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BRENDA BREWER: Good afternoon, everyone. Welcome to RDS WHOIS2 Plenary Call #34 on 16 July, 2018 at 15:00 UTC.

Attending the call today is Alan, Dmitry, Volker, Lli, Susan, Stephanie, Carlton, and Cathrin.

We have no observers at this time.

From ICANN org we have Alice, Brenda, Lisa, Jean-Baptiste, Amy, and Trang.

Apologies from Erika and Thomas.

I'd like to remind everyone today's call is being recorded. Please state your name before speaking. And Alan, I'll turn the call over to you. Thanks.

ALAN GREENBERG: Thank you very much. Are there any changes to statements of interest?

VOLKER GREIMANN: Yes, Alan. Just to announce that KeyDrive S.A. which is my employer has been acquired by the CentralNic group, so that's industry consolidation that has [recently occurred]. It's still set to close, but obviously, there's probably nothing this rolling train at this stage, so I wanted to update that.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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ALAN GREENBERG: Thank you very much. I trust you're staying on with them. As far as we know, anyway.

VOLKER GREIMANN: Sure.

ALAN GREENBERG: Thank you very much. We'll note that. No more other statements of interest. We will go on to the first item on our agenda, and that is subgroup status update. And I believe I will turn this over to Lisa.

LISA PHIFER: Thanks, Alan. With the meeting materials that Jean-Baptiste sent out for today's plenary, you'll note that there were two documents attached: a subgroup report assessment tool and a recommendation assessment tool. The subgroup report – I think it was a gap assessment tool. Actually, Jean-Baptiste, can I ask you to actually display this on screen while I'm speaking? Starting with the subgroup report tool.

JEAN-BAPTISTE DEROULEZ: [Show window].

LISA PHIFER: Thank you. So the subgroup report gap assessment tool is intended to be a tool to help us identify where our subgroup report still needs some work to flesh out subjects that weren't fully addressed, or in some cases

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simply moved text that was provided in the subgroup report to the appropriate subsection in the full review draft report.

So you'll see in the assessment tool, it's broken down by subsection from our template and tries to call out the items that are expected to be in each of the subsections, and then whether they are provided, that would be the checkmark. Whether they're provided but simply probably in the wrong section of the subgroup report, that's the M for moving the text, and then a U indicates that there is text but the text is actively being updated by the subgroup. So rather than say that the text is done, it indicates a U, noting that it's being changed.

Any place where you see a blank, so in this table, it means that I could not locate that material in the subgroup report. And so possibly, it's there and you'll just need to call that to our attention, or it's text that needs to be still crafted in order to completely fill up the sections that we'd envisioned for each of the subgroups.

In this gap assessment tool, there are also a couple of tables, a table starting on page two and then page three of additional comments that came up during the review of the subgroup report. So in the case where text is missing, the comments may provide some guidance as to what might be helpful to flesh out the missing material.

So that's one tool that we have available to us to help bring all subgroup reports up to the same level of completeness and a similar organization. You'll see at the bottom of this table there is a section that says "For review team to answer," and this we intend to be a tool for our face-to-face where we can discuss a particular subgroup's output and then

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determine the level of consensus that we might have within the group and sort of an overall feeling of whether the section is clear enough whether it's concise enough – that means short enough – and also whether additional edits are expected.

We may flesh that out a little bit more between now and the face-to-face, but the idea is that these are questions that we should ask ourselves as we go through the subgroup sections in our face-to-face.

Switching now – Jean-Baptiste, if you could display the other tool – the second tool that was attached to the plenary materials is intended to let us assess the recommendations themselves. So not all subgroup reports of course have recommendations, but for those that do, the recommendations are listed in this table. And again, breaking down each of the recommendations into the material that is expected to be presented as part of each recommendation.

Those are not necessarily separate – they don't necessarily all have separate titles, if you will, in the recommendation, but the recommendation is expected to answer all the questions that are shown in the left-hand column of this tool. And then what you see again in the cells here, [it might take] looking at the recommendations in their current form as to whether all those questions were answered. Some of these may be fairly simple for subgroups to add a few sentences to address, and some may require you to discuss the questions further as a subgroup to come to the face-to-face with answers.

Again, at the bottom of this table, there's a section for the review team to answer, and this would be the kinds of questions that we're going to

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try to answer when we get to the face-to-face meeting. Again, do we have consensus? What is the level of consensus on the recommendation? Is it specific enough? Is it measurable? Is it achievable? Is it time-bound? So these are the questions that our terms of reference ask us to address for each recommendation, and this is intended as a tool to help us sort of organize our thinking as we get to our face-to-face meeting.

