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**BRENDA BREWER:** Hello everyone, this is Brenda speaking, welcome to the RDS WHOIS2 Subgroup Call for WHOIS 1 Recommendation #4 for Compliance. The call takes place May 30<sup>th</sup>, 2018 at 1600 UTC. Attending the call today is Susan, Carlton and Alan. From ICANN Org we have Alice, Jean-Baptiste, Lisa, Steve and Brenda. We have apologies from Erika and Thomas will be delayed. I'd like to remind you, today's call is being recorded. Please state your name before speaking and I'll turn the call over to you Susan, thank you.

**SUSAN KAWAGUCHI:** Thanks so much, Brenda. Once again, thanks for joining. I'm hoping you've had a chance to at least review the report, it still needs a lot of work. I know that I took another look at it and there's definitely some areas that I copied and pasted and didn't delete and things like that, so I'll work on that and try to have that out again by Friday. One of things that I wanted to cover and if there's areas in the report you would like to cover, just let me know but was the purposed recommendations.

There was two that we discussed, Recommendation 1 and 2, I didn't copy out into these slides because we discussed those in Brussels in April but there's several more that really rough draft recommendations that I've entered here. I think I came up with six more but these could also be grouped and made to be one larger recommendation. I don't know that we really have eight recommendations, we may have one large recommendation with lots of components to it. I don't, would it help just to go through each one and I'll sort of explain the background

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or does anybody have any questions and concerns right off the bat? I don't see any hands up, if I'm reading my little zoom.

CARLTON SAMUELS: I hope you saw the response on Volker on the reports, did you get a change to have a look at it?

SUSAN KAWAGUCHI: You know what, I did and I'd forgotten about that when I had put these recommendations in the PowerPoint but that was oh so last week. Do you remember? I could pull it up but do you remember what he was?

CARLTON SAMUELS: He had quite a few concerns.

ALAN GREENBERG: Can I suggest you read either introduce each one, not with a lot of background, I think most of us understand where we came from, just introduce each one and give us all an opportunity to comment on them one by one?

SUSAN KAWAGUCHI: Right, that was my plan. Let me pull up Volker's and then I will -- but let's start with the ones I have up first and then I can also pull up Volker's in the meantime.

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As you know that I've expressed concern and several others, that when a domain is suspended due to inaccurate information or for any reason, then that inaccurate information stays in the WHOIS record basically forever until the domain is either deleted, if it was simply inaccurate information issue then I think after the 15 days the registrant could come back and say, "Wait, wait, I didn't mean that, I didn't see this and I want to change the information."

Then at least the email address would be validated. But, you often see examples where there the domain may have been suspended for abuse but it also has inaccurate information and I always reported those and therefore because it was suspended there's no action taken. In this recommendation what the intention is that it should updated to a new status and the inaccurate data removed if there is inaccurate data in the WHOIS record on other suspension and we don't really have a role there.

Then I'm not sure that a domain name cannot be unsuspending, I don't think it's clear in everything I've read, that a registrar just can't just willy nilly go, "Okay, this has been suspended for a long time and we're going to unsuspend it for whatever reason, without a WHOIS verification." Even if that is the role, I don't think there's any process to stop that from happening. Alan, you have your hand up.

ALAN GREENBERG:

Thank you. A number of things. I think in the introduction you said that this should be if there's inaccurate information regardless if why it was

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suspended but you say if was suspended due to inaccurate, which do you mean?

SUSAN KAWAGUCHI:

I guess what I mean is and it's good to clarify this, is often times I would report a domain name for inaccurate information even though I knew it was suspended, it was obviously that either their name servers were not there or it had some sort of suspended domain name servers information but it still had inaccurate information, so I would report that and compliance would say, "We can't take any action because it's already suspended, there's no other action to take."

I'm suggesting that it doesn't matter why it was suspended, that that inaccurate information should be removed and whether or not that be replaced with a registrar or some sort of -- of course with GDPR this may not be as big of an issue but it could still be down the way and whether or not that be registrar information or some sort of status in each of the contact fields say, "Information removed due to inaccuracy or inaccurate data."

