have a couple of points. One thing that we heard a while back from Compliance – and I'm not sure if that's still true, but it was something that they told us in the registrar update that they regularly give at ICANN, is that the information that they had about certain items changing from the WHOIS ARS, when they found for example that the WHOIS ARS was reporting things as incorrect that were actually correct just because of how it was formatted. All this information didn't feed back to the ARS. So Compliance used that for compliance action that was undertaken between registrars and Compliance, and after that, they dealt with the tickets. The tickets either remained open, resulting in a breach notice, or [inaudible] notice and healing of the breach, or resulting in the closing of the ticket. But there was no feedback provided to the ARS to improve that system for further iterations from Compliance.

ALAN GREENBERG:

Volker, let me ask a question. I think I know what you're saying. I think you're saying that the ARS check may have said this address is invalid because there's no period after St for street. That's a random example. Compliance looks at that and says St is equivalent to St., therefore we don't consider it a problem. But that information was not fed back into the ARS program so that ARS would not continue to reject St instead of St. Is that essentially what you're saying?

VOLKER GREIMANN:

Essentially, yes. For example, the ARS was reporting states missing in countries where that's not part of the address, or certain information

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was formatted in a way that didn't match what the ARS was looking for, but common parlance in that country used different variations and those were found to be legal by Compliance as well.

ALAN GREENBERG: This sounds like a relatively simple thing to ask. Can we verify if indeed this is correct or not? As an example, triggering something because there is no state when there are no states in that country, or other similar things. Is that information being fed back to modify the ARS tool from Compliance, or not? Lisa.

LISA PHIFER: And just to be clear, you want to know whether there is a routine mechanism to [route] that feedback, not an occasional conversation that might be had between people from the two different departments?

ALAN GREENBERG: That's correct.

VOLKER GREIMANN: The second point was that with regard to the observation number four where you're saying that breach notices were seldomly issued by ICANN, you have to understand the process, how ICANN Compliance works. A breach notice is issued when they found a problem, contacted the registrar, talked with the registrar, and the registrar doesn't remedy the issue. That's when a breach notice is issued. You don't get a breach notice if a certain data point is found to be incorrect or the registrar has



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made an error or wasn't in compliance with policy at a certain time but is in compliance now. The breach notice is going forward, we are not getting what we want from the registrar. It's not the registrar hasn't been in compliance before.

LILI SUN:

Actually, I understand there's a compliance process. So to my understanding, the enforcement is too soft. Actually, if the registrar fails to verify or validate the WHOIS data, it's already a breach of the RAA. Why they need to be informed to remedy it? And if they responded to the Compliance team and conducted the remediation, then that should be fine for them. There is no risk for them to not conduct the validation and verification in the future as long as they are not identified or exposed.

ALAN GREENBERG:

I have a queue of Carlton, me, and Volker.

CARLTON SAMUELS:

ICANN's Compliance, they practice forbearance. That is to say that they don't send a breach notice unless they have had, multiple times, contact with the registrar and the registrar have not remedied the breach. So the breach notice, the infraction might happen, but it doesn't count as an infraction for breach unless they have not answered or responded after multiple times. [It is under three.] Sometimes, it has gone up to as many as six times.

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ALAN GREENBERG:

I think three is the norm, but ignoring that for the moment, I think the question Lili is asking is, why do they, on each ticket, on each notification, go through that process? And my understanding is that is their process, but the remedy for that is not “don’t give them an opportunity to fix it,” it’s the recognition of patterns and the same registrars causing problems over and over again, and you should be taking action not on the specific ticket anymore but on the pattern. And that’s the whole substance of our telling them to look for patterns, I think.

VOLKER GREIMANN:

Well, first comment on this is that this is not a data accuracy issue, this is a compliance issue. At least it sounds like one. So it shouldn’t be in here at all, at least not here in this section. Second is a lot of compliance actions result not from intentional breaches or intentional ignorance of ICANN rules, but rather, different interpretation because certain policies have different interpretations, and Compliance happens to subscribe to one and some registrars happen to subscribe to different interpretations which are also valid under the language but are not the one that ICANN subscribes to and therefore may lead to compliance action.

There might be ignorance of new policies where ICANN has not communicated diligently or the registrar has not followed up diligently on new policy development or FAQs to certain policies. Sometimes relevant interpretations of policies do not appear in the policy itself, they come out of FAQs or side letters, all kinds of information that some registrars may not even have access to if they

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are, for example, based in China and the information is only distributed in English, or they are not aware that an FAQ has been issued. All kinds of reasons may lead to violations of policy or violations of obligations, and usually when these are notified, then the registrar can [amend it.]

ALAN GREENBERG: Interrupt for a moment. Cathrin, thank you for being with us.

VOLKER GREIMANN: So what I'm saying is that the compliance approach of contacting the registrar, pointing out a problem, asking for more information and only issuing a breach notice if the registrar is persistent in ignoring the policy is, in my view, the right approach, because in a cooperative manner, you get a lot more done than fighting, and it's better for registrants as well. But that's a different point.

ALAN GREENBERG: Lili, are you comfortable with those answers, or do you still have a problem with it?

LILI SUN: So far, yes, I'm comfortable. And actually, yes, why there is no recommendations generated by the subgroup, yes. I found [if every] contractual obligation in the 2013 were enforced perfectly and also would follow the consensus policies, there should be no issue at all. That's why I refer to the recommendation to the Compliance team.

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ALAN GREENBERG: And I think most of the recommendations you've come up with are compliance issues, and we put them there because it'll be easier to address them and make sure they're consistent with each other. The one we identified today for instance though of if half of the tickets are being closed without any action, someone should be investigating. And I don't think that's a compliance issue, I think that's the ARS team that has to look at that. And that's a recommendation that should be under yours, I believe.

LILI SUN: Okay.

LISA PHIFER: So you're suggesting that Lili formulate a recommendation that directs ICANN to investigate why half of – what is it, 40% – of ARS tickets are closed without any action, and if there's a problem, take appropriate action to remedy it?

ALAN GREENBERG: I would actually make it slightly more generalized than that and say the ARS team in analyzing what their output is, since the target is to try to reduce inaccuracies, that's the long-term target, that's why we're bothering to do it, that they should look for anomalous situations that cannot be readily explained and try to understand why they're happening. And as an example, that one.

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LILI SUN: There is still one thing I'm not quite sure how to deal with, is the objective of the accuracy, so how to get the objective for the reliable WHOIS data. Because we all agree that it will not be addressed by the ARS project in the future.

VOLKER GREIMANN: Well, I think Cathy made a very good statement at our presentation in Panama, I think, which said that the absolute objective of the original recommendations was not 100% picture perfect accuracy, but rather, ensuring contractility. That was the main objective of these recommendations, and I think – I mean the language of the recommendations also suggests that, that they were focused on providing a means to contact the registrant, and therefore, we should also say that the objective of this entire program is to improve contactability.

ALAN GREENBERG: If I may just for a moment, Lili, one of the examples I found a couple of years ago was e-mail addresses where the thing to the right of the @ sign don't exist. It's not a matter that the user doesn't exist there, the top-level domain doesn't exist. Not the top level, but the second-level one. Now, we don't check for that normally, I don't believe, right now. Maybe some registrars do, maybe they don't. But the whole purpose of having an e-mail address is presuming that you can get to the registrant. And if it's an address which we know clearly does not work, then that's defeated.

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So yes, I think the whole issue is to have contactability, but since we're not going to try to dial each phone number and send a mail and wait for an answer, all we can generally do in a practical way is to see how often do we have problems where we know we won't be able to contact them because the information doesn't exist – or not doesn't exist, but we know it's not usable just by parsing it.

So the target, one would think, is to be able to do ARS samplings, and you get very few bad ones. If everyone is doing their job, there should be zero. So I'm not sure where that leads us, but...

LILI SUN:

For me, it's still like a chicken and egg problem. You know, I fully understand Cathy's comments during ICANN 62, but the assumption is that the contact information has association with the registrant. But [that assumption exists.]

ALAN GREENBERG:

That's true, but I think at a \$15 a year domain name, it's always going to be true. If we go back to a domain is \$300, you can afford to do a lot of checking, or at least more than you do right now. But I don't –

VOLKER GREIMANN:

Under the \$8.50 domain name, it was even less so.

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ALAN GREENBERG: I don't think we can change the overall structure of the industry here. I think all we can do here is work within it. Sad, but...

SUSAN KAWAGUCHI: Sorry. The problem with equating it to dollars and cents is somebody is paying that. It may not be the registrant, may not be the registrar, may not be the registry, but somebody is paying for the fact that – a domain name really should be \$1000 or \$500, because that's the consequence of abuse of a domain name. And I don't agree completely with Cathy's opinion that this was just contactability, but I also am not sure that we'll ever win that battle of really figuring out – especially the data protection. I'm not sure I'm willing to go toe to toe on that, but it's sort of the chicken and the egg again like you said. The problem exists, there is a [solve] for it. Nobody is going to do it.

ALAN GREENBERG: To be blunt, I don't think ICANN could afford to have it done.

LILI SUN: So there is still another issue identified by this subgroup, is that if you accept the observation number three, if you accept the observation on the screen, number three, the general inaccuracy rate across the whole WHOIS domain space, the inaccuracy rate is still like 30 to 40%. I believe the WHOIS inaccuracy is largely underreported if you compare the ratio under the WHOIS inaccuracy complaint received by the compliance team and also exposed by the WHOIS ARS project. So the inaccuracy is largely underreported.

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ALAN GREENBERG: Do you mean underreported that the 30 to 40 number should be 40 to 50, or underreported that we are not reacting to the individual inaccuracies?

LILI SUN: No. So if the assumption is right, the whole population of the domain names, there are 30 to 40% confirmed inaccurate. But if you compare the tickets generated by the ARS, and also the compliance received by the compliance team, the number is really low.

ALAN GREENBERG: I guess we would have to be thankful of that, otherwise we would be employing 14 million Compliance –

VOLKER GREIMANN: I like low numbers, yes.

ALAN GREENBERG: The price of a domain is really going to go up to pay for that. Which may solve that problem, but... Perhaps the question you're asking is if 30% of the domains are inaccurate, the contact information is inaccurate, take that as a premise, why is the rate of reporting so low? Maybe it comes down to the issue that was raised before, that it doesn't matter because most of them don't cause a problem, so you don't try to contact them, so not having good contact information doesn't matter.



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The only reason you want good contact information is on the presumption that you're going to want to contact them. I have never been contacted on any of my domains that I own or manage. It's not a lot of them, it's a dozen or two, but I don't cause anyone to want to contact me, so they don't, even though the information is fully accurate.

It could have been fully inaccurate, however. If all of my information was completely inaccurate, then 100% of Greenberg's domains were inaccurate, but no one ever tries to contact me anyway, so you'd never notice. There'd never be a report filed on it.

LILI SUN: Just a quick response. So the reason you are not contacted, partly due to, yes, you are a good actor, you do not engage in the DNS abuse activities. The second reason –

ALAN GREENBERG: That you know about.

LILI SUN: The second reason is that your domain has never been compromised. Yes.

VOLKER GREIMANN: Well, people try to contact me constantly about my domain names, usually trying to sell me stuff like webhosting or renewal services or other issues. So I think there is a certain community that has a very high

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interest in contactability. And that might even be higher than the business community and the IP community that also have an interest there.

ALAN GREENBERG: I'm glad they contact me. I got a message the other day from the Bill Gates Foundation. They want to give me \$15 million. So I'm delighted to be contacted.

LISA PHIFER: Volker, you should get a better registrar if they're saying they want you to renew all the time.

ALAN GREENBERG: I of course get all of those also, and I have been contacted using my contact information from people who want to sell me SEO services and various other things.

LILI SUN: I also have one concern, that during the structure discussion about the report yesterday, we agreed to introduce a section about the GDPR impacts for each subgroup. So I know that GDPR will impose extra costs for registrars to comply with the new legislation, but if the WHOIS data quality is not ideal, as so far we identified or discovered, [is it worth] for us to protect such poor quality WHOIS data?

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ALAN GREENBERG: That's been decided for us. I think in this case, the impact on GDPR is relatively simple. We know there's a high inaccuracy rate, we're not going to be aware of as many of them as before because it's going to be hidden. That's the impact. Without assessing to what extent that's good or bad, that is the impact.

LILI SUN: And I also have a follow-up query. I'm not quite sure about the impact of the GDPR. If ICANN is going to comply with GDPR anyway, does it mean the ARS is not – is it allowed? Is it still allowed for ICANN to conduct the ARS project?

LISA PHIFER: You mean does ARS have access to nonpublic data?

ALAN GREENBERG: My understanding is it will not, although it has also been alluded – but I've never seen it in writing – that under some grounds, Compliance should have access to full data for use in its job, although I've never determined if that is in fact accurate or not. If that is in fact accurate for Compliance, could it be accurate for ARS? I think we're going too far down a path we don't understand right now to even answer that. It's a good question, but I don't think we're going to find an answer in the life of this review team.

LISA PHIFER: It's not addressed in the temporary spec?

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SUSAN KAWAGUCHI: According to Göran, they're not. ICANN does not have access to the WHOIS data. Saying that's accurate, but he's known to be inaccurate sometimes on actual – I asked him how Compliance could do their job then, and he wouldn't...

LISA PHIFER: Well, that certainly seems like a question that you could ask now.

LILI SUN: Is it better for the whole review team to introduce a section or paragraph in the final report for how to oversee the WHOIS data quality in post-GDPR age?

ALAN GREENBERG: I don't think we know how it's going to unfold enough. When you look at – we don't know to what extent we are going to put things in the policy that replaces the temporary spec. We don't know to what extent the privacy commissioners will allow what it is we're going to recommend. Hopefully, we're going to recommend something which will be allowed, but it's not under our control. And I think Erika mentioned the other day, she's expecting over the next number of years, there'll probably be changes in GDPR. So by the time the next review team comes along, they may be in a position to assess that. I don't think we are. Or if we are, we don't have the time to do it anyway.

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LILI SUN: That's all from my side. Yes, I already [expressed] all my concerns.

ALAN GREENBERG: Lisa.

LISA PHIFER: So just to recap, we have a couple of action items to obtain additional information from ICANN. One is to find out from GDD and Compliance whether there's a routine feedback loop in place for Compliance to advise the ARS project if ARS detected inaccuracies that don't end up being inaccuracies, the example being a missing state in a country where the state isn't applicable.

Another question, ICANN to ask [inaudible] to answer, does ARS have access to nonpublic data under the temporary specification? And then an action for Lili to consider generating a recommendation that the ARS team look into potentially anomalous results, the example being the 40% of tickets that end up being closed without action because the WHOIS record changed. Not sure what your recommendation text will actually look like, but you have the action to formulate one, and that would be a recommendation in the accuracy section as opposed to the recommendations that are in the compliance section.

And if there are any other questions that you could ask [inaudible] now to help inform that recommendation, like if there are particular anomalous situations that you want them to look at now to help you craft that recommendation, this would be a good time to do it.

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ALAN GREENBERG: I have one that was triggered by something you just said. The ARS program can only access public data, we know that. So they don't go privately to a registrar and say, "Can we have the secret data?" But as we discussed on the single portal, whether they go to the registrar or the registry for data for a thick WHOIS domain makes a difference in what you get back. And the question is, which are they going to?

LISA PHIFER: Are they examining registrar or registry?

ALAN GREENBERG: That's correct. That may be a good question worth asking, because as I said before, up until GDPR, the registry was considered authoritative, and now the registry is largely blank. So I think that's a valid question to ask.

LISA PHIFER: So the additional question is, is the public WHOIS data that's sampled by ARS obtained from the registrar or the registry?

ALAN GREENBERG: I would add, to prompt them why we're asking, noting that under GDPR, registry data may be fully redacted. Much better results if we only look at information that says "not available," which I presume parses correctly. It may be a dandy way of increasing the percentages of good, accurate data.

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LISA PHIFER: And then in addition to those points, I guess I have sort of an overarching question. As you were talking about the issues you identified, Lili, I was following each individual one for the most part. What I don't feel I have a handle on is how those link to the recommendations that are in compliance. If I had to say which issues from your subsection led to a particular recommendation in Susan's section. I struggle trying to tie those together. So I think that we need to make an effort to look at all the issues you have identified. Are they all addressed in recommendations? For those that are not addressed, was that a conscious decision that they then lead to a recommendation? And otherwise, when I read the data accuracy section, I see a lot of issues, but I don't necessarily see the next step for those issues.

LILI SUN: Currently in the draft report, there are four problems and issues identified. The number one is the objective of reliable WHOIS data not being achieved, so there's no recommendation linked to this problem.

ALAN GREENBERG: All of the recommendations hopefully will improve accuracy, all of the ones that were transferred over from yours. Volker.

VOLKER GREIMANN: I think we would need to quantify that statement in the report though. If we're saying accuracy is not achieved, what do we mean by that? I mean, there have been improvements over time, or haven't there been

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improvements? What do we mean by achieved? 100% accuracy of all contact details? So if we want to say this has not been achieved, we need to quantify what we mean by that.

LILI SUN:

A quick response. So for the statement here, the objective of reliable WHOIS data not being achieved is based on there's no official check about whether the WHOIS data has association with a registrant. I don't think the registrar is in a position to make a judgment on that, but the ARS hasn't checked the identity accuracy yet.

ALAN GREENBERG:

Nor do I believe they envision doing that.

VOLKER GREIMANN:

That was never the goal of the WHOIS ARS, and of the previous review team's recommendations either.

ALAN GREENBERG:

It was in fact the – if you remember correctly, the recommendation was initially rejected by ICANN because it was saying – was it the NORC study? Or one of the studies where they actually contacted, they phoned people and said, “Who are you?” AND the recommendation essentially said, do this on a – regularize this, not just for a single study. And ICANN came back and said sorry, we can't do that. They eventually said, but we can do what became the ARS project. So I believe the original recommendation was looking for that, but I think that has been



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generally deemed to be not something that's practical. So that's how I read how it has unfolded, at least that's my memory of it. Either Lisa or Lili has to speak. This is our lunch hour, half hour.

LISA PHIFER:

So we have a couple of to-do items for this section. But what I don't have a grasp on is if we have additional things that need to be done to this section and how we bring it to closure.

