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RECORDED VOICE: This meeting is now being recorded.

BRENDA BREWER: Thank you very much for standing by. Welcome to the WHOIS 1, recommendation No. 4 Compliance, call No. 3, on the 5th of March 2018, at 17:00 UTC. In attendance today is Susan and Erika, and from ICANN.org, we have Jean-Baptiste, Alice, Lisa, and Brenda. We do have a tentative reply from Thomas and Chris, and no reply from Carlton. And the call is being recorded, so state your name for the transcript. And I'll turn the meeting over to Susan. Thank you.

SUSAN KAWAGUCHI: Thank you very much, Brenda. And thank you all for joining. And, Erika, especially you, though this will probably sort of quick. Can we get that first document that I sent over to Jean-Baptiste?

UNKNOWN SPEAKER: So, Erika --

SUSAN KAWAGUCHI: Yes, this one. So, this just gives us a list of policies that I thought were important to review with the Compliance -- in, you know, issues in mind. So, Erika, what I'd asked was, you know, in the email I sent out, was that each of the team member pick a couple to review and then report back on. Carlton picked transition of .COM, .NET, and .JOBS to Thick WHOIS policy, and procedures for handling RDS conflicts with the

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privacy laws. And I was wondering if you could commit to one or two of these? Please go ahead, Erika.

ERIKA MANN:

I certainly can. I only have some difficulties because I'm on most days on a boat. So, it's a little bit challenging, because the internet -- although we have some satellite connection, it still very tough.

So, it's a little bit tricky for this week to do anything before I arrive in San Juan. So, it depends how fast you want me to do something. I can do some work today, because I'm not on the boat today, but I also have to finish some other work, too. And then I'm back on the boat again. So, you tell me what to do.

SUSAN KAWAGUCHI:

Yeah. So, this was really -- I mean it's -- obviously, we need to keep moving forward, but if you could commit to doing it after San Juan, but before the Brussels meeting, that would be fine.

ERIKA MANN:

Got you. Yeah, that's much easier, when I'm working in Brussels everything is easier.

SUSAN KAWAGUCHI:

Yeah.

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ERIKA MANN: After San Juan, I'm still a week in Washington, but I can work in Washington, so that's no problem. Yeah.

SUSAN KAWAGUCHI: Okay. So, just -- you can either tell me now which one you want to do, or you [CROSSTALK] --

ERIKA MANN: I don't care, just -- I don't care, just put something to me. I don't care. Whatever you want me to do.

SUSAN KAWAGUCHI: Okay. How about the Additional WHOIS Information Policy and that's for the [inaudible], and the Consistent Labeling and Display Policy?

ERIKA MANN: Yeah. Sure.

SUSAN KAWAGUCHI: Okay. Perfect. And then, there's some, you'll see on -- I don't know if -- well, you are on Adobe -- so, you can see on the screen a few questions, but if you have other questions that you think we all should be keeping in mind as we review these policies, that would be good to sort of provide those, too. But you [CROSSTALK] --

ERIKA MANN: Okay. Yep.

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SUSAN KAWAGUCHI: You don't need to do that right now, on the fly, but --

ERIKA MANN: Perfect. Thanks so much. I can see it.

SUSAN KAWAGUCHI: Okay. Perfect. Perfect. And then, the only other thing I really wanted to go over today was -- and could we put up that PowerPoint, Jean-Baptiste? Okay. So, this one is accuracy reporting [inaudible] report [inaudible] I read, and it was too interesting, in a few key points. So, they do this required for the ICANN reviews, runs these reports every six months, and so, this is cycle 5. They're heading into cycle 6 soon, or now.

And so, they pulled 200,000 records, and they make sure they're across all the zone files and then, once they've pulled those records, then they look to see how many records per zone file they've pulled from -- or from each gTLD that they've pulled. And so, they -- this report doesn't represent all 1,200 -- more like 700 and so, gTLDs, and they only review a sub-sample of 12,000 records.