ALAN GREENBERG:

Why don't we phrase it, that if inaccurate information is reported and verified, then the domain must be suspended or otherwise -- I'm not quite sure what the right words are there and may not be unsuspended until that information is correct? Make the trigger inaccurate information be reported not suspended due to inaccurate information?

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CARLTON SAMUELS: That's my feeling. First of all, if you to the triage. The triage is there a policy that you must not have inaccurate information in domain name WHOIS record? Yes. Whatever reason inaccurate information must be [inaudible] or before a suspension, that is irrelevant to my life, it is inaccurate, it must be [inaudible].

ALAN GREENBERG: By the way, with regard to GDPR, I found a domain this week that has a privacy service, that privacy service has inaccurate information, which is not all that uncommon. That's point number one. Point number two is, I think we need to be specific if we use the word suspended, I think we need to identify exactly what kind of hold we are talking about or holds if there are multiple ones. I don't think suspended is a technical term in terms of domain name status, it's something hold or whatever. I think we want to be more accurate there if indeed we can be.

The next part is, what are the mechanics of this? Clearly, ICANN cannot set a flag on a domain, so we can't say it cannot be unsuspended until we verify the data is accurate. The wording on your second sentence is not cannot be unsuspended but may not be unsuspended or taken off hold, whatever the technical term is, and until what? Whose verification is completed by whom, the registrar or by ICANN?

SUSAN KAWAGUCHI: Registrar because that's the only say.

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CARLTON SAMUELS: The registrar is required to ensure that the record is correct and so far as the record remains incorrect, it is content on the registrar to do it. I read Volker's thing and I couldn't understand why the argument because it seems to me you are compelled by contract to have domain names with accurate records and to the extent that record is in accurate, you are duty bound to make the record accurate.

ALAN GREENBERG: What exactly did Volker? I don't have it in front of me.

CARLTON SAMUELS: He says, "Cancellation is not necessarily mean the data was incorrect in many cases. The registrar simply ignored the message." And he gave all kind of other reasons, that's going down into the weeds. To my mind the issue there is an inaccurate record. If that is verified you must fix the record and make it accurate. Boom, it's done.

SUSAN KAWAGUCHI: Unfortunately, and Lisa you're up next, unfortunately sometimes the registrant will come back and go, "Yes, that is my accurate data." It's not, which is another issue and I'm not sure exactly how to get at that. Lisa, do you want to go ahead? You are on mute or at least we can't hear you if you're talking.

LISA PHIFER: Thank you, sorry I was unmuted on my phone but not on Zoom. I believe that the status code you were looking for previously was server

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hold and I was also going to say what Carlton said, that it looks like Volker's primary objection the domain might be suspended because the registrant didn't actually respond in a timely manner to the reminder, not that the data was actually inaccurate.

SUSAN KAWAGUCHI: But then to me that's a different issue than inaccurate data.

LISA PHIFER: Yeah, I would agree.

ALAN GREENBERG: If someone files a claim of inaccurate data and ICANN Compliance looks at and says, "Yeah, it looks inaccurate to me." Then it is inaccurate until the registrant responds, isn't it?

CARLTON SAMUELS: That's my argument Alan. At some point somebody's going to verify that the data is inaccurate and then the inaccuracy must be healed and that is in the province of the registrar. The registrar has to take an action against registrant to ensure the breach is healed because it is a breach to have inaccurate data.

ALAN GREENBERG: Okay, Volker says, "I see no harm in having false data if the WHOIS is suspended."

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CARLTON SAMUELS: I disagree.

ALAN GREENBERG: The question is, how do you remedy that? If the registrant doesn't respond, I'm not sure the registrar is allowed to just unilaterally change that WHOIS information, that's a kin to hijacking.

SUSAN KAWAGUCHI: They would that but you change a status code and add a status code to say, not only for whatever reason you are suspended, you are also suspended because we would have suspended you anyways because you have inaccurate WHOIS data.