ALAN GREENBERG:

I don't think there's a lot more we can do given the timeframe that we're working in. So let's clean up whatever we can and get a draft report issued. And I think as we start in the afternoon session, we'll talk a little bit about that. But I think it's a problem we need to address before we're completely dead at the end of the day. So I don't have a specific "do A and not B," But I think we have to be very practical, we have to get a report out no later than the end of August, and that really means it has to be largely pulled together within two weeks. So there's only a finite amount of work that's going to be done, and I think we have to be realistic. Maybe refine it for the final report, but I think we have to be practical at this point, unless we want to slip our schedule radically.

LILI SUN:

Yes, just to respond to Lisa's question originally. She had some problems to link the issues and problems to the recommendation. So we all agree

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that the issues identified as 4.1, the reliable WHOIS data, so all the recommendations will be linked to this problem identified.

ALAN GREENBERG: I don't remember all of them. I think once we have the compliance list in front of us, it'll be pretty easy to go through Lili's four items and say, you know, recommendations one, three and five are partially addressing this and so forth.

LISA PHIFER: Okay, so I guess, can we give you and Lili the action maybe to do that?

ALAN GREENBERG: Sure.

LISA PHIFER: The reason that I press [inaudible] on it is I tried and I couldn't.

ALAN GREENBERG: I'm really good at making things up, I'll do it.

LILI SUN: For the rest of the problems and issues, yes, I'm quite confident I have the link to the recommendation already.

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ALAN GREENBERG: Remember, we're identifying effectively generic problems and trying to make recommendations of things that are actually achievable. There's not going to be a full mapping.

LISA PHIFER: Sure. There are definitely issues that don't result in recommendations. My problem is where the recommendation doesn't have an issue that leads to it.

ALAN GREENBERG: We'll have to make one up quickly. But that's Susan's problem, because they're her recommendations. Lisa, are you comfortable enough that we can break for lunch? We'll stop the recording, we'll break for lunch. I don't think we can cut our lunch break down to under 30 minutes. So it is now roughly 12:45, we'll meet back at 1:20. You're all free to go. Thank you.

Can we start the recording again, please? Alright, we're going to reconvene the RDS WHOIS2 review team for the last half day of our two-day face-to-face meeting. We are at this time about 30 minutes behind schedule, maybe a little bit more, but hopefully, we'll be able to make it up. I'd like to spend a few minutes right now talking about where we are. This is not on the agenda.

I've sensed as we've gone through the last day and a half that we are getting more and more aggressive in terms of what we think we're going to get done in the next week. And I think it's time for a quick refresher on the timeline that we have. We were supposed to have this

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review draft report, pretty much complete coming out of this meeting. We're clearly not at that stage right now.

Our revised timeline, because we extended the public comment, is we do not have to produce this final draft report until close to the end of August. But that means we have to have it pretty well complete two weeks from now. And that's an absolutely hard deadline. I can remind everyone Lisa was supposed to be retiring now. She's extended that by a month. Pardon me?

SUSAN KAWAGUCHI:

We should just keep delaying it so Lisa can't retire.

ALAN GREENBERG:

No, Lisa is going to retire anyway. Either we want to do this with her help or without. So we have an absolutely hard deadline of the report has to be drawn together for final editing pretty much two weeks from now. That doesn't give us a lot of time to meet the commitments that many of us are making this week at this meeting of what we're going to do.

The implications are that almost without a doubt, some sections are going to be in better shape than others, and we have really no choice but to publish, maybe with a disclaimer, things that are not in as good shape. It's going to [imply] a lot more work for us afterwards. It's not clear who's going to do that or how.

No, I'm not looking at you in particular, I'm just aiming at the microphone. You have to be [past] that. I'm talking to Volker, for those

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who can't see us. So what we come up with may not be something we're fully satisfied with, but it will be published. And just making everyone clear, so for the next couple of sessions as we're making commitments, remember, we actually have to fulfill them, or things go undone. But the report will be published. And as I said, we have under two weeks to pretty well pull it together if we want to give ourselves some time to do proofreading and not embarrass us too much, at least with spelling mistakes if nothing else.

So with those little comments, we'll go back to the established program. And there were some issues we were going to discuss that Stephanie had made comments on our last face-to-face meeting. And who am I turning it over to to remind us what those comments were?

LISA PHIFER:

So this actually belongs to data accuracy, we just did not do it right before lunch, which was a comment that Stephanie raised on the Brussels face-to-face meeting agreements that in driving towards data accuracy, there might be unintended consequences, namely identity theft [of] more accurate data, and that we need to examine that risk [at]ICANN. And I think, Stephanie, you're sort of suggesting a recommendation here around [expecting] ICANN Compliance to examine that risk.

ALAN GREENBERG:

Could you give us some idea of how they could do that? I don't like to make a request that we don't have nay idea how to implement.

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STEPHANIE PERRIN: Okay, so you're following me on the basic argument that if Mickey Mouse is no longer satisfactory as a domain name to register – rather as an identity of a registrant, then they are possible going to steal real identities and put that. So they're going to go on my totally open WHOIS registration, steal it and use that to register that name.

And it would be easy enough to ask Compliance to gather – well, no, it would be easy, because they'd have to get it from registrars. But the stat would be how often do we see ID theft complaints coming through.

ALAN GREENBERG: Certainly ask that question. I'm not sure if that's a recommendation, and how we would word a recommendation and what do they do with the answer.

STEPHANIE PERRIN: And I'm not sure whether I actually asked for a recommendation or if I've just made a comment. And I'm perfectly happy having it just as a comment that we may want to monitor this in the future if indeed greater accuracy leads to a problem with greater identity theft. How about that?

ALAN GREENBERG: We know there's a concept for identity theft. Susan has talked about people registering random domains and saying they're Facebook. I

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haven't heard a lot of cases of people doing it with individuals' names, although I'm sure there are.

STEPHANIE PERRIN: The point being they don't really need to until we start doing greater verification of names.

ALAN GREENBERG: Susan, and then Volker, and then me.

SUSAN KAWAGUCHI: Identity theft happens all the time in my opinion in domain registrations currently, so in some ways, GDPR may actually make that go down. I just was several years ago looking things up, and it's like you wouldn't believe how many domain names Obama owned or The White House address was used on. People just put whatever they want in. So I doubt anybody is really tracking that in ICANN Compliance, because they didn't seem to understand the concept of identity theft every time I asserted it, that this was not inaccurate information, it is accurate information but it is not that person's information to use. That seemed to be [enough.] I keep referring to the OnlineNIC issue. So Compliance just never would admit that that was identity theft, so I doubt they track it that way.

VOLKER GREIMANN: We see this all the time. When we have a complaint about abusively registered domain names, in I would say 75% of the cases, somebody

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put in someone else's WHOIS information or address data that they stole from a telephone book and used that to prevent our mechanisms from triggering abusive registrations or to pass the verification requirements, validation requirement, all that kind of thing.

in most cases when there's an abusive registration, there's also somebody else's identity behind that. And beyond that, this becomes even more common when you have TLDs – as many ccTLDs are, or some gTLDs like .nyc that have local presence requirements, we see that also very often, that people just take someone's address from the area where the [inaudible] presence applies and use that data, and we then get complaints from people who are the WHOIS saying, look, my address has been – my name has been used for this illegal shop or this illegal pharmacy, and we take action accordingly. According to the way that I told Stephanie about earlier [and] yesterday. So it's just something that is very hard to prevent and that is very common in my view.

ALAN GREENBERG:

Lisa.

LISA PHIFER:

I think we may have touched on this yesterday, but we have no actual facts around identity theft. We have a lot of anecdotal information, evidence that suggests that identity theft occurs. I mean, poor Mickey has been having his Mickey Mouse name stolen for years. So in the absence of data, I think yesterday, Susan, didn't it come up that you can



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potentially in the inaccuracy report have the ability to indicate that in a formal way, that you're alleging identity theft?

SUSAN KAWAGUCHI: So I think we sort of randomly discussed maybe making a recommendation that there could be reason codes or something in the inaccuracy reporting tool where you could say this is identity theft, this is just – I don't know what classifications or codes you could come up with, but that maybe we would make that recommendation. But I don't think we decided we would do that.

LISA PHIFER: The reason that I ask is that any assessment of risk actually has to start from some information. It seems like the gathering of some information about the extent to which identity theft occurs would be the first step towards enabling any kind of risk assessment. Is that true, Stephanie?

STEPHANIE PERRIN: [inaudible]

STEPHANIE PERRIN: Gathering some information about how often identity theft occurs now would be the first step in actually conducting a risk assessment around identity theft?

STEPHANIE PERRIN: [Yes.]

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ALAN GREENBERG: Some of you may know I'm a genealogist, I do a fair amount of both real family history and forensic genealogy to try to find errors and things like that. The number of sources of information about people, if we're limiting it to name, address, phone number and e-mail address – which they don't necessarily have to match – are close to infinite. WHOIS may well be a convenient source for people who are registering a domain name, but there's no shortage of sources.

And we could shut down WHOIS completely in terms of available information and there is literally an infinite number of ways you can get information about people in almost every country around. The U.S. is particularly easy to get, but I traced down relatives in Ireland and I found them really easily. And I've done things in eastern Europe.

So I really don't think this one has an awful lot of merit to invest a lot in, because yes, it is a source of addresses and names. So are phonebooks and so is an infinite number of blogs and other things on the Internet. Is this really where we want to spend our time? I personally don't think so. Is there any – spend more time on it or go on to the next item? Are you okay?

STEPHANIE PERRIN: Yes, sure.

ALAN GREENBERG: Okay. This item is consumer trust. Erika.

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ERIKA MANN:

I don't believe we have to look through the discussion we had already about this topic again. It would just take too much time, and we had identified certain topics I and the subgroup should be working on. Now, I have to say I did in particular one part which you will not see because I haven't delivered it yet, because I would love to have your opinion about it before I will do this.

So I worked in particular on the question, what could be a good combination between – I want to be careful here – accessible WHOIS information and WHOIS data and consumer trust? And if you remember, [that's what we discussed] the last time. We discussed in particular the need to have more information about what resellers are doing and how they approach the topic. This was identified as a topic at our last meeting, Alan.

So I want to show you something, and then I'll come to the question. I want to show you some of the website information one can find from resellers and from I would say reseller-related service operators. And I just want to show you and want to give you an idea of what we have currently on the market. It will be very short and fast. Don't worry, Alan, I don't need much time for this.

And then my question will be, looking at this different information, would there be something we want to recommend as a recommendation for the consumer trust subgroup recommendation part? So if you can just quickly – Lisa, can you put this up? Or Alan, if

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you have a question, come in. But I saw you already being nervous, so feel free.

ALAN GREENBERG: I'm just trying to understand what the connection is with WHOIS, but I'm waiting to see what you're talking about.

ERIKA MANN: That's the information resellers give about WHOIS data. This was an action which we had. So just to remind you again, there is in general extremely poor information about the relation between WHOIS data and between the topic, [consumer and] consumer trust. It's very poor. So all the information we found we already identified and they're already in the document which was sent to you last time. So there's nothing new I found.

So on top of it, we have the discussion, please review and check what resellers are doing. So I've done this. I have 90% of all websites which relate either to reseller or reseller-related services, including registrars and registries I have reviewed. I'm not showing you the 90%, I'll only show you some which are either extremely poor or which are extremely good, just to get an idea of what we have on the market right now.

So the first one has nothing to do with the resellers, so apologies for this one. This is just another search which I did. Something I found actually which I had overlooked in the past, so the Japanese consumer policy division, they actually made a presentation to ICANN. I couldn't find the year. I believe it was in 2002 so it's a quite old one. Or it's just a

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reference to 2002. So I sent them a quick note to send me more information, but I haven't received it yet.

So they have a short presentation and there are slide decks, and they identify how important actually WHOIS is, both for data accuracy and for users to find information. So I don't think that we – not even sure if we want to quote this information. I don't think that we need to do it, but that's practically the only one I ever found. I checked some other websites – not websites but information tools from some other governments just to see if governments have done something similar in the languages I can use, so I checked the French, the German, the Spanish and the Dutch language. I didn't find anything. So even in their national language, I couldn't find information. It may exist, but I haven't found it. And people I talked to, they have no clue about it either.

So let's look to the next one. Are we actually able to open this document? Oh.

UNIDENTIFIED FEMALE: [inaudible]

ERIKA MANN: Yes, on some I only have – so the first one we just ignore, and then we come to the second one which is just a reminder, again, what ICANN has on their website about reseller. So again, we don't have to talk much about it. This is the information ICANN provides about resellers. So let's just scroll a bit further, and then comes VeriSign.

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Now, VeriSign I wanted actually to open because VeriSign has a pretty good webpage. This is very detailed information. It is nicely done and it has a good question and answer session as well. Now, [in all the good ones which] were providing information either about their service or their reseller service, information is nicely done, and for any user, easily identifiable. Both for a professional user but for an individual user as well.

So it's nicely done. I don't know, can you show a little bit? Yes, this is the sales part, and then you have a questions and answers. If you would scroll further or you would click on, you would find more information. And go up, just continue. No, down, you would call it down. That's another one I wanted to show you. I can't see it actually here, because maybe that's only the reseller page. Typically, you would find at the very end of the bottom, on the right side, you would find WHOIS information. So it's a tiny link, typically, and for – I would argue for an individual user or even for somebody who wants to find information and is not truly a professional, they will not find the information. It's nearly impossible.

The same is true for data policy, [inaudible] data policy. In this one, it's pretty nicely done, so all the topics are nicely identified. But typically, that's not the way that site will look like. So let's have a look at the next one, which is interesting. So LogicBoxes. It's a very interesting site. So that's a web product and consulting company that specializes in providing private [inaudible] web presence and communication applications to webhosts. Domain reseller, ICANN registrar, new gTLD registry, ccTLD registry and ISPs, telcos. They have a really nice [one.]

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If you scroll up – again, I don't want to take you through everything. So they explained very nicely the reseller program, how it works and what their contribution is and their work [inaudible] And then keep going. Here, this is what I wanted to show you. It's one the very few companies which is very explicit in spamming is prohibited and advertising is prohibited.

So you don't find this often. Sometimes you do find it, but very hidden. But here, it is very explicit and very clear, and I just like the way they have done it. And it might be something we want to include as a kind of recommendation generally to provide such kind of information. But again, I want to have your opinion about it.

So this is LogicBoxes, and they say themselves they have 13 years of industry experience, 11 million domains under management, 90+ ICANN-accredited registrar partners, 125,000 domain resellers and webhosts, and 5 million-customer footprint across the world. They are quite a big operator, so it's one I find very interesting.

So the next one, just to give you another example, again a very good example, I find. This is Namecheap. So Namecheap, they say about themselves that they provide practically what they call a WHOIS guard. It's a service that offers privacy protection for domains and keeping sensitive data safe. They allow as well that the data can be practically unlocked, so even if you would work with them and in principle you want to keep your WHOIS data completely safe and private, they still allow you to unlock the data if you want to have it viewable for the public.

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And here, again, what I like about what they have done, if you scroll up again, or down, whatever you called it, here you see something that you don't see often, excellent frequently asked questions session, which I find actually interesting in particular if WHOIS becomes in the future very complicated, in a complicated way accessible. It might be interesting to have a kind of provision for all the websites, ideally for registrars and registries and for everybody who operates with WHOIS data to provide something like this. You don't want to copy it because that is for a particular business model, so it will have to apply in each individual case depending on the business model which provided and how WHOIS data is going to be used in the future.

Again, keep in mind – which is interesting as well, you see it on five, so they can't – they're not allowed to do this for all WHOIS – for all domains, but depending on local legislation, some of the data can't be hidden in the way they do it, which I found very interesting. I haven't found the time yet to look into it, but .eu falls under their list, so apparently, the .eu is requiring that in certain ways, information, at least not by this provider, can't be used. I still haven't looked into it, but I found it interesting.

UNIDENTIFIED FEMALE: [inaudible]

ERIKA MANN: [I don't think so.]



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UNIDENTIFIED FEMALE: [inaudible]

ERIKA MANN: Yes. But still, it's interesting. And then let's have a look at some others. Yes, here we would have to click on EPAG. I checked EPAG just for the fun, because it's the dispute ICANN is having, the legal dispute in Germany. They actually have extremely poor information both about data privacy and about WHOIS. Practically zero, which I found quite interesting. Hm? Yes, you should be able to click on it.

UNIDENTIFIED FEMALE: [inaudible]

ERIKA MANN: The first one. It doesn't matter which one you use, the first or WHOIS. It doesn't matter, it's just as an example of how poor it is. You see? That's all that they have about privacy policy. Now, it might be a [thing] they want to do and they're working on it, but they're not even saying they're working on it. So it's quite ironic.

VOLKER GREIMANN: [inaudible]

ERIKA MANN: I checked it again, Volker, this morning, just to see it's still updated, because it could have been that they changed it in the meantime. But it's still the case. And then I've just put more here, but we don't need to

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click. In particular, GoDaddy is interesting as well. So my question to you, do you believe it would be interesting to make a recommendation and argue that it's worthwhile to have a kind of standard protocol that shall be included?

Not in making a recommendation how it shall be done and what information – all the information that needs to be captured, but at least a kind of basic kind of template. It doesn't even have to be a template, but something which would say, "Please cover this item on your website."

VOLKER GREIMANN: Sorry to interrupt. Not sure what happened, but I called up the same website and I had the same privacy information that [Tucows] was providing. So it might be a cookie issue or page issue.

ERIKA MANN: I don't – yes, did you go in from the German?

VOLKER GREIMANN: I'm going in from what I have here [inaudible]

ERIKA MANN: But I just checked it a few minutes ago and it wasn't there.

VOLKER GREIMANN: Yes, I don't know.

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ERIKA MANN: So you updated the Tucows?

VOLKER GREIMANN: It's the same that Tucows does, the same data. [inaudible]

ERIKA MANN: Okay. Which would make sense. Yes. Yes, they're Tucows, that's why I took them [on, because of the page.] So that's my question, basically.

ALAN GREENBERG: Currently, the RAA requires registrars to post some specific information. It's rather confusing. It points to two different things they have to post, one of which points back to the other. But ignoring that little housekeeping that has to be done, I can't see being more prescriptive to registrars or resellers than telling them they have to post something specific. To say they have to provide good customer service, which is almost what putting an FAQ is or something like that, that's getting into business models and things like that that I don't think we have any discretion to do.