So, and they're finding fairly good accuracy or ability to contact at 98 percent of the records, though, the operability is lower when you look at beyond syntax into operability and at 67 percent of telephone numbers are only accurate. The good news is 94 percent of email addresses and 98 percent of postal addresses were found to operable. So, there's just a few specifics I put in there. The reason I wanted to

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discuss it today is that I thought that I had not remembered that not all gTLDs are -- have to comply with the 2013 RAA requirements, and only - - so, there's 40 percent of this -- of legacy TLDs, are only required to comply with the 2009 RAA, which does not require a registrant email or phone number.

Now, I don't know how many -- the report doesn't suggest or say a number of WHOIS records that actually do not have an email address or phone number, but 40 percent of legacy TLDs are not complying with a policy that is already five years old, the 2013. So, we're going back -- they're only have to comply with a policy that's nine years old at this point. And in the report, they're indicated they're grandfathered domain names.

So, I think that could be one of -- leading us toward one of our recommendations, so I'll put that into a document and send out to everybody, eventually. But I was really surprised by that. So, Erika, you have your hand up. Did you want to talk, Erika?

ERIKA MANN:

I'm sorry, Susan. Sorry. That was just the old hand.

SUSAN KAWAGUCHI:

Okay. And so, Alan, he joined us. I'm sorry I missed that. Do you want to go? Looks like your phone is muted, Alan. So, Alan -- there we go. Nope. Muted again.

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ALAN GREENBERG: Can you hear me now?

SUSAN KAWAGUCHI: Yes.

ALAN GREENBERG: I was not muted, but apparently turning it on and then off again fixed it. Go explain. At least, I wasn't muted from my side. Someone had muted me. Okay. Of the ones that are not required to have the 2013 RAA apply, is this a problem that's fixable by decision or does it require a PDP to do it, or maybe it doesn't -- maybe it can't even be done because of contractual requirements that we can't force it at all? I think one of these we have to look at, is this a problem we can fix?

Or is it something that was decided at one point, for whatever reason, and it is not fixable, either by policy or contractual agreement, unless the each registrar agrees to it? So, I'd like to understand the background behind why they're not eligible, and what are the options going forward.

SUSAN KAWAGUCHI: So, I did dig in -- I talked to Margie about this a little bit, Margie Milam, because she actually, you know, was on the negotiation team for ICANN for the 2013 RAA, and they're intention was -- the intention for ICANN, when they negotiated the 2013, is that all of the -- the requirements would, upon renewal, would -- of the 2013 RAA, would be required upon renewal. But somewhere in there, the registrars pushed back and said only upon registration.

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So, that's, you know, what ICANN Compliance is enforcing. What I really don't know is -- is this a problem? Because what we need to find out is, are registrants going ahead and filling those fields in anyway? And I actually was talking to Tim Chen at Domain Tools about it, also. He was the same call. And -- because I think this could have -- if it's a problem, could have big implications for the GDPR, in the data minimization.

So, if this is a problem, we need to find out that out, and I don't know if ICANN really has information on that -- so, they're saying only 40 percent of legacy gTLDs only have to comply to with 2009, but how many of those really do just go ahead and comply with 2013. So, I think that's probably one of our first questions -- if we could get a sense of that, and then I would say it would be a recommendation that in the next contract, you know, negotiations that we come up to speed and into the, you know, 21st century and make sure that all WHOIS records have the same requirements.

ALAN GREENBERG: But isn't that something that we could legislate with policy, should the GNSO choose? And not make it subject of negotiation?

SUSAN KAWAGUCHI: I really don't know the answer to that. So, I mean, what is your feeling? That would be a good question, actually.

ALAN GREENBERG: My thought -- [inaudible] is, everything WHOIS is eligible for PDP policy. And --

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SUSAN KAWAGUCHI: Okay.

ALAN GREENBERG: And there should not be a question in my mind. Now, I understand the onerousness of establishing a PDP for one tiny little thing, but, you know, at some point, we have to bite the bullet and say we're going to move into the 20th century, if not the 21st.

SUSAN KAWAGUCHI: Yeah. So, that's a good point. So, I'll put that in the notes when I flesh this out more as a summary. But that's a really good point.

ALAN GREENBERG: Just -- sorry, a quick subnote -- it dawned on me that if it is eligible for PDP, it is something that -- perhaps with a minor modification to the charter, if necessary, the RDS PDP should it ever complete, could do it the same time.