So I think what we're hoping is that each of the subgroups will take a look at their portions of these two tools, and where there are gaps, perceived gaps in either the subgroup report or in specific recommendations, that that subgroup put forward that you make an attempt to try to fill those gaps between now and the face-to-face meeting. And if I perceived a gap that you don't, all you'll need to do is call out where you believe the text is that I missed. But this'll help us have a really solid basis for our face-to-face meeting, or at least we hope it will. And I think I'll turn it back to you, Alan.

ALAN GREENBERG:

Thank you very much. And what is our next – sorry, I need to go back to the plenary call. Alright, the next item is our current subgroup status. I'll note in passing, I forgot to ask in the beginning, is there Any Other Business? And in fact, I have two items that I meant to add, and I put them in the chat. One is timeline adjustment and the second is a WHOIS1 implementation gap analysis.

And before we go over to the next item, which I think I'll turn back to Lisa, that is the subgroup status update, Susan has a question.

SUSAN KAWAGUCHI: Yes, thank you very much, Lisa. I think the tools are really helpful, and I'll go through my report based on where I have checkmarks or meetings done. But on the – I think it was on the second slide – on the impact, [I just] struggled with knowing how to answer that and I was wondering if you had any hints for that.

LISA PHIFER: Thanks, Susan. So you're asking about the part of the recommendation where it asks for the impact of the recommendation?

SUSAN KAWAGUCHI: Yes.

LISA PHIFER: So that is envisioned to be, what impact would carrying out the recommendation have? Which parties would be positively affected, should the recommendation be adopted and implemented? And what would the impact be if the recommendation is not implemented?

So that was the original thinking. I believe that many people, when they filled out that section, talked about which parties would actually be sort of carrying out the implementation. And that question is to be answered, but that alone is not the impact. The idea is to give some guidance to – well, ultimately the board, I suppose, of why it is important to adopt this recommendation and implement it, and what

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would the consequence be if the recommendation wasn't implemented.  
Does that help?

SUSAN KAWAGUCHI: Yes, that does help, because I think that was in the first group where it was like, "Okay, well, the registrars would have to do this or ICANN would have to do this." Okay. That makes more sense to me. Thank you.

ALAN GREENBERG: Yes. The impact of not doing it should probably be listed as a separate section, because I don't think that's implicit from the title. So we may have a bit of adjustment to do there. I note Erika is now with us, although she probably cannot speak at the moment. But that makes us a pretty full call.

And the next item on the agenda is the subgroup status, and go into the substantive part of our discussion on trying to move forward on some of these groups. And I'll turn it back to Lisa to lead it, and tell us which section we're going to look at first.

LISA PHIFER: Thank you, Alan. Just before we move into the first subgroup to discuss today, we have Slide 6 of the plenary material on screen now, and that is the table of all the subgroups and their statuses. This table has not actually changed since our last plenary call. There was a subgroup meeting of law enforcement last week where they did make some progress on getting the survey ready to actually launch, but I did not see

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any other subgroups talking on their lists or putting forward an updated draft of the subgroup report.

So just calling to your attention that this is our last week pretty much before our face-to-face week, so hopefully, we can get a little bit more out of this week. We're going to try to do that in part during today's call by focusing on a couple of the subgroups. So with that, let me go to Slide 7.

ALAN GREENBERG:

Yes. Before we do that, Lisa, I'll note one of the few green tick marks in the last column is mine on outreach, and during the presentation in Panama, I realized that the slide said for outreach it was fully implemented. Clearly, it wasn't, because at the very least, the outreach component had not been done. And discussing with Lisa just before this meeting, we realized there is no real place in our subgroup drafts that it says, was it done or was it not done? A nice, concise green tick mark or a red X, effectively, or maybe an orange X.

So that, I think for all of the reports, we're going to have to go back and make sure that it does have a definitive answer. And Lisa had a suggestion for where that could be, so I think even the green tick marks may have to be slightly adjusted because of that. Thank you.

LISA PHIFER:

Alright. Thank you, Alan, and my suggestion for that belonged in the report is actually in the last subsection of each subgroup output is the section on recommendations, and my suggestion was that that



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subsection begin with a paragraph that states, just as we did for the ICANN62 slides, was the recommendation fully, partially, or not implemented. And then for some subgroups, that would continue on to the list of recommendations or other subgroups that might just bring us to a sentence that says there are no further recommendations needed at this time.