And I'm not quite sure what the relationship is, what our grounds would be for doing that in relation to WHOIS. If indeed we believe every registrar has to give more information on WHOIS, then I think we have to be specific about that. But other than that, I think that's sort of edging way out of our domain.

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ERIKA MANN: Yes.

ALAN GREENBERG: Our domain, sorry. Out of our scope.

ERIKA MANN: Yes, I have you. I agree, I'm facing the same [inaudible] But one could of course argue depending on the outcome, the future WHOIS, there might be a need to provide more information, that information, I believe information about where information can be found, how the procedure works, what kind of information is still publicly visible, how different entities will deal in the future with such kind of access to information. Might [be] some kind of standard which would be helpful for – at least if we continue to argue that consumer trust be defined as broad as we have done.

ALAN GREENBERG: Yes.

ERIKA MANN: And then we argue that WHOIS information is still relevant to some degree.

ALAN GREENBERG: Okay. You've got a queue, Volker and then me.

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ERIKA MANN: Yes. And then Stephanie [inaudible]

VOLKER GREIMANN: Yes, it's an interesting topic, and I don't think it's a topic that's entirely out of our realm. The RAA already prescribes a great many different details of information that a registrar has to provide to his customers, certain contractual conditions which a registrar has to pass on to its resellers, which for example include [prohibiting] a reseller from providing an ICANN logo, requiring [inaudible] reseller to provide information about the registrar, certain information for the registrants that they have to have. The registrant's benefits and responsibility, that came out of the – originally, it came out of the first RT and then were incorporated into the RAA as part of the 2013 RAA negotiations that entered into the RAA as [inaudible] information for the registrant. And ICANN Compliance checks up on these regularly that a registrar and the resellers are providing the information that they're required to. So if there's any additional information that we would require a registrar to publish on that, we can certainly make a recommendation, and that would probably enter into a next version of the RAA negotiations as a topic or discussion.

However, we would of course want to be careful not to overload with information the customer. If we have 100 different pages that the registrar has to post, then the pertinent information becomes hidden in the forest, so to speak. So only important information should be required to be posted on the website, and we should be less

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prescriptive of perhaps exact documents and more prescriptive of the kind of information that has to be published. For example, that a registrar has to put pricing information on its website, has to put its renewal policy on its website, and all kinds of information that helps the registrant find that information and guarantee that that information will be there in some form or shape.

ALAN GREENBERG:

You've just named a few of the things I was going to name. Pricing is one of those. What will it cost you to renew if you do it before expiration, if you do it after expiration? But those aren't WHOIS-related. They're all sorts of stuff the registrar has to do, but they're really orthogonal to what we're looking at.

In terms of WHOIS, certainly, we can ask that more information be made so that a user is aware of what happens, a registrant is aware of what happens to their information. And if a user goes looking for WHOIS information, perhaps they can get more information on how to find it. But the percentage of users who do that is small, and the number is going to decrease with things like GDPR.

I guess from my perspective, one of the major aspects of consumer trust associated with WHOIS is not the consumer's direct use of WHOIS but the extent to which WHOIS is used by the spam blacklist people, by reputation services and things that help protect or isolate users from consumer-related fraud. They don't know WHOIS is [part -] one of the things driving it. But currently, it is. That's one of the concerns with GDPR, is these people may be cut off from using it, and therefore, will

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the Internet become a wilder place to be because of that? So I guess I'd like to see a little bit more focus on that and not on business practices which really are outside of our scope.

ERIKA MANN:

Yes, I'm not interested in this neither, that's why I showed you – I picked those topics which were the closest to WHOIS, like the spam which I showed you which are only found on one site as explicit as I showed. Some other ones mention it, but sometimes it's tiny or it's not a core reference. So yes, I agree fully.

ALAN GREENBERG:

Stephanie.

STEPHANIE PERRIN:

This is one of my favorite topics, because of course, whenever there's an argument about data protection in the WHOIS, the counterargument is that consumers need WHOIS for their own security online. And I think that that statement conflates three different types of consumer protection issues. So Erika was going through basically consumer information that you're entitled to as a purchaser of a domain name. And as a customer of [inaudible] through Internic.ca, I think I should be able to easily find out who the accredited registrar of record is and know the chain of resellers and know where that company is registered. That's kind of basic, "I'm buying a domain name. Why isn't that up there on my website?" Right?

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So there's that aspect of consumer protection, and I give that one a tick. And that is within ICANN's remit. And it belongs, I guess – the question of whether it's within our remit, to respond to what Alan just said, well, that's an issue for the RAA, I would think, and not necessarily us, although we could – we certainly go back and forth across that line all the time. Okay, so that's item number one.

Item number two would be when the FTC talks about how consumers need data in the WHOIS for consumer trust issues, they're basically talking about how you need to know – I always use [inaudible] example of the fake Gucci bag, whether it's a real Gucci bag or –

ERIKA MANN: [IP.]

STEPHANIE PERRIN: Yes, yes, it's intellectual property protection.

ERIKA MANN: [inaudible] interesting data [inaudible] Sorry, just to add to the point you are making, that's what the Japanese – and I would show you the slide – are referring to exactly, to simple IP court cases.

STEPHANIE PERRIN: And that is an old approach, and by now most national governments – and I'm always hammering away saying it's up to national governments to patrol ecommerce and to regulate, and it's content and it's not within



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ICANN's remit, right? And furthermore, given the complexity of the domain name infrastructure, sending a hapless purchaser of a fake bag or somebody who bought something and never got it, sending them to WHOIS to figure out who scammed them, I think, is nonsense. Because if they're scammers, it's not going to be easy to find them anyway.

So I think that is – I wish we could stop these bogus arguments about consumer protection. I'm sorry, Susan, I call it a bogus argument. And some of the arguments you have to admit are bogus. Now, I had a third aspect, but since I've forgotten it, you're lucky and we can regain some time here.

ALAN GREENBERG: We could require in the RAA that registrars and resellers have accurate WHOIS information which shows exactly where they are and a street address. How easy that would be to implement – it is within our remit to make a recommendation. Is that worth it for us to do? I personally don't think so.

VOLKER GREIMANN: For registrars, it's already a requirement to have full address data and –

ALAN GREENBERG: On their website, not the WHOIS.

VOLKER GREIMANN: On the website.

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ALAN GREENBERG: Remember, website is business practices, that's not this review team's job.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Yes, no, but what they post on their website is not our job. We could make a recommendation if we thought it was worthwhile – I don't – that their WHOIS information also has to be accurate. But I'm not sure what we're really going to gain from that. I completely agree with Stephanie that the argument of consumers want to look up who they're dealing with – I'm a pretty knowledgeable consumer, I do it on occasion. Almost invariably, it's hidden by privacy. So –

ERIKA MANN: Alan, that's a point I would be more careful about, because I believe you have to look at the future and not the static situation, what we see right now. Consumers are – we don't know how the market will evolve, the domain name market. Consumers might become more interested in finding information about domains. We don't know this. We have no idea. We can't judge a future situation, you know, and comparing it to the current state of that.

And you don't know how users will move from different market segments on the Internet they're using right now. Maybe [back and]

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using more domains. We don't know this. So the current situation, I agree with you, but we could argue of course from a different point of view and different argue. We could argue if websites would be designed in such a way that you would find information, an ordinary user, more quickly and even simpler information, why is a domain name relevant? What do you gain from a domain name? Etc. Very simple and basic information. One could argue [that] the market could become more interesting in the future.

Now, that's outside of WHOIS, but WHOIS plays a role because you can say if you never find any information, there's nothing. Except [that] it might be harder. There's a lot of guesswork though.

ALAN GREENBERG:

I could make a marvelous – Susan next – recommendation saying anyone who is doing commerce must have accurate WHOIS information and it must not be hidden. The privacy proxy PDP debated that ad infinitum and decided in their wisdom that that is not possible. And we have decided we are not going to legislate in this review team recent PDP policy, in this case not even implemented yet. So I disagreed with that outcome of it, but so be it.

So I really don't see we have any recommendations coming out in that general area. I think, to be honest, in consumer trust, we have some observations we can make, but I'm not sure we have a lot of recommendations. I think the third-party indirect use of WHOIS for consumer trust is probably the strongest argument we have. Anyway, we have Susan next, and then Volker.

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SUSAN KAWAGUCHI:

I'm not sure we have a recommendation either coming out of this, but I do object to the use of "bogus" referring to users looking up WHOIS information. Because it does happen. So it's not bogus, it just isn't very common, let's put it that way. But there are countries in the world that go through a lot of regulation and enforcement to ensure that website operators have their information clearly marked on their websites, like Germany and France, and require more information in my opinion than WHOIS does.

So obviously, there is some clear correlation between doing business or wanting to do business with a website and knowing who operates that website. But we're not here to talk about content, and that's where the argument in the PPSAI derailed, because then we got into content. So I do think that the WHOIS – and people can oppose what I've done for most of my career in the last 20 years or discount it, but my enforcement and protecting famous brands has all been about consumer protection, because they weren't hurting the trademarks, they were not hurting whatever company I worked for, they were going after the users. And so that is consumer protection, and I could not have done that work without WHOIS.

ALAN GREENBERG:

I think that is exactly the point I was making. It's the third parties who are doing work on behalf of the user. They are invisible, but they are helping to protect users one way or another, whether it's through blacklists, through reputation services that your web browser

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automatically looks at, or people – as your example – trying to make sure that a popular service like Facebook or eBay does not have people masquerading it. So those are all really important consumer issues.

All I think we can do is summarize these kinds of things saying there is a connection, but it's not clear that ICANN can do a lot to make it better or worse, other than in things like GDPR, trying to make sure we don't put these people out of business. Stephanie.

STEPHANIE PERRIN:

Just to be clear, there is a very clear distinction in my mind between a Facebook policing its own usurpation of its name and brand and protecting consumers than, say, an illegitimate company setting up a Gucci bag place that is called Fake Gucci Bags and Gucci's got a whole separate issue on the use of their name. Let's just call it Cheap Bags then. And whether or not anybody ever actually gets a bag when they buy one or whether they think they're getting a Gucci bag and it's a knockoff. So those are two totally different consumer protection problems. You are doing consumer protection when you police a big brand like that, but a consumer should rely on national legislation in my view for other ecommerce-type applications, because as the data commissioners have pointed out and will continue to point out, ICANN has no regulatory authority to police ecommerce. Their business is domains, and that's their only business. So there's a pretty bright line there, and we conflate them all the time. And that's a problem.

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ALAN GREENBERG: Consumers have a hard time. If they go to fakebags.com or guccibags.com, they don't know what jurisdiction that place is in most of the time, so they don't even know what laws that organization may be subject to if indeed they're going to follow them.

STEPHANIE PERRIN: But that's where I say national governments have fallen down on the job in educating consumers as to what they should be looking for.

ERIKA MANN: To add to Alan's point, there's another angle. My apologies, just an addition.

ALAN GREENBERG: Sorry. All I'm saying is it's the wild west out there and we can't fix that. Volker, and then –

VOLKER GREIMANN: Well, I partially agree with Stephanie and don't agree with her on something else. I think that, yes, there is a great responsibility on behalf of the regulatory powers outside of ICANN [inaudible] about governments that should find a way to regulate these issues better, but I think the bright line between fake Gucci bags and Facebook acting on behalf of consumers is not as distinct as you might draw it. If somebody is – instead of fake Gucci bags and selling power tools that might blow up in your face or software riddled with malware, stuff like that, that would already be very far into the other direction again.

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So it's very hard to draw a distinction between one and the other unless you look at the far end of both. And therefore, I would be very hesitant in making that decision whether Gucci engaging in brand protection and protecting their consumers from fake bags is much different from Facebook doing the same for their consumers. It might not be fake Gucci bags, it might just be cheap Gucci bags. And that's not even taking into account all the online pharmacies just claiming to be from Canada. I don't have anything against the real Canadian online pharmacies, but the Canadian online pharmacies that sell the fake stuff –

ALAN GREENBERG: There are lawsuits pending, you better be careful on that right now. Erika.

SUSAN KAWAGUCHI: [inaudible] the lawsuit was just settled the other day, and the Canadian pharmacy won. So that's done.

ALAN GREENBERG: I'm sorry, I didn't realize it was settled. Erika.

ERIKA MANN: Just to add to the dispute or the discussion between Stephanie and Alan. Stephanie was saying it's the role of government to intervene and Alan was making a valid case against it. So just to add a little bit of flavor how complicated it is from the European Union side about ecommerce, when you look at where are users actually buying from online, the

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biggest market is U.S., and then sometimes the national market, but quite often not. So users will take their decision, and depending on how easily the products are accessible and stuff is sent to them and how reliable a service is, they will not judge it by any kind of information national government gives them.

So how do we deal with it? So shall I turn this all into not recommendations but observations and then we see if there's one which pops out as a recommendation?

ALAN GREENBERG: I think we have to identify what the intersection is between consumer trust and WHOIS. I'm not sure we want to go a lot farther than that. In terms of – yes –

ERIKA MANN: [I'm fine with that.]

ALAN GREENBERG: National law, individual countries should invoke national law and fix problems, but there's an awful lot of countries in the world.

ERIKA MANN: Yes. [inaudible]



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ALAN GREENBERG: And there's always going to be some where you can do sleazy business and no one's going to stop you. And on the Internet, you [can't.] Susan.

SUSAN KAWAGUCHI: So it is interesting that you're all agreeing that consumer protection – which leads to consumer trust – that trademark protection enforcement is vital to that and it is part of consumer protection. And this is a disconnect from our discussion, really, but in the temp spec, we have no right to access any of that data right now. So therefore, that consumer protection can't happen right now.

ALAN GREENBERG: The entire point that I think we're raising here is there is an intersection. If we restrict WHOIS access that may well impact consumer trust and consumer access to information. That argument is going to be made time and time again in a number of forms over the next number of months. Carlton, and I think we will have to bring this to a close.

CARLTON SAMUELS: Yes, but I want to say that we're not going to shy away from making that argument. The argument is valid, we have the practice in place to demonstrate that consumer trust and consumer protection are connected, and it's also connected to brand management. And we need to continue to make that argument.

ALAN GREENBERG: Stephanie.

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STEPHANIE PERRIN: Nobody's really talking about this, but as a privacy nut, I see no reason why for instance if I'm purchasing a product from blackanddecker.com and I want to make sure I'm getting a bona fide power tool that is not going to blow up as mentioned a minute ago, they under their corporate information on that website can list their WHOIS information. You know, if this is not in the WHOIS, then you're not dealing with a website. This is ours.

So until the temp spec is cleared up, that could be done. Because I agree with Susan that if all corporations, if all registrars are deleting all corporate information, it does make it harder for a consumer to make sure that they're dealing with, for instance, Black & Decker and not the latest scam. Yes. Once again, it does come back to the governments telling their people if it doesn't tell you where their head office is and you can't check it, then don't deal with them.

ALAN GREENBERG: Volker.

VOLKER GREIMANN: Just coming back to Susan's claim that there's no way for you to access that. you just need to frame your request better and you will get it under Annex A, article 4.1 of the temporary spec which specifically said that we must provide reasonable access to the data. When you have [inaudible] interests that outweigh –

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ALAN GREENBERG: Can I please try to get control back of this group? We are not going to legislate GDPR or the EPDP and solve all of their problems today. So it would be really nice if we could simply tell them what the answer is and they could adjourn. It's not going to happen. So may I suggest we turn back to Lisa to give a summary –

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: I clearly have lost control. Lisa, can you summarize where you think we are and what Erika has to do at this point? And then we'll go on to the next item.

VOLKER GREIMANN: Good luck.

LISA PHIFER: Yes, sure.

UNIDENTIFIED FEMALE: [inaudible] Key-System, I can't complain. Key-Systems is doing it, but others are not.

LISA PHIFER: So I'm going to try to summarize what we covered. Erika discussed the RAA requirements on resellers and gave examples of reseller webpages

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and how they address those requirements. There is a feeling expressed by Volker, and I think shared, that ICANN should not be more prescriptive about how information is provided on websites, but rather be explicit in the RAA about information that should be provided, and giving examples of pricing and the renewal period as illustration of information that should be provided, not necessarily how.

We also discussed that there was a connection between consumer protection and WHOIS, particularly in third-party use of WHOIS to investigate abuse, phishing, etc. Consumers may not be aware that WHOIS plays a role in that protection, but it does. Which led to an action item for Erika to draft some text to identify the intersection between consumer trust and WHOIS, and having identified that intersection, you could identify an issue that GDPR redaction of WHOIS data would therefore have potential impact on consumer trust. It didn't sound like you wanted to formulate a recommendation around it but raise it as an issue.

ALAN GREENBERG:

Any recommendation we make is going to come a year too late anyway. [Literally correct.] And Erika, there are a number of us around the table, probably half of us around the table who do have an understanding and probably can give you some interesting examples. I certainly can, Carlton can, I suspect Stephanie can, of ways that they do intersect. It 's not our job to try to fix this problem, but I think all we can do is identify there is an intersection. It is not just that the normal, run off the mill user is going to look up WHOIS. Some do, but it's a really tiny percentage of the 4 billion users in the world. And almost every one of

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the 4 billion users is impacted by the use of WHOIS by third parties. So I think that's as far as we can go. Lisa.

LISA PHIFER: Going beyond that though, I want to point your attention to the third paragraph on the issues [supplied] here, which was about reseller transparency. And I know that Erika had a draft recommendation around reseller transparency. Is that something that in addition to what we've just discussed –

ERIKA MANN: [inaudible]

LISA PHIFER: The recommendation? Sure.

ERIKA MANN: [inaudible]

LISA PHIFER: You can see it right here. And this would be tied – not the content on websites, but information made available through WHOIS, I believe.

ERIKA MANN: Yes, [inaudible]

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LISA PHIFER: So I'm struggling, because I'm trying to tie this back to the conclusion reached that ICANN shouldn't necessarily focus on how the information is made available but what information it is. So saying that it has to be provided on the website seems to be a "how" question, not a "what information."