SUSAN KAWAGUCHI: So, I like the idea of a PDP only one issue to solve. And maybe a PDP would get through that fairly quick, but yeah -- I mean --

ALAN GREENBERG: Yeah. It's Alan. I've advocated that a number of times, you know, that we shouldn't be afraid to have a PDP, just because of one issue, if it's a



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tiny one and shouldn't take a lot of work. Every time I've mentioned it, I've been yelled and shouted down. But I look forward to you trying.

SUSAN KAWAGUCHI:

There we go. I don't mind when people yell at me. So, that could be one of our, you know, that's something we need to think about as a whole review team, and, you know, is this something that we need to look further -- well, we need definitely need to look further at it, but -- and maybe this is one of the first recommendations that I've noticed, or thought of.

The other thing is that accuracy is significantly less in Europe and Africa, and I understand Africa. I don't quite understand Europe. So, that is something we need to delve into a little further. And then, in the new gTLDs, it's really a small subset of domain name registrations, but the registration's information has a higher level of accuracy. So, the first that came to mind is, what are new -- or are the registries requiring other processes for the new gTLDs that are not required in legacy gTLDs?

I do know that a lot of the new gTLDs haven't an acceptable use policy, and you can go directly to the registry and leverage that -- assert that, and let the -- depending on the registry, we'll usually -- they'll act upon that. So, it would be interesting to delve into why there's a higher level of accuracy there, too. Please go ahead, Alan.

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ALAN GREENBERG: Yeah. I would have thought it just because they're all new. The whole issue of legacy gTLDs doesn't apply, so I'm not quite sure how these calculations are done, but that alone may account for it. I have a question on the earlier slide -- when you were talking about the number of addresses and phone numbers that are reachable -- I think that was the word that was used -- or operable -- sorry.

What does that mean? Does that mean, if you dial it, it would ring? Or does that mean, they dialed and it did ring? Or does it mean, they dialed, it rang, and someone answered, and they verified who they are? Those are three completely different things.

SUSAN KAWAGUCHI: Right. I know it does not mean that somebody verified who they are. So, if, you know, Joe Schmoo registered a domain name and put a telephone number, they're not calling a telephone number to see that that's Joe Schmoo's telephone number. Lisa has her hand up, and I bet she knows the answer to that.

LISA PHIFER: Thanks, Susan. Lisa for the record. Yes, Susan, you're absolutely right; it does not mean identity validation -- that is the phone call went through to the party that you expected to answer the phone call. What it does mean is that it is a real working phone number, that it will ring. It might only ring and get voicemail. It doesn't mean that it actually reached a person. That's my understanding of the definition of operational validation in the accuracy reporting system.

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ALAN GREENBERG: Okay. Thank you. I presume postal addresses means, it an address the post office in that jurisdiction claims to be an accurate address, not necessarily, that it's a person and not a bakery.

LISA PHIFER: Yes, that's correct. I think they use the UPU database for that.

ALAN GREENBERG: Okay.

LISA PHIFER: Right.

ALAN GREENBERG: Thank you.

SUSAN KAWAGUCHI: So, that's all I really have today. I was hoping that we would have Thomas on the phone and could assign him some of the documents, but I'll reach out to him separately. Was there any other issues or concerns we should talk about for the Compliance team? Lisa, please go ahead.

LISA PHIFER: Thanks, Susan. I just wanted to confirm with you under the action items there that Erika volunteered to work on the Additional WHOIS

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Information Policy and Consistent Labeling and Display Policy. You had Carlton down for procedures of conflicts with local law and the transition to Thick WHOIS. Because I think that means you're left with the inter-registrar transfer policy, UDRP and URS, ERP and the Translation/Transliteration.

So, those would be the -- if I've got your list right, those would be the items you're looking for additional volunteers from Thomas and/or -- I don't know if -- I forget, Alan, if you're on this team or monitoring this team.

ALAN GREENBERG: I'm monitoring it. I may be willing to do some work as we go forward. Right now, I'm not in position to add a commitment.

SUSAN KAWAGUCHI: Got it. So, those are the policies that are left, though, you know, the URS -- for any of these policies, we should only be looking at the WHOIS component. I mean most of them do relate to WHOIS, but -- and then, from a compliance point of view.