ALAN GREENBERG: But leaves the data there, that doesn't change the data.

CARLTON SAMUELS: Yes, but the point is, would you be required to make effort to have the data made accurate? And I think yes, you would be.

ALAN GREENBERG: Who's the you?

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CARLTON SAMUELS: The registrar, they're two actions, they're separate actions. Whatever the first one was for the suspension, okay but you also have another when it's brought to your attention that the suspended domain name has a accurate record, you would have raised another reason to either keep it suspended or to evoke the procedure to have the data...

ALAN GREENBERG: Carlton, we all agree on that I think, maybe Volker doesn't but everyone on this call I think agrees but Susan's words say or somebody along the way said, "The data must be changed." Not the domain cannot be unsuspending until the data changes but the data must be changed. I don't think you can require that the data be altered without the registrant taking action. I'm agreeing that regardless of why it was originally suspended, it should not be unsuspending until the data is corrected but that's different from saying the data must be removed.

SUSAN KAWAGUCHI: So, maybe the compromise is that a status, that the contact details, where the inaccurate data claim is made, so if I file one and say, "This is not the registrant because it's Brand X and I know Brand X did not register this domain name." In that field for Brand X it should say, "Inaccurate data." And then even if it's suspended. The problem here is and not pull up GDPR and just only in instances where it favors my argument but their using other people's data, it's somebody else's address or it's not an existing address. There's identity theft in WHOIS records and that shouldn't be left standing. It should not be left there because I personally have examples and it's few and far between where

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somebody said, "Look what Facebook did." Because their domain name got suspended. It's not our domain name, we can't get the data out of the record.

ALAN GREENBERG: Let me ask a question. Is there only one status that we'll put something on hold or are there multiple ones? In other words, can you have a domain on hold for multiple reasons?

CARLTON SAMUELS: Yes.

SUSAN KAWAGUCHI: But is it indicated that way? Also, is it -- is there -- I mean, I'd seen domain names suspended in a variety of ways I think. It could be a server hold but it could just change. I've seen the registrar change the name servers to something that says, "Suspended registration." It's in the format of a name server but it basically tells you that this was suspended and that's why.

ALAN GREENBERG: My recollection is Carlton, that there is a status field which can say why it is, that it is not suspended or on hold but it cannot have multiple values at the same time.

SUSAN KAWAGUCHI: Lisa's got her hand up here. Lisa.

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LISA PHIFER: Thank you, Susan. This conversation is actually bringing back some of the conversation that we had at the face to face meeting, where I believe it was identified that the finding here and that problem is that you cannot tell that domain is on hold because of inaccurate data. If you can state that as the problem that you have identified, I don't know if you need to go to the step of explaining how the problem should be solved in policy but to say that policy should provide a way for you to determine that the domain has been suspended or is on hold due to inaccurate data.

ALAN GREENBERG: I think I agree with that.

CARLTON SAMUELS: I agree with Lisa, that's the way to do it. By the way, goes to the next complaint that Volker had, which was that you can't compelled the registrar to do something that is outside of contract. I think that answers the question very neat.

ALAN GREENBERG: Sorry, we are making recommendations to ICANN, they could be addressed. If ICANN were to follow them, it could be addressed by negotiating a contract change or by forcing a contract change through a PDP, that obviously would have to succeed. What is in today's contract is irrelevant.

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SUSAN KAWAGUCHI: I agree with that.

ALAN GREENBERG: The whole concept of GDPR is to change the contract because the contract doesn't allow something or doesn't require something, that's extraneous.

CARLTON SAMUEL: There's no lack between your opinion and my Alan, we agree on that, I'm just mentioning Volker who is from the registry side of the business, what he had to say on it. I disagree.

ALAN GREENBERG: Then we'll have that conversation when we're actually all here together.

SUSAN KAWAGUCHI: When Volker has time for a conversation.

ALAN GREENBERG: We're a half an hour into the hour call, we need to go onto another item. Susan, stop letting me interfere and run your meetings.