ALAN GREENBERG: I'll ask a question from a different angle. Even assuming this is what we wanted to do, how would ICANN do that? Most of this information, certainly the information we're saying should be available, is not WHOIS-related. So I ran a PDP once that said pricing should be on the website, and it's now part of the RAA because it is related to how ICANN manages its registrars and its resellers, but it's not WHOIS. So I'm not sure how much of that information is really related to WHOIS.

LISA PHIFER: Just to point out there are a couple of fields added to the WHOIS record to identify the reseller for example and provide a link. And that would be directly related to WHOIS if WHOIS is being used as the mechanism to deliver the information. Right? But it's not information about WHOIS, it's information about the reseller being made available through WHOIS.

ALAN GREENBERG: That's already part of the RAA.

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LISA PHIFER: But is there additional information that should be delivered in that fashion?

ALAN GREENBERG: I guess I'd like to know suggestions what it is, and then we can decide. Volker.

VOLKER GREIMANN: I struggle a bit with the wording here, what we're actually trying to achieve. Currently, the RAA already has various obligations regards to resellers under 3.12 and at other locations as well which came about in the 2013 RAA negotiation. I keep saying those words. Anyway, is there anything specific that we're looking for? Because there are certain informations that are already required regarding relevant topics for consumers and WHOIS obligations.

For example, the requirements to provide links to the registrant information, the ICANN registrant information website, all kinds of these things. So I wonder what specifically we want ICANN to implement with this that's not already implemented, and perhaps – well, if I were the ICANN board and looked at this, I would be asking what I'm supposed to do with this. So I think either we need more detail of what we want, or we should be better in identifying the deficiencies that we see with the current requirements and then work on those.

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ALAN GREENBERG: As a voyeur – a professional voyeur, I'll say – I'd love to see in WHOIS a documentation of the reseller chain all the way back up to the registrar. But I'm not sure I can justify why I want that.

VOLKER GREIMANN: I can tell you why that is not there. I will avoid saying where it happened, but this was discussed, of course, and the simple fact of the matter is that most registrars simply have no idea. We know who our direct resellers are, but they may have other customers, they may have direct customers, they may also provide resellers services. I mean we are resellers of other registrars in some TLDs because it didn't make sense for us to get directly accredited with them. And the reseller knows us, but the reseller – that registrar knows us, but they don't know our resellers. Every registrar, every party in the chain is very protective of their own customers, because there have been incidents in the past where topline registrars have been poaching resellers of resellers where resellers fear that if we take [the results, they get out of scope.] But it's simply not information that we feel that we will be able to obtain from our customers.

ALAN GREENBERG: It's an interesting area, but I'm not sure there's a lot of benefit in us delving into it. Stephanie.

STEPHANIE PERRIN: Thanks. I realize that we're trying to cut off this discussion, but it is within ICANN's remit to regulate behavior in the domain name industry.



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And I note, because I was checking to see how my aforementioned reseller that I buy from was handling its transparency requirements lately in the light of GDPR, etc., I notice I could be freelancing. I could be gathering up new registrations and transfers for [Rob Holland] Company and earning a tidy little bit of money in my retirement. As little as one domain, I would get money.

ALAN GREENBERG: More power to you.

STEPHANIE PERRIN: As a privacy nut, I can tell you right now that if I'm the interface with the customer, then they better be responsible for me as their agent in providing accurate information to the individual about all the requirements under PIPEDA in Canada. And I'm not going to bother freelancing anywhere but Canada, but it'll apply in each jurisdiction. None of that's there. I'm sure. I'm confident.

ALAN GREENBERG: It's hard to track –

STEPHANIE PERRIN: But ICANN should set rules for that.

ALAN GREENBERG: Yes, it's hard to track the reseller chain. It's easy to tack the reseller chain for webhosting. A lot easier. 17 different or 700 different

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webhosting companies you can buy from all point to the same IP address. And they resell and each of them makes a buck on it, and all of them also sell domain names.

STEPHANIE PERRIN: Nobody loves data protection, but let me tell you, a few well-placed complaints about this and you'd have some action.

VOLKER GREIMANN: Well, part of the obligation of the reseller is to identify the [sponsoring registrar,] and that obligation transfers through the chain. So ultimately, you will always be able to find your registrar, A, by looking in WHOIS because it's in there, but B, by asking your reseller who is your –

ALAN GREENBERG: I was talking about the chain. Erika, last comment, please.

ERIKA MANN: Sure. There's one simple thing that we could capture here, and this is that at the least, information shall be displayed about what WHOIS is. Because that [inaudible] most only give you a little box where you can type in the domain name and then you direct it and you can see information about the domain name. But most give you no explanation about what WHOIS is and how it relates to ICANN and how it relates to what the particular operator is doing. Some do, and some do it in excellent ways, so they really guide you through WHOIS and how it was established and why, and they put a link in to the ICANN website. So this

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is nice. For a user who's searching for something, it's nice. And then you still have the – you know, you can [inaudible] to find a particular domain you're searching for.

ALAN GREENBERG: One of the versions of rights and responsibilities did include stuff about WHOIS. I honestly don't remember if the current one does or not. And that must be pointed to by everyone in that chain.

ERIKA MANN: No, it isn't. [inaudible]

ALAN GREENBERG: Well, then that's a compliance issue.

ERIKA MANN: I checked it [inaudible]

ALAN GREENBERG: That's a compliance issue then.

VOLKER GREIMANN: Well, it should be part of the ICANN webpage detailing registrant education information that every registrar [recently has] to link to. So if it's on the ICANN webpage, then we know where to put that blame.

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ALAN GREENBERG: If we're finished –

LISA PHIFER: So again, can you enlighten me about what you're fine with? You're going to redraft this recommendation?

ERIKA MANN: [inaudible]

LISA PHIFER: And to accomplish what?

ERIKA MANN: The first thing I will do, I will capture what we discussed today in the form of observations. I will leave this as it is, and I will see if I can harden it in proving that it's important as a recommendation. If I can't, I'll turn it onto an observation as well. Is this fine with this group?

ALAN GREENBERG: That's fine as long as the recommendation has the word WHOIS in it as the primary thing.

ERIKA MANN: [It has here.]

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ALAN GREENBERG: It starts off with the information on their website which is probably not in our [- well, I'm picky.]

LISA PHIFER: So then this is what I wrote down here and would turn into an action for you, is that this recommendation is not clear about what it's trying to accomplish, notably what information should be provided and how that's related to WHOIS. And so I'll give you the action to redraft this to address those concerns.

ALAN GREENBERG: Next item is recommendation three on outreach. It's due to end at 2:30. It's 2:34. Should we all say it's done and just leave it be? I thought I'd try. Can we go to the first slide? The first relevant slide or whatever. Alright, the recommendations out of the first WHOIS review team were that ICANN should do outreach, and particularly to groups that are not part of the normal ICANN environment.

ICANN took this to imply among other things that they needed to beef up their information and education materials on the website and built what is now known as the WHOIS portal, of which the WHOIS query is part of, but not the main part in terms of content. There's a lot of information there, it is well-written. I'm only saying that because Lisa wrote a lot of it. Smile when I say that. No, but it is reasonably well done. I have some concerns with how it is organized and how easy it is to navigate it, but overall, it was pretty well done.

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The part that wasn't addressed at all is that there was all sorts of other information on the ICANN website in diverse, different places. There are some really nice little video tutorials. They're pointed to from the registrar part of the website. So unless you happen to wander there and find them – and they're aimed at registrants, of course, or even users, but unless you happen to wander into the registrar part of the website, you won't find them. And they do things like point to InterNIC. So none of this was updated or cross-linked together, so if you wander into one part, you won't necessarily find the other parts. It may well be outdated. And I didn't even look at ICANN Learn in terms of where their information is. That I know is being updated periodically, so it may or may not be up to date today.

So although the information that was there was good and really useful and well written, it was not necessarily something you would find depending on where you enter into the ICANN website. In terms of outreach, ICANN does lots and lots of outreach. Virtually all of the places they said they have done outreach have been to parts of what would normally be considered the ICANN community. There may well have been discussions in other venues, but they were hard to identify from the list that we could find. So we had to conclude that there probably was not a lot of explicit outreach, unless it almost happened by accident, with communities outside the ICANN environment. Sorry, Lisa, go ahead.

LISA PHIFER:

I just wanted to add one comment to that, which is you and I actually chatted on Skype about this, but the list that you were provided of

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outreach activities, I think the challenge that was identified is that the outreach activities were not specifically about WHOIS. They included WHOIS but involved other topics as well, and so that made it impossible for you to determine specifically what outreach had occurred on WHOIS because it was comingled with other outreach activities.

ALAN GREENBERG:

But moreover, most of the venues were people already involved in domain names one way or the other or groups that we were talking to, somewhat involved with ICANN or domain names already. The vast majority of them. I won't say everyone. There was certainly no explicit attempt to locate groups outside of the ICANN environment to talk to them about WHOIS, which is actually what the recommendation said. Next slide.

So [people,] a user or a registrant not be able to readily identify where to look, and looking at one place is not necessarily going to get them to the next one. We of course changed the terminology halfway along the process and said we shouldn't use the word WHOIS anymore, we should use RDDS, which has gotten shortened to RDS. And by the way, if you try to ask people which of the Ds, directory – data directory – data –

UNIDENTIFIED FEMALE:

[inaudible]

ALAN GREENBERG:

Registration data directory services. If you ask them which is the D in RDS, you'll get, of course, multiple different answers. Or data services,

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registration data services. Anyway, it adds to the confusion. And there's strong evidence that little explicit outreach to non-ICANN audiences was contemplated or carried out. Next slide.

Okay, recommendation number one, all of the information related to WHOIS, and by implication, other information related to registration of second-level gTLD domains needs to be revised with the intent of making the information readily available and understandable and should provide details of when and how to interact with ICANN and contracted parties.

Although not the sole focus, interactions with contractual compliance – okay, sorry, a bit of explanation. What you see in the next few sentences was essentially a recommendation in compliance which was largely outreach and education, so we decided to integrate it into this one. I did it rather crudely by putting two sentences in the middle. It needs to be reformed so it flows smoother from one to the other.

So although not the sole focus, interactions with contractual compliance, such as filing WHOIS inaccuracy reports, should be a particular focus. This should be done post-GDPR implementation, and consideration should be given to deferring this until we have a stable, permanent GDPR implementation. The [inaudible] of this web documentation and instructional material should not be undertaken as a purely internal operation but should include users and potentially focus groups to ensure the final result meets the requirements.



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Comments or questions? Now, I'll note that there are many tick marks missing on the chart at the right. I'm not 100% sure I know how to make them appear. I will try, and Lisa will tell me how I got it wrong. Or not.

LISA PHIFER:

Yes, I think – this is Lisa for the record. I feel bad for whoever's going to transcribe this. Most of the missing check marks in that box would not have to do with the text on the screen, but rather the supporting text that goes with the recommendation.

ALAN GREENBERG:

Sorry, I understood that. Any comments on this one? Susan.

SUSAN KAWAGUCHI:

So when you were discussing the outreach that ICANN's done – and some of this is going away with the new budget, but I know the BC – I think it's the CROP funds, so maybe we recommend that when somebody goes out to talk about getting involved with ICANN and make sure, like for us, the BC, who the BC is and what purposes we serve, or the NCSG or whomever, that they have to do a ten-minute WHOIS tutorial. Just off the top of my head.

ALAN GREENBERG:

That's really on recommendation two, but thank you. Volker.

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VOLKER GREIMANN:

The cryptology of the ICANN webpage and any systems, online systems, information systems that ICANN provides is, I think, a topic for discussion for many months to come and can fill many hours of [fun-filled] entertainment, but this is not a problem that's solely delegated to the WHOIS. The ICANN webpage is difficult to manage, hard to find information on. The WHOIS page is no different. So I feel very good about making a recommendation that it be organized in a way that all information available on it is easy to find under the correct heading – as you said for example with the registrar heading for registrant information – and be reviewed for – maybe have some test users from time to time to review if actually people are able to find information that they're looking for.

So I think this is going in the right direction. I would have to look at the explicit detail of the recommendations again, but I think something like that is needed. But not only for WHOIS, for ICANN in general.

ALAN GREENBERG:

There is a \$7 million information – ITI, whatever it stands for – program that's looking at access to information locating ignorance. I'll just note, since I continually harp on saying make user everything we do is related to WHOIS, this is explicitly saying “not only WHOIS but registrant information,” because the typical registrant or user does not necessarily differentiate WHOIS as a magic, separate thing. Erika.

ERIKA MANN:

I just wonder whether we should really say this should be done post-GDPR implementation. I know what you mean, but I believe it should be

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done immediately, because GDPR implementation will take a long time, and it may slip away and there will be many variations. So information about WHOIS, even if it's just a simple information about the current state of it, should be done practically immediately.

Now, you can't say immediately because it does take time before it will be published, etc., but to wait until GDPR is implemented, I don't think that we want to say this.

ALAN GREENBERG:

I think we're talking a year or something like that. And maybe we want to put a timeframe on it. Remember, these recommendations are not going to be approved for another year.

ERIKA MANN:

I know.

ALAN GREENBERG:

Microphone, by the way. But I'll comment that in the constrained budget environment in ICANN – and we can argue about how really constrained it is or how much they simply want to talk about how constrained it is, to say “revise all of the registrant information knowing you're going to have to do it again once the dust settles a bit,” I'm not sure I really want to say that. Lisa.

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LISA PHIFER:

I just wanted to suggest maybe a compromise on that to acknowledge your concern, which is to say that ideally, it should be done post-GDPR, but no later than... And give a time period after the adoption of the recommendation. That way, if GDPR continues to evolve, at least there's a stake in the sand that ICANN can wait until the dust settles a bit and use its judgment about when to start, knowing they have this hard stop.

ALAN GREENBERG:

I'll take that as a friendly amendment to be noted for – so I don't forget it. Further comments on this one? Next slide. "Recommendation number two, with community input, ICANN should decide to what extent there's a need to carry out outreach to groups outside of the normal ICANN participant, and should such outreach be deemed necessary, a plan should be developed to carry this out and document it. WHOIS inaccuracy reporting was previously an issue requiring additional education and outreach and may require a particular focus." Again, these are sentences inserted somewhat crudely. "The need for and details of outreach may vary depending on the ultimate GDPR implementation and cannot be detailed at this point."

Now, in the draft report, there is a sentence in square brackets after this saying, should we leave that first part in – you will recall when we started talking about this, we said we know the first WHOIS review team said do outreach to people who don't care about ICANN normally, and we asked the question, was that a realistic recommendation? Are there really sufficient groups out there who might benefit from this?

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In the ensuing discussions we've had, we've identified things, entities like law enforcement – and yes, there are some people associated with the GAC, but that's a tiny bit of law enforcement compared to law enforcement in the world – consumer protection organizations around the world. We hypothesized what might have happened if we had been talking to privacy commissioners for the last five years and tried to tell them what WHOIS is and what ICANN is. Would there have been a difference?

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: No, and it was just examples. I think we now have enough examples that I'm feeling much more comfortable removing that whole “look at it” and simply saying “do it,” and get examples this time of entities that we think might be good targets. So I would propose revising that recommendation to make it a specific instruction to do such outreach and give some guidance as to where they might do that and who to aim it at. Lisa.

LISA PHIFER: So you're proposing eliminating the “Should such outreach be deemed necessary...?” They still have to look at it to identify their targets, correct?

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ALAN GREENBERG: Well, yes, it's going to have to be reworded to give some community involvement in selecting and finding targets and things, but it's not a decision if to do it or not, it's more a guidance of how to do it. Also getting rid of "To what extent there is a need..." So it's maybe more than we can do on the fly here, but I think the intent is to make it not decide if but decide how and to whom. Lili.

LILI SUN: May I add the target audience as we discussed earlier in the data accuracy draft report? So the potential target audience, should we include the prospective registrant?

ALAN GREENBERG: I'm not sure how you target outreach other than, again, perhaps putting certain information on registrars' and resellers' websites. But I have no problem saying prospective registrants, sure. I'm not quite sure how one does that, but that won't be my job to do. Anyone else? Stephanie.

STEPHANIE PERRIN: Thanks. I don't have a vivid recall of the discussion on this. And maybe it took place in the accuracy subgroup and that's why I don't have a vivid recall. But under the category of an awful lot of work for very little positive results, I would definitely throw this recommendation in that basket. I mean going out to prospective registrants, they are not going to focus on this until they have a need, i.e. when they're registering.

When they're registering, that is a requirement. The cheaper way to go about this would be to shore up your requirements for resellers,

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freelance – I'm shocked that there are freelancers out there. I'm still reeling over that one. To shore up those requirements. Going out to the registrant, they're not going to remember it, because that's the average citizen, and the cost of going out to the average citizen is staggering.

So you could do outreach by making the ICANN WHOIS portal – shoring up that again, in other words, touchpoints, but to do outreach? That's going to take an army, and we don't have the resources. I'm just really confused about why you would make this recommendation.

ALAN GREENBERG:

Okay, hold on. This recommendation was to do outreach to various groups who might be interested, such as consumer protection or law enforcement, or groups like that. Lili said perhaps we should also consider outreach to prospective registrants. Are you critiquing that part or the whole recommendation?

STEPHANIE PERRIN:

Well, I think the entire recommendation needs to be read in the light of upcoming changes in WHOIS that are going to precipitate a whole lot of focus on it anyway, and it's not clear what we are reaching out to do.

ALAN GREENBERG:

Doesn't that last sentence say that?

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STEPHANIE PERRIN: [inaudible] make a recommendation if we really don't know what we're recommending, you know? Are you following my line of logic here?

ALAN GREENBERG: To start with, even if you look at GDPR, although ICANN's implementation doesn't differentiate between legal persons and real persons, GDPR does. So from a consumer protection area for instance, it may still be very relevant. It may be, we don't know.

STEPHANIE PERRIN: I just think that it's even self-defeating right now in its current construction. And I'm not trying to be critical of the drafting. I think if you're trying to make those points, there's no better way to make them. But the need for and details of the outreach may vary depending on the ultimate GDPR implementation and cannot be detailed at this point. Okay, so what are we actually saying? I'm just filing this under that we don't want to look any stupider than we have to right now.

ALAN GREENBERG: May I ask a direct question? Are you suggesting we don't do this at all, or we reinstate the text that was taken out a few minutes ago on deciding later, after the implementation of our – once the recommendations are approved, decide at that point whether outreach is needed or not? So which are you asking for?