LISA PHIFER: And so what you're asking the volunteers to do is to look at that list of questions, at least, that you had in -- let's see, let's bring up the document --

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SUSAN KAWAGUCHI: Yes.

LISA PHIFER: We started with.

SUSAN KAWAGUCHI: That was the questions -- or, I mean, there could be improvement of these questions. So, you know, they'll draft questions for Compliance, and, you know, off the top of my head, I don't know whether -- well, all of these are implemented, though, looking at them now. I mean, I know the transition isn't. We're starting over the conflicts, so it'd be good to know if they were -- to me, it's good to know if they're being implemented -- created, implemented, or being reviewed.

And then, what impact does WHOIS have on each of these policies, or maybe reverse that question -- you know, how do these policies impact WHOIS? And it's always a good question -- at least from the conversation I had with Compliance in the beginning of February, you know, are these issues with these policies because Compliance will tell you sometimes when, you know, it's like, well, "If it had said this, we could enforce, but because this is the way we've interpreted, we do not enforce on that."

Did you have other questions, Lisa? So, I sent this all out on email. I'll just -- I'll forward this -- or I'll send this out again and ask Thomas, specifically, to pick a couple, and then, I'll just pick up the others. Some of these, also, overlap with the anything new list, so, you know, it makes -- I'm finding there's more and more overlap in all these subgroups as

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we discuss them in the plenary calls. So, some of these I've read for the anything new, so I'll just pick up the other ones.

ALAN GREENBERG:

Yeah. Susan, it's Alan. That was one of the reasons that I was suggesting that some of the things in anything new, should not be, you know, actively worked on, because they're already referenced in the follow on to the last recommendations, or in one or two cases in the new things we've decided to take up. So, there's no need to replicate the same item and look at it from two different teams.

SUSAN KAWAGUCHI:

To a certain extent, but it's also good, you know, to come out asking, you know, maybe we just add that to the Compliance -- is there anything new, you know, here. But, you know, to be addressed that wasn't addressed previously in the review. Okay. Anything else we should be covering today?

ALAN GREENBERG:

Susan. It's Alan. Sorry, I'm not easily put up my hand right now. I think that -- what you just -- applied but a slightly different twist -- is something valid? I think we should we ask Compliance, is there anything that you believe we should be recommending that would make your life easier? Other than, remove all compliance requirements, which would make their life easier.

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SUSAN KAWAGUCHI: I will add that to the list of questions. Good point. Okay. So, you know, once we get these -- the reviews that we're compiling -- I'm compiling quite a list of questions to move forward, or to talk to Compliance again, and so we do need to, at some point, brainstorm about exactly how we're going to do that -- whether, you know, we can just send them the questions and get a written response and then review it on the phone, or we actually need a trip down there, or, you know -- because out of the first phone call, I compiled several questions, 10 or more came out of that, where we want to interview other people -- other employees on the Compliance team, for example. So, just give that a thought. After you've stopped thinking about ICANN61.

ALAN GREENBERG: And the face-to-face.

SUSAN KAWAGUCHI: Yeah. And the face-to-face. So, hopefully, we can get some more -- we'll at least have a phone call -- the Compliance -- before the face-to-face. Because that would be good to have that to discuss. Okay. Lisa.

LISA PHIFER: Thanks, Susan. It occurs to me that it might be helpful to think through a timeline of when you would cut off your list of questions for briefings and for that to Compliance, so that a meeting could be scheduled. And I don't know that we have to think through that timeline in this call, but you might want to look at a calendar and think about that -- if you wanted to have them before Brussels.

ALAN GREENBERG: I would think we have to do at least some phase before Brussels; otherwise, we're running out of time.

SUSAN KAWAGUCHI: Yeah. I would agree. Okay. I will take that on as an action item for me, and come back and propose that in an email to the subgroup. Good point. All right. If there's nothing else, thank you all for joining. And, Erika, enjoy your trip on the boat, cruise -- I'm not sure what you're doing.

ALAN GREENBERG: Thank you for giving us back a half hour.

SUSAN KAWAGUCHI: Yep. Okay. Thanks, all.

ALAN GREENBERG: Bye-bye.

SUSAN KAWAGUCHI: Appreciate your time. Bye.

**[END OF TRANSCRIPTION]**