SUSAN KAWAGUCHI: I do have another question and I put it in the wrong place. Can a specific registration be renewed? I couldn't find the answer to that and I was hoping we could get that from Volker and I can ask around more but I was just digging through thing. Just because it's suspended, can you not

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renew it would be good to know too. Does anybody have any clue on that?

CARLTON SAMUELS: Volker says they can be suspended domain names can and will be renewed.

SUSAN KAWAGUCHI: Maybe we need to...

CARLTON SAMUELS: This was Volker's comment, it says, "They can and we'll renew."

ALAN GREENBERG: You'd have to be able to renew a suspended domain name because otherwise it was suspended for a reason that proves nefarious, you will have lost your name because of that process. Sounds like a dandy way for someone to steal a domain name

SUSAN KAWAGUCHI: It could be that the bad guys don't renew a suspended registration but I do think that's sort of loop hole in some ways too.

ALAN GREENBERG: It shouldn't remove the suspension.

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SUSAN KAWAGUCHI: No, it shouldn't remove the suspension but it then it's also not delete. Actually, I think a registrar has the right to delate a domain name if a registrant doesn't respond. Let me go back and check that.

ALAN GREENBERG: Because of the complaint yes, that is indeed the case. But if you think of the process on UDRP where if you file a UDRP round about the renewal date, the registrant has to be able to renew, same sort of situation.

SUSAN KAWAGUCHI: Lisa's got a chat here.

LISA PHIFER: I was just trying to help you remember what you agreed on 3.

SUSAN KAWAGUCHI: That sounds good and I made some notes but they are not that clear. Does anybody disagree with what Lisa put up there?

ALAN GREENBERG: No.

CARLTON SAMUELS: No, sound good.

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SUSAN KAWAGUCHI: Recommendation 4 was just in response to a question we asked the Compliance Team, what would be helpful, what other information would be helpful in an inaccuracy reports because such a high number, over 50% are not either relevant, it's not really an inaccuracy report or they don't have the relevant information included. Additional outreach and education on how to file a WHOIS Inaccuracy Report. We could move that into the Outreach if we wanted to.

ALAN GREENBERG: I'm happy with what Lisa wrote on 3 and I was going to comment, 4 probably belongs in Outreach, we can juggle that at the last moment. Yes, I support it.

CARLTON SAMUELS: If you look at Data Accuracy Report of Lili, that could probably be part of that too, I'm thinking number 4. I see those Outreach and Data Accuracy things.

SUSAN KAWAGUCHI: Okay and then on Recommendation 5, it just seems like I can remember asking for a full WHOIS Inaccuracy Tool and maybe this is my own inability to find things on ICANN's website but I'm surprised, once I really looked for it I found the Bulk Accuracy Inaccuracy Reference to that tool but I do think that they could also in Outreach do publicize and encourage the use of the Bulk WHOIS Inaccuracy Tool. Right now, there is only 10 vetted and three used last year.

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ALAN GREENBERG: That was something that they used to ration out and held it close to their breast, the reason being although the Inaccuracy Reports are submitted in bulk, they are handled one by one. They really were worried and have been worried about someone submitted 10,000 requests, all of which are spurious but they have to be handled one by one. That comes back to an issue of trusted something or others. I think we're going to have to flesh this one out a little bit but I support the intent.

SUSAN KAWAGUCHI: Okay, and Carlton?

CARLTON SAMUELS: Yes, I support but take note of what Volker is saying, the manageability component to it because he says, when you do it you can't not control that can do one single ticket for 300 but the same complaint that makes it easier to manage. If it's different complaints across that 300, it becomes a lot harder to triage. What he's pointing out is that, not every registrar's tool that will allow them to win it through all the complaints and locate them where they should be in bulk.