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STEPHANIE PERRIN: I think I would be tempted to say that the 2010 recommended outreach for the following reasons. These reasons may still be valid, however, given the current climate of change affecting WHOIS, we reserve judgment on this at the current time. How about that?

ALAN GREENBERG: I think that's what the original words effectively said, in different words. They said consider [once the dust has settled] whether we need to do outreach in this overall context and to whom. Erika, please go ahead.

ERIKA MANN: I'm absolutely certain we need to do the outreach outside of the typical ICANN environment. Once you have a new WHOIS, you need to do it. Because when you read an article and there's so much publication about it across the globe, so people are talking about it, and not just our typical environment. So the awareness is much higher, and if this changes, outreach is needed. The question is how it shall be done. This we probably can't determine right now, but we do know that outreach is going to be important [inaudible] And I'm fully certain consumer organizations particularly will more attention to this topic.

ALAN GREENBERG: Volker.

VOLKER GREIMANN: I'm all for outreach. However, considering how ICANN has conducted outreach programs in the past, I'd be cautious about making this

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recommendation. In the past, ICANN has conducted outreach programs by throwing moneys at advisors that had little effect in actual output and a big effect in lining their own pockets. It might be unfair to some which have done a great job, but there is a tendency that some ICANN insider sets up a consultant company and benefits greatly from some outreach program more to the tune than the actual outreach targets are doing.

So throwing money at the problem has always been a bit of a tendency here, and by recommending outreach programs, we might encourage ICANN to do more of that. I would be more of a fan for creating outreach materials directly and making that available to third parties. Having better information pamphlets, flyers, [directives,] better websites. That is the outreach I think we need.

ALAN GREENBERG:

Outreach is not necessarily sending someone out on a plane. I'd like to try to come to closure on this. We have three choices. We can scrap it altogether, we can leave it as it is, or we can essentially revert to the previous version of saying make a decision later. You'll note that even in this form, it said "with community input." This was not a "go hire a consulting company just to make money." And we can certainly modify this to make it clear that part of outreach is providing educational materials, not necessarily sending people on airplanes. Can I have a sense of the room? Leave it as it is, scrap it altogether, or revert to the previous form? Lisa?

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LISA PHIFER: I wanted to point out two things. One is that we integrated a compliance recommendation related to outreach into this, so it was already an affirmative recommendation in compliance that there should be outreach [on the] accuracy reporting. So if nothing else, that would already be embodied in this. The other thing is that I put “effectively” in a question mark in the text here to try maybe to address a concern that Volker raised about there's some outreach that's a waste of money and some outreach that can be done effectively and have some value.

ALAN GREENBERG: I asked the question, I'll put my stake in the ground. I would prefer at this point to leave it essentially as is, cleaned up. I can live with going back to the previous form. I don't think we should scrap it altogether, because we have found – number one, we found they didn't implement it the first time around, and we have concrete examples of who we may want to reach out to. So there's a slightly better chance it may actually happen. Slightly. Sense of the room. Anyone want to comment?

CARLTON SAMUELS: Leave as is.

LISA PHIFER: As is there?

ALAN GREENBERG: Roughly. Cleaned up.

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LISA PHIFER: I meant that as opposed to the way it was before.

ALAN GREENBERG: Alice.

ALICE JANSEN: You may want to consider what you consider normal ICANN participant.

UNIDENTIFIED MALE: [inaudible]

ALICE JANSEN: It say normal ICANN participant in the recommendation, so –

ERIKA MANN: [inaudible]

ALAN GREENBERG: We may want to rephrase that slightly.

VOLKER GREIMANN: Regular?

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ALAN GREENBERG: Those who normally interact with ICANN are normal participants, and I will try to rephrase it under advisement. Only deal with abnormal people, okay? Alright.

VOLKER GREIMANN: Actually, you might argue that anyone willing to engage with ICANN has certain –

ALAN GREENBERG: Don't I know that. I think I'm finished. And it is 3:00, so we're only a half hour behind at this point. The next one, however, is also mine, and it's IDN. And I don't think it's going to be very long. Alright, I'm going to try to summarize without reading all of the words. There were a number of recommendations out of WHOIS1 which were associated with – and that title is unfortunately the one we are using, but it is wrong. The recommendations were not about IDNs but about internationalized domain name registration information. So in other words, it doesn't matter if the domain name is an ASCII or Cyrillic or Chinese, it depends what the registrant's name and address is that we're talking about. So we're talking about the information in WHOIS, not the domain name. And perhaps we want to change the title so that we don't mislead people.

There were a number of specific recommendations made related to the storage of non-ASCII data, clearly impossible today in a 7-bit WHOIS repository. Whether that information should be transliterated or translated, and which to do. And there was an expert working group and then a PDP that was held on that. The outcomes were, if not

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obvious whether you use in any given instance transliteration or translation, in most cases one of them is appropriate, but not both. But it's not obvious which it is.

If a name of a company has meaning, then you may want to translate it. If the name is octopus in Cyrillic, in Russian, you may want to translate it to octopus. On the other hand, if it's a meaningless acronym, you may want to simply say what it sounds like. So it's not obvious how you do these kind of things. The outcome of the PDP – plus, it wasn't clear who's going to pay for the translation, transliteration. And because you don't know which it is, it may be an expensive venture.

The outcome of the PDP and the related processes said once we have something like RDAP, which can store information, there should be sufficient fields so we could hold the original script version of what was entered and translated or transliterated versions into English, or at least roman characters, and that they be selectively displayable. And the PDP determined there is no absolute requirement to translate, transliterate. If some registrar or registrant chooses to do it, we should be able to display it. If anyone needs access to information, it's up to the person accessing the information to find someone who can read the appropriate script or language.

None of this is implemented because all of it requires RDAP and requires, among other things, a new WHOIS ability to implement it all. So the question is, again, like in the other ones, since ICANN org and the user community has done everything possible up to date, we have deemed at this point this to be fully implemented, although it is clearly not live and will not go live until we have the various tools and

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infrastructure to do that. So that's where we stand on it, there are no recommendations coming out of it. Pardon me.

UNIDENTIFIED FEMALE: [It's not true that there's no recommendation.]

ALAN GREENBERG: Sorry. In the version I looked at, there were no recommendations. I thought –

UNIDENTIFIED FEMALE: There's been [inaudible]

ALAN GREENBERG: Okay, then I was looking at a wrong version. So much for someone stepping in at the last moment. The implementation of recommendation 12 to 14 should be reviewed again after RDAP is implemented and the translation and transliteration of the registration data launches. But there is no requirement according to the current PDP, so I'm not quite sure what he means by that. Lisa, do you have any insight?

LISA PHIFER: What do you mean there is no requirement?

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ALAN GREENBERG: Well, the PDP – and we said we’re not going to relegate PDPs – said there is no requirement for anyone to do translation or transliteration. There should be slots in the RDAP directors to house them should anyone do it, but there is no requirement to do that. So I'm not quite sure what he means by that, to be quite blunt. And – is Dmitry going to be back before our window closes? Do we know?

UNIDENTIFIED FEMALE: [inaudible]

LISA PHIFER: Yes. No, he did tell me, and no, it’s like mid-August. It’s like the 14th if I'm not mistaken. I think his intention was to leave a marker, if you will, that there be a review when these things are implemented. [Not to] say that they will be implemented. And then a review would occur.

ALAN GREENBERG: Can you say that again? Because I'm not sure at which point in time you visualize this happening.

LISA PHIFER: I don’t. I think that what Dmitry was trying to say was the effectiveness of the original recommendation could not be determined until the implementation has occurred, at which point he would like the next review team to look at the effectiveness of implementation. So that was his goal. I don’t think he was trying to say – although he might want to see RDAP implement it, I don’t think he was trying to, in this



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recommendation, mandate implementation, but to mandate that effectiveness review at the appropriate time.

ALAN GREENBERG:

We're likely to see RDAP pretty quickly on a relative scale, because chances are any – I see your hand – GDPR, EPDP implementation is going to pretty well require RDAP. At that point, it's suddenly capable of doing these kinds of things. Are we asking the board to do something in this review, or are we passing a message to the next review team? And I don't know if anyone has an answer to that. I have Stephanie and then Lili.

STEPHANIE PERRIN:

Just a question, really, Alan. You commented that internationalized domain names was not the right expression. What do you propose to do about that? I note that ICANN, [its main spot] here is also labeled internationalized domain names. Do we need a little caveat at the opening to explain the translation and transliteration would be better? No?

ALAN GREENBERG:

I believe that the actual report used the right words, but it has been shorthanded to IDN, internationalized domain names, whereas the content – and I believe the wording in the original report – was internationalized domain registration data.

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STEPHANIE PERRIN: Yes. Well, I think it's a very valid –

ALAN GREENBERG: We know how to do IDNs.

STEPHANIE PERRIN: Yes, and it's very confusing to people because they're going to think you're talking about IDNs and you're not, you're talking about registration data in foreign languages.

ALAN GREENBERG: That's correct.

STEPHANIE PERRIN: Which is quite different.

STEPHANIE PERRIN: I think it's important enough that we should have that in there if it isn't in there.

ALAN GREENBERG: I am pretty sure the original review used the right words. I think the reporting that was done on it shortened it incorrectly to IDN. But we don't have to do that. So I think I noted when I saw the words –

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STEPHANIE PERRIN: [inaudible]

ALAN GREENBERG: I'm wrong?

LISA PHIFER: No, the WHOIS1 report has the section of recommendations 12 through 14, internationalized domain names, and it's been carried through.

ALAN GREENBERG: That's –

LISA PHIFER: I think in a few places, we just referred to this as internationalization to try to get away with it.

ALAN GREENBERG: Then we will put something in this section to do it properly.

STEPHANIE PERRIN: [Clarity.]

ALAN GREENBERG: Yes. Sorry, I was sure I remembered it was internationalized data – domain name registration data. But if it isn't, we will use the correct words here. Because certainly, the content of all the recommendations

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was on internationalized data, not IDNs. You can have someone registering a domain in China today, a purely ASCII domain, we still want to enter their name in a local script. So it doesn't only apply to IDNs. And similarly, you could register – today people register IDNs using ASCII registration data, which they may choose to continue in the future if they wish. So it's very much the registration data, and we'll try to make sure we do not confuse people any more than they are already confused. Yes.

LISA PHIFER:

So just to have a place to stick it in the slide, I've just changed the title of the section to internationalized registration data. So we would [inaudible] that change consistently in the documentation even though the WHOIS1 recommendation talked about this group of recommendations as IDN.

ALAN GREENBERG:

With a paragraph at the top or a footnote at the bottom.

LISA PHIFER:

Okay.

ALAN GREENBERG:

Question back to this recommendation. Does anyone have a feel – would anyone like to – what's the expression – pretend you're Dmitry, and is this something we're asking the board to do, or a

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recommendation to the next review team? What makes more sense at this point? Lili.

LILI SUN: Actually, the recommendation, it's Dmitry and me who wrote out this recommendation.

ALAN GREENBERG: Oh, I'm sorry. I should have given it to you a long time ago.

LILI SUN: Yes. Although I was in this subgroup, but I didn't go through all the background materials. But based on the draft report drafted by Dmitry, I read that there is still a chance for RDAP to be implemented, so the intention for this recommendation is if there is a chance for RDAP to be implemented, then there is a rationale for the next review team to come back to review the effectiveness of the implementation. So yes, that's the intention behind this.

ALAN GREENBERG: There's more than a chance that RDAP – there are pilot RDAP implementations now, and it is pretty well mandatory for any conditional authenticated access under GDPR. So it's coming. Alright, so you think it's not a recommendation to the board but a recommendation to the next review team?

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LILI SUN: Yes, and also, there is a further provision. I read from the draft report that there would be a risk that no one will bear the cost for the transliteration and translation of registry data. So there is also a provision in the recommendation, “and the translation and the transliteration of the registration data launches.” That’s only the time for the next review team who have the capability to review the effectiveness of the implementation.

ALAN GREENBERG: Okay, so they should also review the decision in the PDP not to require any translation, transliteration. Okay. Noted, I think. Negar.

NEGAR FARZINNIA: Thank you, Alan. If the recommendation is indeed intended for the next review team to consider this whole item, I suggest we make it clear by putting words in there that say not just that it is to be reviewed again after RDAP is implemented and the translation and transliteration has been implemented, but that for the next review team to consider this after all of this happens. So in effect, let’s add a clarification in that we do intend for the next review team to look at this. Because as it is stated right now, if the implementation is done like in two years, to us, it would mean we should start looking at it in two years, not wait for the next round of review or the next review team to take it on. So we just need to add clarification.

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ALAN GREENBERG: Noted. This is not a recommendation for the board, this is a recommendation for the next review team. We have no authority to require them to do it, but we will try to make sure we pass on information. Hopefully, they will somehow get that message.

NEGAR FARZINNIA: Sounds good. Thank you.

ALAN GREENBERG: Well, there are one or two other places we've done the same thing.

LILI SUN: Yes, just one clarification. Actually, yes, in essence, it's a deferring of the review of this implementation of this recommendation to the next review team since as this review team, we don't have that capability to review the effectiveness.

ALAN GREENBERG: Let's capture the word "deferred," because I think that makes it a stronger statement. Thank you. Further comments? We have finished all of our sections and we are only [inaudible] Review team one I think envisioned that all of this would be done a lot quicker. It hasn't. So we are suggesting that review team one take on the task of reviewing the final implementation, as we are probably doing with privacy proxy.

UNIDENTIFIED FEMALE: [inaudible]

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ALAN GREENBERG: Review team three. We are not capable of really saying did it work or not on privacy proxy, so we are going to suggest the next one do that.

VOLKER GREIMANN: Should we just clone this and put this in privacy proxy too?

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Say that again.

VOLKER GREIMANN: Should we just clone this recommendation and put it in privacy proxy too? We don't have many recommendations there and this would make sense if we spelled it out that we expect the next one to look at it again.

ALAN GREENBERG: Well, I think what we'll really end up doing is if we need a small section of work for review team three, that's not really privacy proxy. Well, unless you say writing something in Cyrillic makes it private because no one can read it.



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VOLKER GREIMANN: No, I meant that using the same language but for privacy proxy and putting that in the privacy proxy section to just say –

ALAN GREENBERG: Oh, yes. Put a similar set of words in the privacy proxy.

VOLKER GREIMANN: Yes.

ALAN GREENBERG: And then we probably want to summarize them in a subsection or appendix or something like that.

VOLKER GREIMANN: Yes.

LISA PHIFER: Okay, so are there any objections to this recommendation as revised? That is the effectiveness of the implementation of this recommendation should be deferred and reviewed until the next review team after RDAP is implemented and translation and transliteration launch? And then are we agreed that –

UNIDENTIFIED FEMALE: [inaudible]

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LISA PHIFER: No wordsmithing, okay? You agree to this in concept, right?

ALAN GREENBERG: Yes, I was just going to point out that the wording about translation, transliteration is wrong. I will adjust it, that's not [where it's supposed to appear.]

LISA PHIFER: Are we agreed that we would have a similar recommendation in the privacy proxy section deferring review of the effectiveness of the implementation of the PPSAI policy until after that policy is implemented?

ALAN GREENBERG: Recommendation in quotes. It's not a recommendation to the board.

UNIDENTIFIED FEMALE: [inaudible]

LISA PHIFER: Well, the only way to carry it out – and maybe I'm wrong – would be to have the board task the next review team with doing this.

ALAN GREENBERG: I can live with that. You'll insert some words that sound like that so we can [inaudible] Net section, brainstorming – brainstorming. I've never done any brainstorming. We're going to brainstorm on the contents of –

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UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: I'm just reading the words. On the content of the draft report's executive summary. And review team leadership is going to take charge of this. This half of the review team leadership that's here can't talk anymore.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: I am – if I may say a few words first. The executive summary has to be there in this draft report, therefore we have to have it written in under two weeks.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: I understand that. Me and Susan, and you because you're sitting in Cathrin's seat.

UNIDENTIFIED FEMALE: [inaudible]

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ALAN GREENBERG: Seriously, folks, I'm a little bit worried about how this is going to get done. I'm sort of committed over the next few weeks already for a bunch of reasons. I'm sure Susan is and I'm sure Lisa is, and we've now run out of drafters. So I'm looking for thoughts on how we can put this together quickly. And I'm not sure I have any. Stephanie.

STEPHANIE PERRIN: The easiest way to do an executive summary is simply take the bullets from the existing report, which we have now, and string them together, allowing for an overview at the beginning of some of our caveats that are kind of sprinkled through, such as the timing of this particular review was not solicitous given the ongoing work on GDPR and the holdups in the appropriate – so I think that's a couple of opening paragraphs, and then [your bullets of the things.] It's not that hard, I don't think.

ALAN GREENBERG: I'll note this executive summary is not including the recommendations, there's a section after it that has the recommendations. It's part A and part B, essentially.

STEPHANIE PERRIN: Sure, but –

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ALAN GREENBERG: No, I'm just saying it's not clear there are even bullets. Lili.

LILI SUN: Actually, Lisa has given a very good suggestion, that [she] suggests me to link the problems and issues identified in the draft report to the recommendation. So I remember yesterday we discussed to have a table of all the recommendations and we can just list all the proposed recommendations in the table and the group's recommendations, and then link them to different problems and issues identified. So for the executive summary, I believe it's enough to identify the problem, the issue, and also the recommendation accordingly.

ALAN GREENBERG: We have a speaker list of Erika – and I'll come in whenever everyone else has finished.

ERIKA MANN: I would keep it really short. I don't think that you need to do a long introduction, a long summary. There needs to be an explanation why it is needed, so a technical explanation about the review, then the difficulty of the timing. Stephanie mentioned this already, and then uncertainty which arose because of the implementation phase of the GDPR, and good [vision,] good luck to everybody involved in it. I don't think that you need to say much more, I would assume.

UNIDENTIFIED MALE: We're going to have to [inaudible]

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ERIKA MANN: Yes. Absolutely – yes, scope of the review, yes.

ALAN GREENBERG: Stephanie.

STEPHANIE PERRIN: Yes, I just wanted to put in a bit for not crosslinking. That's great in a report, but for an executive summary, you don't want to get bogged down going to a link. You want it all to be just pure prose, a page.