ALAN GREENBERG: I think that also, he's talking about the registrar end, we're talking about the interface between the person filing the complaint and compliance. That comes down to what I was saying of ICANN treats each of those as a single complaint, so if I file a complaint saying, "According to domain tools, this registrar has 14,000 domains that all have the same invalid

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information,” which is quite common, obviously their privacy provider or suto privacy provider may in fact have invalid information. They get filed by the time they get to the registrar, they’re 14,000 individual complaints. I think this comes down to Compliance to think about how they handle bulk complaints and that’s not just on the complaint side but on the registrar side. That’s why I say I think it’s going to need some refining but the intent I think is right on.

CARLTON SAMUELS: I agree with Susan.

LISA PHIFER: Thanks. If I’m actually hearing potentially two different related recommendations, the one that you have, which is targeted towards making potential users more aware of the bulk inaccuracy reporting tool and then what Volker is saying sounds to me like a different recommendation that is aimed at making it easier for registrars to process inaccuracy reports related to the same domain or related to same problem.

CARLTON SAMUELS: That’s correct. That’s exactly what I was bringing up. In my view, you could seed the oats for each side as I said data accuracy or to the outreach that Alan is leading but you could take up this issue of having a tool engineered so that it has -- the [inaudible] is good for both sides, that’s what I’m saying.

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ALAN GREENBERG: I think Lisa's right, it is two different issues. Both of them however I think are symptomatic of the fact that and I don't think we can handle this with a recommendation, although I would like to figure how to word one, is symptomatic of the fact that compliance is not coming to us or to the GNSO and say, "This is what we need to our job better, we can't do it with the current policy or contracts, can you do something to make this happen?"

We never hear that from a compliance. They may put some of their wish list in when there are private negotiations but we certainly never see it anywhere else and I think that's a symptom of the problem, that they're not proactive and looking for ways to improve the situation. I don't know if we can have recommendation to say that but it's certainly something I feel strongly and it's been the case for a very long time.

SUSAN KAWAGUCHI: Yeah, I would agree with that.

CARLTON SAMUELS: Can we accept Lisa's suggestion that we carve another recommendation?

ALAN GREENBERG: Yeah, I think so.

SUSAN KAWAGUCHI: I think so too.

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ALAN GREENBERG: I'd like to put a placeholder recommendation is to essentially say, "Can we recommend something that compliance acts more proactively in developing tools and policies to enable and to their job better?"

CARLTON SAMUELS: I can't see why not.

ALAN GREENBERG: Tools that are within their bounds already but policy and contractual changes are not something that they seem to view as they should be proactive on.

SUSAN KAWAGUCHI: I think that's a good one. Can we go to the next slide? This we talked about in Brussel's, assessed the grandfather domain, see if this is a problem, if so a new policy should be to ensure all it should be created. I leave out so many words when I'm drafting things, it's ridiculous. It should be created to ensure all gTLD's adhere to the requirement and registrant data collection in the 2013 RAA and they have to adhere to them within 12 months.

ALAN GREENBERG: Susan, related to this, have we ever gotten a definitive date where the 2009 RAA disappears?

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SUSAN KAWAGUCHI: In the grandfathered domain?

ALAN GREENBERG: No, no, no it's related, it's not the same thing. RAA's only can last for five years and I believe RAA must be renewed with the current RAA. Shouldn't somewhere around 2018, the last 2009 RAA disappear?

SUSAN KAWAGUCHI: I did but I don't see the impact on the grandfathered domain because...

ALAN GREENBERG: You're right.

SUSAN KAWAGUCHI: Lisa might have a better -- I think you're right but I have not looked into that specifically.

LISA PHIFER: The answer about the deprecation of the 2009 RAA, I don't remember the date but I believe it was one of the first questions and answers addressed in the briefing and it does not necessarily apply to grandfather.

ALAN GREENBERG: No, it doesn't because grandfather is in the 2013, if I remember correctly anyway.

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CARLTON SAMUELS: I'm trying to figure why's it important here?

ALAN GREENBERG: Sorry, it was a red herring, forget it. I'll go back and look at the notes. If it's important I'll bring it up again. My apologies.

SUSAN KAWAGUCHI: What I did think is important that all domain registration, no matter what RAA they were registered under or what date they were registered, have to adhere to the new rules. It's been five years since the 2013 RAA has been put in place and most of the registrars have signed on, to your point Alan, may have expired. We're not even dealing with 2009 RAA but these domain names only have to comply with that requirement.

ALAN GREENBERG: Is it only domains that have not been renewed or is it all domains that are grandfathered?

CARLTON SAMUELS: Only domains that are not -- everybody selling at the new gTLD's must sign the 2013 RAA and any domain that is going to be renewed is renewed under the 2013 RAA.

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ALAN GREENBERG:                   Okay, so we're looking at 10-year period.

SUSAN KAWAGUCHI:               No, I don't think so. I don't think that's the way it is. That if it was registered under the -- because what Staff told me, what I'd heard from Staff, was that the intent during the negotiations was that upon renewal of the domain names, then the domain would have to adhere to the 2013 RAA.

CARLTON SAMUELS:               It's two years.

SUSAN KAWAGUCHI:               But they don't. There was pushback from the registrars who said, "No, no, if it was registered under the 2009 RAA rule, we don't have to go back and ask our registrant to update their information to comply with the 2013."

CARLTON SAMUELS:               That's new to me, I've always heard with renewal you renew under 2013.

ALAN GREENBERG:               But look, either way we have a problem. Either if Susan's right then it never get's fixed or if Carlton is right, then it may take another five years to get fixed because domains could have been for 10 years.

CARLTON SAMUEL: Yes.

SUSAN KAWAGUCHI: Yes, but and I agree with that but I don't really know if it's a problem because what if people are just proactively putting their information in there and complying with the 2013, so then it would be a nonstarter but, in WHOIS ARS Report, it definitely, 40% of those chosen, do not have to comply.

ALAN GREENBERG: But did they comply anyway? I thought we asked that question.

SUSAN KAWAGUCHI: I didn't get an answer to that question when I asked.

LISA PHIFER: I just wanted to say that my recollection is that the grandfathered records simply aren't examined by ARS once they are determined to be grandfathered. There is no data on whether or not those fields were populated for the records that were grandfather and tested by an R Cycle.

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ALAN GREENBERG: I think this is a no-brainer, we make a recommendation, if data accuracy has any important all, it must be addressed and if ICANN Board decides not to peruse it or the registrars make a case why not, fine that may happen but I think we have to say that accuracy matters and it has to be fixed. If indeed the majority of those who are grandfathered don't have a problem, then it's not an issue, if it is an issue, then we need to fix it.

SUSAN KAWAGUCHI: If you look at what Lisa has posted from Volker's email and obviously I did not read all of this email, I think he's making the argument they made back in 2013, "Highly refuse able due to requirement to touch hundreds and thousands of customers to basically ask them to add or change formatting on certain data." To me it's like who cares if you have to touch hundreds of thousands of registrations.

ALAN GREENBERG: You have to send out a WHOIS reminder every year. You are raising the issue with registrants.

CARLTON SAMUELS: But notice on Volker's, he talks about the formatting of the data. That's a different thing then saying that the data is inaccurate.

ALAN GREENBERG: Well yes but the formatting is how you know it's accurate.

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CARLTON SAMUELS: Yes, but you notice the technical way that he get's under the wire with the argument.

SUSAN KAWAGUCHI: This isn't even addressing accuracy in my opinion. This recommendation would be, yes there are formatting requirement in 2013 RAA but this recommendation would say all domain name registrations should imply with the same roles basically. That's the highlight for me and there should be no grandfathering.

CARLTON SAMUELS: And that's what Alan I think is suggesting, that we attack the problem that way.

ALAN GREENBERG: If indeed the current rules are that they need to fix it at renewal time, then we don't have a problem, there aren't that many domains that are registered for 10 years, there are plenty but not that many. If Susan is right and they argued and made the case that they should not have to do it at renewal, I'm sorry, you're accepting someone's money, it's time to do some work.

SUSAN KAWAGUCHI: Yeah, I completely agree with you. I'll flesh it out a little bit more because what I didn't do is go through and follow all the other fields that are require for a recommendation. Let me flesh it out a little bit more and then I'll send it back to all of you.