ALAN GREENBERG: Put an action item for me to do a first draft. For anyone who's ever seen things I write, I'm terse.

UNIDENTIFIED FEMALE: You're what?

ALAN GREENBERG: Terse. Short. And Susan will do the second version.

UNIDENTIFIED FEMALE: [inaudible]

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ALAN GREENBERG: Brainstorming finished. Next item is a break. And we are right on time for a break. We are now adjourned for 15 minutes.

Can we start the recording, please? Alright. I'd like to reconvene the RDS WHOIS2 review team face-to-face, the last session of our second day. After a marathon session, we are now only about half an hour behind schedule, which is much better. When we ended yesterday, we were three hours behind schedule, so that's not bad. And we're starting with – the first part of today is to adjust as needed the structure of the report, and I think we're going to be led by Lisa on this.

What we have displayed on the screen is the short version of the table of contents. I made up the short version part. But for those who can't see the screen, it is a very dense packed screen.

LISA PHIFER: Would you prefer to actually see the table of contents? We can display that. So I think we already agreed to a couple of changes.

UNIDENTIFIED FEMALE: [inaudible]

LISA PHIFER: Sure. Good luck with that. Alright, so I think we already agreed to a couple of changes, being [inaudible] team recommendations that the review team recommendations –

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UNIDENTIFIED MALE: [inaudible]

LISA PHIFER: Yes, will be integrated into the executive summary section. So I suppose the executive summary would be 1A, and then table of recommendations would be 1B, I think what we agreed. The background of the review, we drafted text for that section. I think no one's actually read it, so we're not in a position to try to finalize it at this point, but that section is populated at least. Then in section four, 4.1 is the introduction, so that has no text in it currently, and that would be where any overarching statements would be made. So at some point, someone needs to draft some text for that section.

And then I think we all now know that the structure of the report, the rest of section four, is the review of the WHOIS1 recommendations, and there's that closing subsection to each of your report sections. That is about impact of GDPR, which we agreed yesterday would be left to be provided in the draft that will go for public comment. If you have something to say now, of course, you could, but we won't attempt to flesh those out at this point. And then the additional sections, there's a separate subsection for each of the additional objectives, and we'll add a section – I guess it'll still be section A since we'll be reducing the one section up front – on objective six which is about the additional compliance objectives. But just for now, we'll note in there that the work was actually done by the subgroup that addressed recommendation four. We can decide how to move text around after we have it assembled.



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ALAN GREENBERG:

Lisa, may I interrupt? As I was getting ready to present Dmitry's section, I noticed that he had gone into a lot more detail on some sections than we had on others. At what point are we going to try to normalize this? We can't rewrite things for style, it's far too late for that, and probably, we don't want to put the effort into it anyway. But in terms of populating these things at the same level, I suspect you're probably in the best position to go through them and simply say this one has too much, this one has too little. At least identify the real outliers. I don't think it's a real big job to do it, but you're probably the one who's read all of the recommendations, all of the sections more than anyone else. I literally think it's not more than a 15-minute job to do that and identify any of the real outliers we have to address.

LISA PHIFER:

Actually, I've already done that. A really quick job. In the subgroup assessment tool, a couple of the subsections I flagged as potentially needed to become more concise, and those subsections were the data accuracy section, the compliance section, and Dmitry's IDNs section. I believe those were the three. Erika, it was hard for me to tell how much of the text you pulled in for convenient reference you would end up keeping in that section, but that one is also very long now and would –

ERIKA MANN:

[inaudible]

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LISA PHIFER: Right. So those are the sections that were, at least in that tool, flagged as potentially becoming more concise. And in some cases, they can become shorter very quickly by not copying in the text that was sort of the source text for the findings. For example, Lili has a number of tables which were very important to reach your conclusions, but if you can just reference the table in the source document and not copy it into the report, the section will become much shorter in that respect. [There'll still be] differences in style, but in terms of making it shorter, those are the sections.

VOLKER GREIMANN: [inaudible] Sorry to have interrupted. Thank you.

LISA PHIFER: That's just fine. Some of the sections at the end of the document, such as – well, terms of reference has already been populated, workplan has [disposed of] milestones and we're going to talk about changes to the workplan now, so staff would populate that section, the fact sheets and participation summary, obviously, they just get lifted from where they're actually published.

At some point, we'll have to produce the bibliography, but again, that gets extracted from your source text. So I think we have an idea of where all the text comes from, and the question is, do we need to adjust the organization any more beyond those changes we've already agreed upon?

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ALAN GREENBERG: I suspect anything more massive in reorganization is going to require a lot more work than we can put into it right now. So although I'm not all that happy with the report at this length now which will grow longer as we're doing it, I don't see a real way forward to compressing it a lot. As I said before, I'm a little bit worried about some of the redundancy in sort of the justifying the recommendations that are almost repeating things that we said on the previous page. I'm not quite sure how to fix that in this version.

LISA PHIFER: Yes. I think that we can spot redundancy when we have the text in front of us. Even once we spot the redundancy, sometimes it will be actually contradictory text, and that's – I think we should focus on finding. If it's truly just redundant, the same text in two places, that's less worrisome than stating something that's contradictory in the two different locations.

ALAN GREENBERG: Last chance to make major changes. Anyone except Volker have anything to say?

LISA PHIFER: This is actually a little bit of a segue, I think, in to the workplan which comes next, but here's my proposal for how to do essentially version control on the document now that we have it integrated, which is for us to go ahead and integrate all the agreed changes from this meeting into the consolidated report, and then to essentially send each of you back

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to your section. We'll extract out that section exactly as it is in the full draft and let you update just that section and send us back your edits in that way, but then you're not working off an older version of your own subsection. Does that sound reasonable?

ALAN GREENBERG: I assume there's some chance that when you do that, the numbering will be altered in our extract session. So we all may be section number one, don't try to fix that because when we put it back together, it'll work.

LISA PHIFER: Yes, hopefully we can make that work, but sometimes with the template, we can't. So you're right, don't sweat the section numbering if it appears incorrect.

STEPHANIE PERRIN: So when is the deadline for receiving comments on the entire document?

ALAN GREENBERG: That's next.

LISA PHIFER: That's our next agenda.

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STEPHANIE PERRIN: I see. Okay. I'm getting ahead of myself here.

ALICE JANSEN: Alright, shall we move on? So there's an agenda item for a workplan, and Alan, I know you've made a couple of [drafts of] the workplan during the meeting. I think we might as well jump to the roadmap. [So the draft report, does that make sense?] Alright.

Okay, so marrying what Lisa just said, the support team will be circulating an updated draft report containing the agreed recommendations from this meeting and findings as the main document for all rapporteurs to use. So we need to identify a deadline for that. Should we just entire [the diary and look?] When do we want to do that by?

LISA PHIFER: [inaudible]

CARLTON SAMUELS: [inaudible] the week of the 8th, August.

UNIDENTIFIED FEMALE: No, [inaudible] much sooner.

ALICE JANSEN: It needs to be earlier.

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UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Before we set the individual dates, let's set expectations. This report has to be released by – plus or minus a day or two – the 1st of September.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Roughly, plus or minus a day, the 1st of September. We'll look at week boundaries, but pretty close. If we're going to keep it open through the ICANN meeting and a little longer, that means essentially, it's open for September, October. Maybe we have a week slack, maybe not. When does the – the actual ICANN meeting ends on the 27th or something like that of October, and we said we'd try to keep it open a week later. So we're –

UNIDENTIFIED FEMALE: [26th, I think.]

ALAN GREENBERG: 26th. So we're talking about the public comment closing somewhere around the 2nd, 3rd, 4th of November.

UNIDENTIFIED FEMALE: [inaudible]

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ALAN GREENBERG: Yes. So we have the constraint of we want to make the two-month period, which will end about a week after the ICANN meeting. We have another constraint that Lisa is not going to do this forever. Lisa's intent at this point, given the slip that we have slipped, is she will stay around for – essentially to the end of August, which really means the report has to be spot ready to ship that day, which means it really has to be tied up with a bow, subject to very final proofreading a week earlier than that. So we have, at best, three weeks. And that doesn't allow any slack whatsoever.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: No, that was the target. We were trying to say, "Can we try to have a target of two weeks to get it all together?" We're going to end up with a better-quality report if Lisa has the time to go over it carefully. So that's the expectation for the bottom of that. Now let's start going back from the top.

SUSAN KAWAGUCHI: So once we publish the report, put it out for comment, does the review team do anything in that two-month period?

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LISA PHIFER: I believe – Alice, correct me if I'm wrong, but – there are items in the workplan for doing webinars, essentially to publicize the draft report with the community.

ALICE JANSEN: It would be two webinars and then the session at the ICANN 63 meeting. That's about it.

ALAN GREENBERG: We're not likely to be meeting weekly, and some people will be working more than others. We would like it if everyone on the review team participated in some of these webinars. But those need to be planned, we haven't planned them. and we're not likely to start planning them until we get the report issued. So the work certainly will continue past the day the report is issued, because we do have to do the prep work for those webinars and such.

LISA PHIFER: So I think, barring an ungodly travel experience, that we could have the report back to you Tuesday the 31st.

SUSAN KAWAGUCHI: So –

LISA PHIFER: July.



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SUSAN KAWAGUCHI: July. [inaudible]

STEPHANIE PERRIN: So the [inaudible] August.

LISA PHIFER: [inaudible]

STEPHANIE PERRIN: I was really confused. Okay.

ALICE JANSEN: So the next question is, how much time do we need for all the penholders and rapporteurs to address their items?

ALAN GREENBERG: Who decided on the 27th of August for that? I thought we were going to try to leave a little bit more time for final cleanup. I'm looking at the plenary call to address comments and for consensus call.

ALICE JANSEN: So this call is to adopt the report. It's a Monday [inaudible] It's the former adoption of –

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ALAN GREENBERG: And how are we going to handle people who aren't on the call?

UNIDENTIFIED FEMALE: [inaudible]

ERIKA MANN: You said who are not going to be on the call. Everybody is supposed to be on the call.

ALAN GREENBERG: We've never had a call with everyone on the call. They have to provide their agreement or not agreement [inaudible]

STEPHANIE PERRIN: They can appoint a proxy too. Somebody else is going to be on the call, they can –

ALICE JANSEN: Yes. So once we have a first draft that's more than solid, we'll send it out to the review team list with a clear instruction that says if you have any objections, you need to flag them by this date, this time, and then past that, it's done. And then on the plenary call, we will address any of the objections that were received by the deadline, and that's it. So how much time do we want to leave rapporteurs and penholders to address their items? If Lisa sends out the sections on July 31st, would...

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ALICE JANSEN: So August 12.

UNIDENTIFIED MALE: [inaudible]

ALICE JANSEN: August 5th? Okay.

STEPHANIE PERRIN: How far behind are the relative sections? In other words, are there any left that require significant work?

UNIDENTIFIED MALE: [inaudible]

LISA PHIFER: I think IDN is shortening, but not adding much, right? I would say two thirds of the sections are fairly fleshed out. Missing items but fairly fleshed out, and a third of the sections really have some new text to be written.

ALAN GREENBERG: Clearly, law enforcement is not going to make that deadline. Pretty much everything else has to.



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LILI SUN: If the plenary call is planned to extend to two hours, for me, it will finish at 1:00 AM in the morning.

ALAN GREENBERG: Just another 30 minutes.

ERIKA MANN: [inaudible] earlier?

ALAN GREENBERG: No, I think Volker can't make it.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: May I say we reserve two hours and try to finish in 90 minutes?

ALICE JANSEN: Okay, done.

ALAN GREENBERG: Lisa.

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LISA PHIFER: I would like to suggest that one of the objectives for that plenary call be to review any of the new recommendations. Several of you have action items to either refine some text or produce a new recommendation, and that to me would be the most important thing to review in that call as we're tightening up other pieces of the report.

ALAN GREENBERG: With the reminder that we cannot reopen everything each time. Even the new ones. Can't reopen the concept, it's the wording we're talking about. Next deadline for review team to send objections, comments, edits or output produced by the rapporteurs. I think it's the following Sunday, and we have a plenary call on the 13th.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Yes. Giving busy people the weekend to finish their work.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Volker.

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VOLKER GREIMANN: Giving us the weekend is nice, but some of us will not be able to work on the weekend but would be able to review something on the weekend. Having the call on the next day after receiving the documents, I'd rather say we finish on Friday or Saturday and have the Sunday to review so we have something to say on Monday.

ALAN GREENBERG: The problem is that only gives us from a plenary call on Monday to Friday, and there are inevitably going to be people who cannot do that during the week. Okay, how about we try our best to get it out on Friday or Saturday, and absolutely latest for anyone on Sunday? But each of us in addition to writing something also are going to have to be reviewing the other ones, so we're all in the same boat.

VOLKER GREIMANN: What time zone is applicable for these?

ALAN GREENBERG: Whatever time zone you're in. [Or] the most optimal time zone for someone else. If you want to work until 4:00 in the morning, it's still only going to be midnight where I am, so you're allowed to do that.

VOLKER GREIMANN: Yes, that just gives me or Lili even more so less time to review.

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ALAN GREENBERG: If anyone has a better idea, I'm happy to listen. The laws of physics do constrain us here.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Continue – well, let's go back, and we now have dates everywhere.

ALICE JANSEN: Yes, these are suggested dates that we've just built out.

ALAN GREENBERG: Okay.

ALICE JANSEN: So July 31st, Lisa sends out the updated sections for rapporteurs. August the 3rd, you all send out your completed action items and have completed your section using the [subgroup assessment] tool as a helpful tool to identify where work is needed. August 6th, 120-minute call to review any of the new recommendations, materials and so on. August 12th is the deadline for the review team to send objections, comments, edits on the output produced by the action item penholders and rapporteurs. August 13th, there's a plenary call to address any of the edits, comments, and for a consensus call on the new materials.



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By August 17th, support team finalizes the draft report and circulates it to the review team, and this leaves you more than a week to submit objections, comments and edits on the draft report. So essentially, you will have the draft report to read, and you will need to send anything that bothers you to the list. And August 27th, that'll be the final call to adopt the report. 27th of August. 26th of August.

ALAN GREENBERG: Please go ahead, then I'm in the queue.

STEPHANIE PERRIN: I really think this 12th of August deadline for the objections, comments and edits, and then somehow magically by the next morning, staff are going to have to pull all those comments together so that we can actually have a meaningful discussion about them, even that's hard, and then we haven't read them. Right?

ALICE JANSEN: Well, no, because people will be sending their objections to the list, so you will read them through the list, and then we'll have a compilation through a spreadsheet that we will use for the call.

STEPHANIE PERRIN: Couldn't we make the deadline for the objections, comments and edits something like at least give us another day, say, the 11th? Or the 10th, even better.

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ALICE JANSEN: Right now – okay, so you want to –

ALAN GREENBERG: I thought you were talking about the last objections, comments. Which one are you talking about?

STEPHANIE PERRIN: I'm talking about the 12th, because I really tend to agree with Volker that if we haven't had time to review everybody's edits and suggestions, then we are not going to have a meaningful call on the 13th, and these things are going to surface in the next two weeks where they'll be harder to fix.

UNIDENTIFIED FEMALE: [inaudible] Saturday.

STEPHANIE PERRIN: Yes, even that'd be better.

UNIDENTIFIED FEMALE: [inaudible]

STEPHANIE PERRIN: Yes. In theory, yes, and then that allows for time zones. At least everybody gets 24 hours to get a look at it.

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ALAN GREENBERG: I think one of the Sundays was changed to Saturday, but not the other one.

SUSAN KAWAGUCHI: You can read it to her, it'll put her to sleep.

UNIDENTIFIED MALE: [inaudible]

SUSAN KAWAGUCHI: Yes, indeed. But I'm betting that the outputs aren't going to show up on time, because if –

UNIDENTIFIED MALE: [inaudible]

SUSAN KAWAGUCHI: Well, the thing is that the law enforcement ones are going to be very crucial.

LISA PHIFER: So let me say I don't mind that they don't all show up on time, because if you want a consolidated list of what the comments were so that you can organize your thoughts, we need time to pull everything together, not everything minus the one third that doesn't come.

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UNIDENTIFIED MALE: [inaudible]

LISA PHIFER: Exactly.

UNIDENTIFIED MALE: [inaudible]

SUSAN KAWAGUCHI: I bet you tons of people are on holidays.

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: Unless someone has an alternative, we're going to have to make the schedule. Lili.

LILI SUN: How many new recommendations are we going to work on? My impression is that there were not so much, one on the [inaudible] subgroup and one for P&P service.

UNIDENTIFIED FEMALE: [inaudible]

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LILI SUN: Yes.

LISA PHIFER: One for consumer trust, I think two for privacy proxy, but there were several recommendations where the rapporteur was given an action item to finalize the text of the recommendation. So even though we agreed in principle, as we saw this morning when we went through Susan's list, it takes us a bit of time to even look at minor changes in recommendations.

ALAN GREENBERG: People are going to have to submit their comments quickly. People coming up with new comments on the call simply won't be able to make it. Everyone volunteered for this group, no one was coerced. Should make them red and flashing. Some previous word processor used to flash things too. I don't remember which one it was. The meeting ends on the 26th, you said, Stephanie? October? Yes, so a week after that is the 2nd of November, which goes along with the 1st of September. I won't ask if everyone can live with that, because none of us, I think, are happy. Is there a chance we can make it? I'm hearing nothing to my right.

VOLKER GREIMANN: There's always a chance.

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ALAN GREENBERG: Stephanie? [inaudible] Sorry, before we lock it in, I will add a caveat. We don't know when the EPDP meetings are going to be, and at least two of us are going to have – three?

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: And Chris, three of us, which may mean these plenary meetings don't fit. So that's the only adjustment I see. And I don't know how we will find a better time or a different day, but just keep that in mind. It is conceivable that the plenary call that we're having this next week is at an hour earlier than our normal plenary calls. So if they're two hours, they're going to overlap if it ends up on a Monday. Sorry? Skip the EPDP? Right.

VOLKER GREIMANN: You could make up the time the next week.

ALAN GREENBERG: Let's hope they're not on Mondays.

ALICE JANSEN: So to make things easier for you, we'll ask Brenda to create [inaudible] for the deadline. It's [flashing] in your calendar.