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ALAN GREENBERG: This maybe one where we don't get unanimity, so be it.

SUSAN KAWAGUCHI: Yeah, I agree. Recommendation 7, all policies implemented should require metrics, measurement, auditing, tracking, reporting and enforcement by the Compliance Team. This may not fit in Compliance, it does in my mind. This came up with the consistent labelling policy, there's not tracking, there's no metrics, there's no mapping and it just seems like if you're going to put a policy in place, you got to know if people are actually following it. Which gets us back to only reactive enforcement and not proactive.

ALAN GREENBERG: I'm just wondering how you word this, not all policies are such that one can put metrics on them.

CARLTON SAMUELS: I see that too.

ALAN GREENBERG: If you look as an example think WHOIS said, "We will go to thick WHOIS, ignore the current status." That's either going to get done or not done and don't have to measure it on an ongoing basis afterwards. Usually we use words like as applicable.

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CARLTON SAMUELS: As far as possible, I was suggesting to say, as far as possible, policies implemented should that you follow.

SUSAN KAWAGUCHI: I would argue with the Thich WHOIS that someone should go back and say, "Is every registrar providing the data to the registry, the thick data to the registry?" If they're not, they're not following the policy. I mean that would be a fairly simple one to figure out but still, there's a compliance issue there. We can add as applicable or as far as possible unless you have other comments on that?

LISA PHIFER: I just wanted to draw your attention to Volker's comment on Recommendation 7. He believes that this was already addressed with the GNSO.

SUSAN KAWAGUCHI: Okay, so let me look at that but we know that that -- it may have been address, so we'll to see and that's 2015. We know we have one policy that I think should be...

CARLTON SAMUEL: How is this addressed in the GNSO. Implies that ICANN Compliance should as far as possible meet metrics and policies. That's where the disconnect is for me. Does the GNSO says that ICANN should compliance should measure, is that what he's saying here? I'm not sure.

ALAN GREENBERG: Part of the problem with this is and if I look at the domain renewal PDP, is we did not require that things be reported so there is no way to measure them and of course there would have been significant push back at that point if we had required that registrars have to report on various things. Part of the problem is it's not necessarily always something that compliance can simply either audit or measure without the involvement of the contracted party.

SUSAN KAWAGUCHI: I'm just reading the summary for the link he provided to and this speaks about the issue report and recommended the RAA Working Group, the GNSO and ATLARGE ICANN Community in general create and support uniform problem reporting and report tracking processes. That to me doesn't get to the essence of this.

JEAN-BAPTISTE DEROULEZ: I just wanted to mention that we have two hands, one I believe is old one from Alan and the other one is from Lisa.

ALAN GREENBERG: And we're almost over the hour.

LISA PHIFER: Yes, Susan, I wasn't familiar with this one either but just quickly reviewed it and it doesn't seem like it's squarely the same thing that

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you're recommending and also, I note that the resolution adopted was that the council wouldn't initiate a PDP at this point but would wait until the end of the three-year plan period. We would now be at the end of that period anyway.

CARLTON SAMUELS: I'm still aghast as to how that has anything to do with a directive for ICANN Compliance, it has nothing to do with it.

ALAN GREENBERG: This is not necessarily a directive for compliance. This may well be a directive for the PDP's to make sure that new policy structured such that it is possible to report and have metrics.

SUSAN KAWAGUCHI: Maybe it's two recommendations or a lengthily recommendations.

ALAN GREENBERG: Well, it's certainly two components. One is that policy should integrate metrics and measurement and reporting to ensure that the policy is effective in addressing the original issue. The second is when such measurement is possible, compliance should track it.

SUSAN KAWAGUCHI: Recommendation 8 isn't really a recommendation but I put it in anyway. I am concerned on the ARS that in their reports that submission rates are really low in the global south. Is it lack of knowledge which goes

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back to the Outreach again of the inaccuracy tool or is it just not an issue for anyone in the global south? I would think it's more lack of knowledge.