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ALAN GREENBERG: Thank you, Alice. Yes, ma'am.

STEPHANIE PERRIN: I would like to bring up another extraneous topic that you're going to love here, if we're done with the schedule. Are we done with the schedule?

ALAN GREENBERG: I think we are.

STEPHANIE PERRIN: Jolly good then. I think in order to maintain our sanity, particularly with the impending loss of Lisa to redraft this thing based on the comments we receive, I think it will be critically important when we launch this thing that we explain to everybody that this is a review based on a previous review team's recommendations, not on current events. Please don't pester us with current events. Obviously, we need a little caveat at the front of the report.

UNIDENTIFIED MALE: [inaudible]

STEPHANIE PERRIN: Yes.

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ALAN GREENBERG: The beginning of every webinar, every document, everything is going to say we looked at GDPR and related issues to the extent we could.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: We will revise them as necessary as appropriate in November.

STEPHANIE PERRIN: It should be like one of those warnings you get on the plane about the movie you're about to watch about how it may contain offensive content. I really think – because people are going to be so freaking crazy by September on this that we're going to get just pestered to death.

ALAN GREENBERG: On the other hand, the positive side – well, it's either a positive or a negative side depending on how you look at it. There are going to be freaking few people who are interested in this who are not going to be consumed by the other things going on. We will probably not get a lot of comments.

STEPHANIE PERRIN: If I may respond to that, I think – I used to think that, but I am beginning to think that people are maybe looking for any port in the storm by that point if they're not getting their point on the EPDP, and there will be all



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kinds of extraneous crap trying to appear in the WHOIS review team report.

ALAN GREENBERG: And that's just fine because they're going to be easy to ignore.

STEPHANIE PERRIN: Okay.

ALAN GREENBERG: We never pretended we're doing their job, and we're certainly not going to take it over halfway through the EPDP. That will have a draft report out by then. They're supposed to have a draft report ready for Barcelona. Alright, Lisa, please go ahead. We're randomly talking here.

LISA PHIFER: I just wanted to note that I've added to the action item to create the executive summary that you'll note up front in the executive summary that the review is based on today's WHOIS.

ALAN GREENBERG: Thank you, mom.

LISA PHIFER: You're welcome.

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UNIDENTIFIED FEMALE: [inaudible]

LISA PHIFER: You can only review what exists. I also wanted to point out that Dmitry is actually unavailable for the first round of this schedule. Are you taking on his role or are you looking for a volunteer?

ALAN GREENBERG: Apparently, Lili is on that team too, so between the two of us, we'll trade it back and forth and sign off on Dmitry's behalf. Is there anything else on the team I'm forgetting about? Sorry?

LILI SUN: Just the three of us.

ALAN GREENBERG: Okay, fine.

ALICE JANSEN: And Lili, you're on holiday too, no?

LILI SUN: It doesn't matter for me.

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ALAN GREENBERG: Some of us are just going to die of exhaustion because we don't take holidays.

VOLKER GREIMANN: What's a holiday?

ALAN GREENBERG: My point exactly. I heard you say you're not going to work on weekends, so...

VOLKER GREIMANN: I don't work in my office on weekends, I work with the family.

ALICE JANSEN: So next, we'll go to the day two decisions reached and action items. Everything is up on the screen, but I will read just for the record. Strategic priorities, agreement reached, new proposed [inaudible] on strategic priority are as follows. The ICANN board should put into place a forward-looking mechanism to monitor possible impacts on the RDS from legislative and policy development around the world.

To deploy this mechanism, the ICANN board should instruct the ICANN organization to assign responsibility for monitoring legislative and policy development and to provide regular updates to the board. The ICANN board should update the charter of its board working group on RDS to ensure the necessary transparency of the group's work such as by

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providing full records of meetings and meeting minutes to enable future review of its activities. Any comments?

Alright, moving on to law enforcement needs. There's one action item for law enforcement subgroup to consider discussion points from day one when drafting subgroup report proposing any associated recommendations it may develop for the review team review.

Compliance, agreement reached. New recommendation, ICANN should recommend GNSO adopt a risk-based approach to incorporating requirements for measurement, auditing, tracking, reporting and enforcement in all new RDS policies. Action item for Susan and Stephanie to draft supporting text for the recommendation explaining what a risk-based approach is intended to be.

ALAN GREENBERG:

[inaudible] intervene for a second. I think this is aimed at Negar. We're using the term ICANN there. I'm not sure it is in vogue to use ICANN without some modification. I'm not quite sure what the meaning is of ICANN. Sorry, Lisa. Lisa?

LISA PHIFER:

Yes, I think we will need to normalize all of the recommendations to say the ICANN board should, or shall, whatever your chosen wording is. But that's the party to whom the recommendations are addressed.

ALAN GREENBERG:

Thank you.

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ALICE JANSEN: New recommendation number two, ICANN should assess grandfathered domain names to determine if information is missing from the WHOIS registrant field [inaudible] placeholder. If domain names are found to lack data in the registrant field, then the ICANN board should initiate action intended to ensure that all gTLD domain names adhere to the same [inaudible] Action item for Susan to propose updated text to address, add in placeholder brackets for review team review and determination of consent. Okay?

Moving on to the next one then, new recommendation number three, ICANN contracts or GNSO policy should require that gTLD domain names suspended due to WHOIS contact data which the registrar knows to be incorrect and that remain in that state until the registration is due for deletion should be treated as follows. One, the WHOIS record should include a notation that the domain name is suspended due to incorrect data, and two, domain names with this notation should not be unsuspended without correcting the data. Alright, new recommendation for – oh, Erika.

ERIKA MANN: I was wondering about the “or.” Shouldn’t it say “and?” So on the first line, ICANN contracts or GNSO policies [inaudible]

ALAN GREENBERG: That’s shorthand for the board shall cause to either be negotiated or initiate a PDP. Yes, we’re probably going to have to invent a shorthand

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and then define it carefully. But in all cases, it either needs to be done by negotiation or by the board initiating a PDP. Stephanie.

STEPHANIE PERRIN: I know we're not really wordsmithing, but I'd be a lot less cumbersome, that sentence, if you said "And that remain incorrect until the registration is due for deletion" rather than "in that state." Because that's a long sentence and it makes you go back and say, "What state? What are we talking about here?"

ALAN GREENBERG: [inaudible] just put it in square brackets or something and then make sure that it's worded so it parses properly.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Remains in that case, I think.

UNIDENTIFIED FEMALE: Yes.

ALICE JANSEN: Alright, thank you very much.

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ALAN GREENBERG: Thank you, Alice.

ALICE JANSEN: Thanks. So there's a new recommendation, number five. ICANN should publicize and encourage use of the bulk WHOIS inaccuracy reporting tool. Recommendation number six, ICANN should review the WHOIS record of gTLD –

ALAN GREENBERG: Excuse me, just back to that one, do we want to say the bulk WHOIS reporting tool or any successor tool? Or is that implicit?

LISA PHIFER: [It's the same thing for the common interface.]

ALAN GREENBERG: Okay.

ALICE JANSEN: Thanks, Alan. There's a new recommendation, number six. ICANN should review the WHOIS record of gTLD domain names sampled by ARS for each region to determine whether lack of knowledge or WHOIS inaccuracy reporting tools or other critical factors are responsible for low WHOIS inaccuracy report submission rates in some regions.

ALAN GREENBERG: Sounds okay.

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ALICE JANSEN: Great, moving on to number seven. Oh, Stephanie.

STEPHANIE PERRIN: Can I just issue my standard report hygiene recommendation that the first time we use an acronym, we spell it out and put the acronym in brackets? Thanks.

ALICE JANSEN: We'll make sure [inaudible] sanity check.

ALAN GREENBERG: On the multiple proofreading, we'll try to catch that.

ALICE JANSEN: Thank you. Moving on to new recommendation seven for Compliance. ICANN should direct Compliance to look for patterns of failure to validate and verify WHOIS data as required by the RAA. When such a pattern is detected, an audit should be initiated to check if the registrar follows WHOIS contractual obligations and consensus policy. Sanctions should be applied if significant deficiencies in WHOIS data validation or verification are identified.

STEPHANIE PERRIN: Can we agree to the protocol of when we refer to a branch of ICANN, i.e. Compliance branch, we call it Compliance branch? Because



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particularly to non-English speakers, it's confusing to suddenly see we talk on and on about compliance and then suddenly Compliance is capitalized.

ALAN GREENBERG: Again, this is one of the normalization. It's always Contractual Compliance. Which brings up the issue, I don't think we had a section – I know we closed out the table of contents already – on glossary.

UNIDENTIFIED FEMALE: Yes, we do.

ALAN GREENBERG: We do? Okay.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Then we probably – a practice that I've used at times is the glossary not only has the definition but has the page it's first used. Word allows you to do that.

ALICE JANSEN: That might be a little ambitious for the draft report, but for the final one.

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ALAN GREENBERG: Sold. It's a lot easier after it's all assembled than when it's still in pieces, so I agree. Alice, you're correct.

ALICE JANSEN: Okay. Thank you. So with that, we'll move on to the recommendation 4.8 for Compliance. ICANN should direct ICANN Contractual Compliance to proactively monitor and enforce WHOIS data accuracy requirements to look for and address systemic issues. A risk-based approach should be executed to assess and understand inaccuracy issues and then take the appropriate actions to mitigate them. Any comments?

ALAN GREENBERG: Sounds really impressive. I like it.

ALICE JANSEN: Alright, excellent. Moving on to privacy proxy service.

ALAN GREENBERG: Almost as if we knew what we're talking about.

ALICE JANSEN: Privacy proxy services, we have a decision reached. No change to subgroup's conclusion that the recommendation to initiate policy development is fully implemented, but the conclusion should clearly state that policy implementation remains underway. The proposed –

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ALAN GREENBERG: I'm just saying now that we've decided we're going to have a recommendation to the board to recommend to the next WHOIS review team to study it, I think that will draw a lot fewer questions.

ALICE JANSEN: Alright. There's a proposed recommendation still to be [tested] for consensus. In the event that the PPSAI policy does not become operational by [timeframe,] the ICANN board should propose an amendment to the RAA and that underlying customer information provided to [inaudible] privacy proxy providers be verified and validated in the same way as other registration data.

There's a decision reached for the entire PP issue. [The problems section should be prefaced to qualify] that the issues are based on the status of PPSAI policy implementation as of July 2018 and are subject to update as implementation continues. Any comments?

Alright, excellent. Moving to the next one then. Decision reached, issue number three is subject to confirmation after ICANN Legal review is completed. The review team is currently not aware of any need to delay the implementation of the accreditation program due to GDPR.

Decision reached for issue number five to be expanded to discuss PP abuse risk, potential for change in PP use due to GDPR, reference to the WHOIS PP abuse study, and also to the CCT RT study on PP and [inaudible] recommendation when available. That's a lot of Ps.

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ALAN GREENBERG: If I may interrupt for a moment, for the people who are out in the lobby talking about what the term “accreditation” means in terms of GDPR, here's a counterexample. When you're accredited as a registrar, you have the right to do everything a registrar does. [It's just funny how] we use the same word multiple ways with multiple meanings.

ALICE JANSEN: And we have an action item for Volker to update the subgroup report to reflect decisions reached and proposed recommendations.

UNIDENTIFIED FEMALE: [And that would be the privacy proxy] [inaudible]

ALICE JANSEN: Yes. Alright, moving on to single WHOIS policy. There's one decision reached. [Yes, go on.]

ALAN GREENBERG: We did make a decision to include a recommendation that the board request the next review team actually review the implementation of privacy proxy.

UNIDENTIFIED FEMALE: [It's in a different section.]

ALAN GREENBERG: It's in a different section. Okay.

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UNIDENTIFIED FEMALE: [It came up in the context of] [inaudible]

ALAN GREENBERG: Okay. We reached that decision at a different point. Got it.

ALICE JANSEN: No problem. For single WHOIS policy, we have one decision reached, no objections to conclusions reached by the subgroup, we have no recommendation made. Alright, common interface.

STEPHANIE PERRIN: [inaudible]

ALICE JANSEN: Yes, Stephanie.

STEPHANIE PERRIN: Can somebody remind me why we didn't make any recommendation on this? Because I wasn't here for that discussion.

ERIKA MANN: [inaudible] The recommendation was that the board should oversee the development of a single WHOIS policy document, and that document should include all of the [inaudible] WHOIS policies and consensus and

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contracts, and other things related to WHOIS in that document. That's the extent of it.

STEPHANIE PERRIN: Okay, but we decided that that recommendation was fully implemented even though there is no single policy document.

ERIKA MANN: No.

ALAN GREENBERG: There is a single document. It consists of pointers to another bunch of documents which could be integrated into a single document, but since we believe in hyperlinks, they are hyperlinks. So it is functionally a single document. Now, the originator of the recommendation was really hoping to see a single policy. That isn't there, but that's not what the recommendation said.

STEPHANIE PERRIN: But a single document is not a single policy.

ERIKA MANN: [No, we understand that, but the recommendation] [inaudible]

STEPHANIE PERRIN: Did we explain all that?

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ERIKA MANN: It's written plain.

ALAN GREENBERG: Yes.

ERIKA MANN: Yes. It's written plain. The SSAC said [it would fix it] if you have a single policy.

STEPHANIE PERRIN: [inaudible]

ERIKA MANN: No, not really. The SSAC said you should have – [the main] problem is you should have a single policy and the board should initiate getting to a single policy. And the board went through a lot of [inaudible] trying to explain how policy is developed, and –

STEPHANIE PERRIN: [inaudible]

ERIKA MANN: Okay.

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STEPHANIE PERRIN: [inaudible]

ALAN GREENBERG: We'll say it to you enough times you'll come to love it. Back to Alice.

ALICE JANSEN: Thank you. Alright, common interface. Recommendation 11.1, expand findings to define what displayed inconsistency means, it means difference for the same domain name.

UNIDENTIFIED FEMALE: [And that was a decision reached.]

ALICE JANSEN: Agreement reached. Recommendation 11.1, define metrics or SLAs to be tracked and evaluated to determine consistency of results [inaudible] and use of any common interface, existing or future, used to provide one-stop access to registration data across all gTLDs and registrars, resellers. Specific metrics that should be tracked for any such common interface should include how often are fields returned blank, how often is data displayed for the same domain name and consistency overall and per gTLD, and how often does the tool not return results overall and for specific gTLDs. Any comments?

ALAN GREENBERG: When we talked about that originally, way back, we also implied or said that those metrics should be fed into Compliance as appropriate. Did we



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drop that intentionally, or we just forgot it along the way? In other words, if the WHOIS doesn't respond, which is violation of the contract, Compliance should be informed if we detect it through that [means.] I can live right now with –

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: I can live if we dropped it intentionally or accidentally, I'm just reminding us that it was one of the original discussion points.

VOLKER GREIMANN: I don't think we need to say that. If it's a compliance issue, it will be forwarded to Compliance. If not, not. I would be very doubtful that it wouldn't.

ALAN GREENBERG: Okay. Lisa.

LISA PHIFER: I could be dreaming this at this point, but I think that the recommendation on proactive monitoring said there were a number of information sources, one of which was DAAR, and another, which would be the common interface.

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ALAN GREENBERG: [inaudible]

ALICE JANSEN: Agreement reached to address the issue raised, as a result of GDPR implementation, registrar and registry interpretations may result in different registration data returned by WHOIS for the same domain name. For example, registry may redact data that registrar [decided could] stay. The following recommendation will be made. Recommendation 11.2, ICANN should maintain the common interface to display all public available WHOIS output for each gTLD domain name, i.e. both the registry and the registrar WHOIS output.

There is an action item for Volker to finalize text for any new recommendation R11.2 to make clear that what publicly available output is expected. For example, whether it is just Port 43 or web output in cases where Port 43 is redacted. Any comments?

ALAN GREENBERG: I'm hearing nothing.

ALICE JANSEN: Data accuracy –

STEPHANIE PERRIN: Hang on a minute.

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ALICE JANSEN: Stephanie.

ALAN GREENBERG: Microphone.

STEPHANIE PERRIN: Are we going to square the circle, or is that Volker's problem?

LISA PHIFER: You're saying how you would rectify the differences? I think the recommendation is saying provide both, display both.

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: If we wanted to gild it, we could say compare them, and if they're different, whatever. But let's keep it simple.

ERIKA MANN: No, don't do that.

ALAN GREENBERG: I'm saying let's keep it simple.

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STEPHANIE PERRIN: If I could explain why I'm concerned – and unfortunately, Erika has just left, but I'm concerned that ICANN as a data controller is displaying more data than the other co-controller displayed. Just saying.

CARLTON SAMUELS: The requirement is that you must have WHOIS data through Port 43 or [45.] What is happening is the registry is now holding data and the registrar is holding data. [They're both] supposed to come up to the common interface. The expectation was that they would have had the same dataset. Now we are finding out it's not the case. So how we remediate it is that we allow [these] originations, the data from both places, to be displayed. Because we don't know what [inaudible]

ALAN GREENBERG: It may be true that ICANN is legally not allowed to display some of the information. The board, in implementing any recommendation, will have ICANN org assess it, including Legal, and if they come back and say we can't do that for legal reasons, so be it. What we're trying to achieve is the common interface to get you the data without going to 17 places. If it's illegal to do it, it won't happen.

STEPHANIE PERRIN: In which case, fine, but we should put “subject to applicable law.”

ALAN GREENBERG: ICANN will be subject to applicable law and ICANN will cover its ass. [inaudible]

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STEPHANIE PERRIN: [inaudible] why the output is different.

ALAN GREENBERG: We know why the output is different, because we are simply relaying information from two different parties who have chosen to use two different sets of rules, or forced to use two different sets of rules.

VOLKER GREIMANN: I think ultimately, this is the responsibility of ICANN to make it work or see if it can't work. I don't think we need to disclaim every recommendation that we make that it's subject to national law and implementability. We can say that once in the executive summary if we want to, but I think it's implicit, and the work, the due diligence of making sure that the data that's being supplied in WHOIS by registries and registrars that this is properly formatted and redacted is already on the registrars and registries that are providing the service. So I don't see a big issue with that, and if ICANN legal does, then they will advise us.