CARLTON SAMUELS: I'm not sure because I think the globe itself we probably have less -- the footprint of the new gTLD is much much smaller comparatively above the equator in the Northern hemisphere where your activity [inaudible] ccTLD's.

ALAN GREENBERG: I don't really know enough about this one.

SUSAN KAWAGUCHI: Let me take another look at it and maybe...

ALAN GREENBERG: I don't think it's a recommendation but it's certainly something that we want to keep on our radar until we figure out what if anything we're going to do with it.

SUSAN KAWAGUCHI: And I know Lili reviewed the same reports and so she may have something, I haven't had a chance to read her report on data accuracy. There could be something, she may have also put something in there about this.

CARLTON SAMUELS: I can't recall seeing it, I'll have a look again. I read the report but I can't recall seeing any correlation to this but I'll have another look.

SUSAN KAWAGUCHI: Thanks Carlton. I think this was a good discussion. I'll do another draft of the report, I'll update these recommendations and fill out all the fields that I was supposed to do the first time. I had too much to do but I thought if you guys just throw these out, then I want to have gone to that work.

ALAN GREENBERG: We got to have something to do after July.

SUSAN KAWAGUCHI: I don't know about you but I got tons right now.

LISA PHIFER: I just wanted to note we're wrapping up the call but at some point, we do need address Volker's comments on recommendations 1 and 2.

SUSAN KAWAGUCHI: I can respond to his email and when I send out the next draft of the reports or do you feel like I should respond to his emails?

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ALAN GREENBERG:

Can you remind us what the recommendation is?

LISA PHIFER:

Sure. Recommendation 1 is that all new policies should be required to be measured, audited and tracked by the Compliance Team, labelling a display policy requires a registrar abuse contact email address and contact phone, would be possible to include these fields in the audit of a registrar. Volker's concern was that we as the Review Team shouldn't recommend enforcement of a registry policy against registrars, he thought we were mixing up registrar policy and registry policy.

ALAN GREENBERG:

If a registry policy we should enforce against registries.

CARLTON SAMUELS:

We should say that. That's a distinction, we say this is for the registries as opposed to the registrars, that's how I read that.

ALAN GREENBERG:

If we have a policy that is for the registries and the registries are therefore obliged to pass it on to the registrars, that's a registry issue and if they are not doing appropriately then we have cause for complaint. Just like we oblige registrars to make certain requirement of resellers.

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CARLTON SAMUELS: We have ARA agreements between registry and registrar, those exist to the extent that they exist there is a cause of action that can be disclosed through those agreements.

ALAN GREENBERG: We don't write those agreements but we can make sure that enforce the parts that are in our agreements. What is recommendation number 2.

LISA PHIFER: Recommendation number 2 was require all domain name registrations adhere to the WHOIS requirements in the 2013 RAA.

SUSAN KAWAGUCHI: It looks like I confused, I confused those and added it as another recommendation.

CARLTON SAMUELS: Right, it's tied to the one that we're talking about in 6 or 7.

ALAN GREENBERG: The 12<sup>th</sup> month period maybe unreasonable but a requirement that it has to be sometime is not unreasonable. At the very least, upon renewal or after five years or something like that. I tend to say they do WHOIS checkup every year, it should be done there but I'm willing to be a little more flexible than that.

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CARLTON SAMUELS: Nothing wrong with [inaudible] from the start though. They don't like to be prescript, they don't like prescriptions but there's nothing wrong with saying that there's [inaudible] that you already have.

SUSAN KAWAGUCHI: To me we're adhering to a nine-year-old RAA at this point. I'm sure you both need to go or all of us need to go. I really appreciate all the input. With Lisa's help and her note keeping in the chat I will incorporate this into the report and turn that around and get it back out to you; and address Volker's comments.

ALAN GREENBERG: Good meeting, thank you.

CARLTON SAMUELS: That was good, thank you all. Bye.

SUSAN KAWAGUCHI: Bye-bye.

**[END OF TRANSCRIPTION]**