ALAN GREENBERG: Yes. It may well be that ICANN is deemed to be a European company and therefore cannot display any of this data. In that case, so be it. We're just trying to make the single interface which was recommended by WHOIS1 work in today's environment. Everything we talk about might be illegal in some jurisdiction, and if ICANN is subject to it, so be it. Lisa.

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LISA PHIFER: Although I kind of prefer the approach of not having to say it on everything, in this case, it might be a good thing to note in the feasibility section of the recommendation that says – you would come up with the words, being the rapporteur, right?

VOLKER GREIMANN: [inaudible]

LISA PHIFER: But essentially that it has to be subject to legal review for [inaudible] compliance with the applicable laws.

STEPHANIE PERRIN: Absolutely no point in walking ourselves with a great big bullseye on us into a privacy shield site with the data commissioners.

ALAN GREENBERG: But ICANN is going to cover its ass anyway.

STEPHANIE PERRIN: A very good job so far.

ALAN GREENBERG: I think there's a lesson that's been learned along the way.

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ALICE JANSEN: Data accuracy. We have an action item for ICANN to ask GDD and Compliance whether there's a routine feedback process in place for Compliance to advise the ARS project of ARS detected inaccuracies that were not ultimately found by Compliance to be inaccurate. For example, tickets generated because the state was missing in a country where states are not applicable.

There's an action item for Lili to generate a recommendation that the ARS team look for potentially [anomalous] results – for example, 40% of ARS-generated tickets closed with no action because the WHOIS record changed – to determine the underlying cause. There's an action item for ICANN to ask [inaudible] the following questions. Does ARS have access to nonpublic data under the temporary specification? Is the WHOIS data that is sampled by ARS obtained from the registrar or registry for [inaudible] TLDs? Since under GDPR, much contact data is redacted. Any comments?

ALAN GREENBERG: I would say instead of “is,” “may be,” second to last word. Second to last word of the last sentence, “is” to “may be.” Replace “is” with “may be.” Got it. Sorry. As opposed to maybe, a single word. Thank you.

UNIDENTIFIED FEMALE: [inaudible]

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ALAN GREENBERG: Well, yes, but in the case we're looking at, we know that the registrar may not redact at all, and the registry may redact.

ALICE JANSEN: Yes, all these questions have already been submitted, so we'll advise on the estimated delivery date as soon as possible. Alright, data accuracy again, action item for Lili and Alan to provide a linkage between the issues identified in the DA section and the recommendations in the Compliance section. For example, do all of the recommendations contribute to improving data accuracy?

Decision reached, the review team will not nominate an issue or recommendation regarding assessing risk or identity theft. There were no objections. Comments?

ALAN GREENBERG: Next page.

ALICE JANSEN: Consumer trust, there's an agreement reached. Beyond individual consumer use of WHOIS, there's a connection between consumer protection and WHOIS in the third-party use of WHOIS to investigate abuse, deter phishing, etc. Consumers may not be aware that WHOIS plays a role in protection.

There's an action item for Erika to draft text to identify the intersection between consumer trust and WHOIS. If there's an intersection, then GDPR redaction of WHOIS data will have an impact on consumer trust.



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This could be documented as a problem or issue. Erika also has an action item to revise proposed recommendation for consumer trust to explicitly identify how it is related to WHOIS and what information should be provided. Comments?

ALICE JANSEN:

Alright, moving on to outreach then. There's an agreement reached for recommendation 3.1 with the amendment that the recommendation ideally be implemented post-GDPR implementation but no later than [TBD months] after the recommendation is adopted. There's an agreement reached for 3.2, revised as follows, text to be finalized by Alan. [inaudible] community input, ICANN should decide which groups outside of those that routinely engage with ICANN should be targeted effectively through outreach. An outreach plan should then be developed, executed and documented.

WHOIS inaccuracy reporting was identified as an issue requiring additional education and outreach and may require particular focus. The need for and details of the outreach may vary depending on the ultimate GDPR implementation and cannot be detailed at this point. Alan has an action item to update and finalize the text of recommendation 3.1 and 3.2 based on agreements reached. Lisa?

LISA PHIFER:

I know Alan has the action to update this, but 3.2 needs to be tied to WHOIS. It just talks about outreach.

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ALAN GREENBERG: Can we add that somewhere to make sure I remember? Thank you.

ALICE JANSEN: Alright, moving on to IDNs. There's an agreement reached to replace the title of the section and refer consistently throughout to internationalized registration data, footnoting that the WHOIS1 report referred to this set of recommendations as IDN. There's an agreement reached for recommendation 12.1 as revised, reviewing the effectiveness of the implementation of recommendations 12 and 14 should be deferred and carried out by the next RDS review team after RDAP is implemented and the translation and transliteration of the registrant data launches.

There's an agreement reached for recommendation 10.X to be added to the PP section. Recommendation 10.X, reviewing the effectiveness of the implementation of recommendation 10 should be deferred and carried out by the next RDS review team after PPSAI policy is implemented. There's an action item for Alan to finalize and incorporate this updated agreement for recommendation 12.1 for inclusion in the internationalized registration data section and [incorporate] to do the same for recommendation number 10 and the PP section.

ALAN GREENBERG: My only comment is I'm happy leaving the wording like that. The actual recommendation out of the PDP on translation, transliteration is not to do any. So instead of saying when it launches, I will say it should be reviewed, that decision should be reviewed at that point.

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ALICE JANSEN:

Okay. Thank you. So moving on to brainstorming on the executive summary, there's an addition to the – no, never mind. Forget what I just said. There's an action item for Alan to develop the first draft of the executive summary by August the 3rd, for Susan to review and revise as needed and then distribute for the review team to review.

In terms of adjusting the structure of the report, we have a couple of decisions reached from day one. In addition to that, we defined this afternoon that rapporteurs are encouraged to reference tables in resources rather than copying and pasting them into their report, and there's an action item for ICANN staff to reflect the face-to-face meeting number three agreement in the draft report and provide [inaudible] document back to rapporteurs on July 31st.

In addition to that, we also have an agreement to accept and adopt the timeline that we defined earlier in the discussion. I'm just going to display it for everyone [as it's in front of them.] So Tuesday, July 31st, we will send you the section that you need to update. The penholders will need to send their edits and complete their action items by August 3rd with the objective of reviewing the new recommendations on a two-hour plenary call on August 6th.

August 11th, Saturday will be a deadline for the review team to send their objections, comments and edits on the output, followed by a plenary call on the Monday, [two-hour again] to address the edits and comments and have a consensus call on these materials. And then by Friday, August 17th, the support team will finalize the draft report and

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circulate it to the review team. And by Sunday, you should all have submitted your objections and dissent reports, if any, and so on to the review team. And the two-hour plenary call we'd have on August 27th will be used to formally adopt the report and address any last-minute edits or comments there may be.

So this will lead us to a release of the draft report by September 1st, and that's it. So that's what we have for the timeline. In addition to that, for the workplan, it was decided that we would target the public comment to close on November 2nd, right? And that we will use the engagement session in Barcelona to collect input and provide visibility to the public comment proceeding.

Speaking of, this is a great segue to our next topic, Any Other Business, and one of them is the ICANN 63 engagement session. Alan, do you want to say a few words?

ALAN GREENBERG:

During the break, Alice and I discussed it. Today is the deadline for submitting requests for cross-community and high-interest topic sessions for Barcelona. I will submit one for a high-interest topic for the engagement session. This meeting is unlike the policy meeting. There are lots of opportunities for other sessions if we don't do a high-interest one. They just compete more with other things.

Depending on how many high-interest and cross-community sessions are requested, the community leaders may well end up voting and saying this one is not a high-interest topic or not a high enough priority, in which case we will simply submit another request for a regular

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session in its place. But we might as well request one of these first and see where it goes. I will do that. Maybe. If I remember.

VOLKER GREIMANN: Alan, just a question –

ALAN GREENBERG: Alice, if you have the link for the request form, if you have it easily available, if you could send it to me or put it on the leadership Skype perhaps. Otherwise, I'll try to find it myself.

ALICE JANSEN: I'll see what I can do.

ALAN GREENBERG: Volker?

VOLKER GREIMANN: It sounds like a weird process to apply for sessions. So you apply for a high interest session, and if you don't get that, you have to apply again for a normal session?

ALAN GREENBERG: I don't know.

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VOLKER GREIMANN: Because normally, I would assume you apply for a high-interest session, if you don't get it, you're already applied for a normal session.

ALAN GREENBERG: I don't think the two talk to each other.

VOLKER GREIMANN: Okay.

ALAN GREENBERG: The high-interest cross-communities are blocked off on the schedule and it's handled by Meeting Arrangements whereas the scheduling is handled – I don't know, I'll find out. I've learned I can't be an expert on everything, and I live with that. Go ahead, I'm not sure who's next.

LISA PHIFER: So, are we done with ICANN 62 then? Or whatever, 63.

ALAN GREENBERG: 63. We're certainly done with ICANN 62. The only other thing is to what extent do we want to make ourselves available to meet with ACs and SOs over and above the session. I'm of two minds. It can be interesting, but it's taxing to people who already have busy schedules. We can simply be quiet, and if anyone asks, we'll say yes, but we won't go and offer. I'm happy to do that. At this point, we will put something on the agenda, either high-interest or not.

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SUSAN KAWAGUCHI: I think if we just do a community session and then respond to any...

ALAN GREENBERG: 63, Barcelona. Okay, decision made.

CARLTON SAMUELS: Yes, I agree with that, we'll do a community session, and then based on [inaudible] we respond to that.

ALAN GREENBERG: I think what Susan and I were saying, if the GNSO or the ALAC says, "Please, can we meet with you in our own session?" We will say yes. Okay, fine. Sorry, [expression, through up their hand,] I presumed he was talking about the public session. Got it.

UNIDENTIFIED FEMALE: I think [inaudible]

ALAN GREENBERG: You think so? You think there may be some interest in that?

UNIDENTIFIED FEMALE: [inaudible]

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ALAN GREENBERG:                   Okay.

LISA PHIFER:                        I just wanted to mention, if we're done with ICANN 63, that there are two additional action items that just happened to fall on the next page when Alice was reading them. One is that Alice and Lili will take responsibility for updating the IDN subgroup report until Dmitry returns on the 6th.

ALAN GREENBERG:                   You did mean Alan and Lili, not Alice and Lili, I think.

LISA PHIFER:                        I certainly did mean Alan.

ALAN GREENBERG:                   I'm assuming you meant Alice. Too late now.

LISA PHIFER:                        And secondly, an action item for support staff that during copy editing of the input that we received from you, all recommendations will be addressed to the ICANN board, and that the wording should be adjusted to say things like "shall negotiate contract terms or initiate a PDP," that each acronym will be spelled out on first use. We'll try to do it on the first pass, but it may take some time. And also, when referring to organizations such as Contractual Compliance, we'll refer to them correctly, so ICANN Contractual Compliance for example.



ALAN GREENBERG: Lili.

LILI SUN: I just want to check with Lisa. We keep on revising the draft report. Would it be better for the tracked mode for you, or just as a clean version?

LISA PHIFER: Good question. So as everyone revises their draft report, you should always do redlines and send both redline and clean copy to the group. Different people have different preferences on whether they'd like to read a redline or like to read a clean report, but it is important at this stage to track when you make changes. And I know that for a section where you're deleting chunks of information, redlines sometimes can get in the way, so if you're deleting, say, all of your tables, you can delete them all and just redline the additions that say "see table bla bla," whatever the replacement text is. You don't have to redline that deletion of that entire table.

ALAN GREENBERG: Or add a comment saying the table was deleted. But don't make any changes until you get the next version from Lisa or Alice. They're working on a combined document right now which will be updated based on the decisions we've already taken the last two days. They will then send you back a section which you can then work on.

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LILI SUN: So just to make it clear, so I will still work on the subgroup draft report, not the –

ALAN GREENBERG: No, you will work on a new version of it that Lisa or Alice will distribute. That was the first item on the schedule. They will get back to us with [inaudible]

LILI SUN: So 31 July, right?

ALAN GREENBERG: Yes.

LILI SUN: So that will be the working basis for us.

ALAN GREENBERG: That's correct.

LILI SUN: Okay.

ALAN GREENBERG: Stephanie.

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STEPHANIE PERRIN: This is totally unrelated business, but I don't know who's responsible for the office here, maintenance, but if the ladies' washroom faucet is going to run all weekend, it could be a disaster. So before people go, the sink is running.

UNIDENTIFIED FEMALE: [inaudible]

STEPHANIE PERRIN: No, it's –

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: [Benefit of] electronic controls.

STEPHANIE PERRIN: Oh, you did?

UNIDENTIFIED FEMALE: [inaudible]

STEPHANIE PERRIN: Oh, good. Great. Wonderful. You're right on top of that. Thank you.

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ALAN GREENBERG: She's a responsible woman. We didn't know you were responsible until now, but it's good to know now.

ALICE JANSEN: So I think we've reached the portion of the agenda where there's AOB discussion, and it's 5:14. Go ahead, Alan.

ALAN GREENBERG: Face-to-face four. Well –

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: No, it's serious. We have a bit of a problem. The comment is going to close beginning of November. It will probably take at least two weeks or so for staff to summarize the comments. If we wait until we see how many comments there are to decide, do we need a face-to-face to resolve them and finalize the report, there won't be enough time to schedule a meeting before New Year's.

UNIDENTIFIED MALE: [inaudible]

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ALAN GREENBERG: Well, yes, and the problem is some people's Christmas holiday goes up to the 15th of January. I have no real problem saying if we believe we need a face-to-face, we can schedule it and it will end up being in probably late January. Or we can schedule something ahead of time, perhaps not really needing it. We haven't talked a lot yet about how we get from the draft report to the final. Other than incorporating little fixes and addressing the comments, we may feel that it actually needs a really significant amount of cleanup and work. So, do we try to plan something now, or do we simply wait? And that implies it'll definitely go into January. I'm happy to do that. We're going to be busy enough at the end of this year anyway, but we don't want to slip the report all that much. Alice?

ALICE JANSEN: When is thanksgiving for you this year?

UNIDENTIFIED MALE: [inaudible]

UNIDENTIFIED FEMALE: [inaudible]

ALICE JANSEN: 26th? 22nd, no? November 22nd?

UNIDENTIFIED MALE: [inaudible]

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UNIDENTIFIED FEMALE: [inaudible]

ALICE JANSEN: And Canadian is the week before, right?

STEPHANIE PERRIN: Canadian is October, usually around the 8th.

ALICE JANSEN: Okay, so we could ask in a Doodle poll if the week of November 26th would work, or the first week of December. It's in the middle ground.

UNIDENTIFIED MALE: First week of December.

ALAN GREENBERG: Yes, I don't think anyone here goes to IGF. Are they?

UNIDENTIFIED MALE: [I don't go to IGF.]

ALAN GREENBERG: Okay. I don't have any problem. We of course can't – we want to wait to see when the EPDP face-to-faces are, because there's likely to be a couple of –

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ALICE JANSEN:                   What we can do is ask our Meetings team for an estimate, an evaluation of what can be feasible in that period of time and then report back to the group and say, "These are our options." [inaudible] a Doodle poll or...

ALAN GREENBERG:               Are you going to be available?

UNIDENTIFIED FEMALE:       [inaudible]

ALICE JANSEN:                   Of course.

UNIDENTIFIED FEMALE:       I don't know if it matters to anyone, but [inaudible]

ALAN GREENBERG:               No, not a problem. I can like candles anywhere. Let's see what's available and then we can make a decision. We have plenty of time at this point.

CARLTON SAMUELS:             [inaudible] caution note. The CCT RT, one of the problems we have in linking, finalizing the report is the amount of little things that have come

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up, that if we had a consolidated meeting, I think we would have put it to bed already. And so I totally appreciate you understanding that these things, if you don't have a face-to-face together [inaudible] time.

ALAN GREENBERG: Okay, so this is not a commitment to hold one, but we'll at least investigate the possibilities. Yes, ma'am.

STEPHANIE PERRIN: This is another totally unrelated business, but I'm shocked and horrified that this may be the last time that we see Lisa if she's leaving at the end of August. And we should have had a party.

UNIDENTIFIED FEMALE: Yay, Lisa's gone!

STEPHANIE PERRIN: No. The "Oh my god, how are we going to manage?" party. That one.

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: That's not a party.



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STEPHANIE PERRIN: No, it's certainly not. So, can we drag her back to Barcelona? Because I'm sure the RDS veterans also would like to celebrate your sane, calm – there are 200 of us, right? Who are not here in this room.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Luckily, I've managed to save several hundred thousand dollars on our budget according to the document I submitted.

VOLKER GREIMANN: Can we split that among us?

ALAN GREENBERG: Lisa, if there's an interest, we can try to work on it. We'll talk later.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Personally, I'd push for coming to Kobe than Barcelona, but...

VOLKER GREIMANN: Just as an off-topic reminder for anyone, if you're staying longer tonight, you might want to set your eyes outside your windows in the

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southeasterly direction around 10:22, because there's going to be one of these rare lunar eclipses going on tonight. So we are going to have a full lunar eclipse, and Mars is supposed to be visible as well. So you might want to organize a nice spot to view that from if the weather holds up, is clear enough. If anyone has any interest in that kind of thing.

ALAN GREENBERG: Does anyone have a southeast-facing room?

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: Someone's going to have to tell me what direction is southeast.

UNIDENTIFIED FEMALE: [inaudible]

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: My ability to navigate is such that telling me which direction it is in here will not help me when I get back to the hotel. Google Maps will tell me.

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UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: Anything further before we call it quits for today? How are we doing on time, by the way? Let's see. 5:22. We still have another eight minutes to go. Hey, folks, starting off three hours late this morning, we did good. I would like to say something. I've been watching these two ladies beside me, and they keep the meeting going and they provide interventions when necessary, and somehow along the way, they have managed to create this huge document which we've just reviewed of everything, and I don't know how you do it, but thank you.

UNIDENTIFIED FEMALE: Thanks for recognizing it.

ALAN GREENBERG: I'll say there's no bloody way I could pull that off. Thank you. I would like to – I've been adjourning meetings for years, and one of my non-English-speaking colleagues pointed out that adjourn means temporarily stop to be restarted later. So this meeting is not adjourned, it is ended. Thank you all.

**[END OF TRANSCRIPTION]**