So it would be a concluding sentence. We can prepopulate the review team draft report with the statements to that effect from the ICANN62 slides, and then of course you all can adjust that based on your continuing discussion. In Alan's case, of course, Alan, you would revise that from fully to partially implemented and explain why.

ALAN GREENBERG:

Yes. Alright, back to you.

LISA PHIFER:

So moving then to Slide 7, I believe the first subgroup that we picked to discuss today is the subgroup looking at privacy and proxy services, Recommendation 10. And the text that Jean-Baptiste included in the slide deck today is actually the text from the ICANN62 slides, but this is intended to provide a foundation for this subgroup to present where it is and solicit any feedback both from subgroup members and from the full review team. And Volker, since we have you, can I ask you to talk us through the next couple of slides?

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VOLKER GREIMANN: Sorry, I just see this – hold on. I hadn't been able to prepare because of certain internal issues [that had to be] dealt with last week which had to do with the change of my statement of interest, of course. So I'm a bit underprepared for this, but I can of course [inaudible] what we have here.

Nothing has changed since we last met at ICANN. We haven't had any subgroup meetings, and also, the frequency of e-mails on the list has been close to zero. So no discussion of substantive content has taken place. I would say that everything that we presented at ICANN still stands at this point with no new developments.

ALAN GREENBERG: Volker, two questions. Number one, can we talk a little bit about whether we should call this fully implemented or not in light of the question that was raised during the meeting of specifically, if it isn't implemented, how can we say fully implemented? And there's a subtle question of, was the recommendation implemented, or was privacy/proxy implemented? And that, I think, is the distinction.

The second thing is, can you give us some idea of where the contention points still are if there are any? And sort of address how we're going to clear them up.

VOLKER GREIMANN: It's a good question. I think the recommendation in itself was fully implemented as the required board action and community actions have already taken place, and while it's still the implementation phase of the

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working group's results, that does not reflect on the implementation of the original recommendation by the board or by the community. Although there is a certain argument that will be able to say that full implementation would only be seen once the accreditation program is up and running, but personally, I wouldn't see it that way.

As far as the contention points, there is still a debate of whether we should recommend certain rights of ICANN to conduct compliance action. However, I think we can resolve that at the face-to-face. Other than that, if I remember correctly, there wasn't much contention about the piece here.

ALAN GREENBERG:

Thank you. On the fully implemented, we probably want to make sure we note carefully that we understand the difference between the implementation or effect of the implementation squared and just make it clear that we're doing this knowingly, not by accident. Stephanie has her hand up. Please, Stephanie, go ahead.

STEPHANIE PERRIN:

Thanks, Alan. And Thank you, Volker. I haven't been following this IRT lately, but the last time I checked in, I became deeply concerned that the prices that ICANN had in mind were going to literally price the proxy services out of the market, in which case we would have a successful operation, but the patient died, if you follow me. We've accredited them, we've gone through the process, it's all fine, ticks the box, but if nobody is going to be offering these services anymore because they're

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too expensive, then we have achieved a policy outcome that might make some people happy.

So I wonder if, A, has there been movement on that? Have we seen a drop in prices? And B, if not, can we make a note that until we see affordable services accredited and on the market, we can't really completely tick the box. Thanks.

VOLKER GREIMANN:

Thank you, Stephanie. Yes, that is something that we are addressing as part of the issues that we have found with the recommendation. However, that is actually still a moving process, it's very hard for us to comment at this stage because there's no real data of how this will turn out. [inaudible] Cyrus and Akram at the last ICANN meeting, and they promised they will look into the pricing again. However, they restated that they are figuring these prices are based on a cost recovery principle and there wouldn't be much room for reductions. And as to the person who should bear those costs, they would look into that again as well. But as far as I know, there has been no movement on that.

In fact, the working group has not met since the ICANN meeting either, so we're still waiting on the legal review that ICANN is conducting, and I assume that during that legal review, they will also review the pricing issue, but no movement has been recorded on that issue as of this time.

ALAN GREENBERG:

Thank you, Volker. Stephanie, any follow-up?

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STEPHANIE PERRIN: Alan, Just to say that until my fears have been allayed, I think we should just put a marker in on that, that it may be that the services have become unaffordable. Thanks.

ALAN GREENBERG: Thank you. Lili, please go ahead.

LILI SUN: Okay. Actually, I read the concerns before in the mailing list. The data [accuracy] issue regarding the domain [inaudible] service. So the accuracy will be dealt by this subgroup. But from this as a draft report and [implementation] during the ICANN62, I didn't see the accuracy topic has been dealt by this subgroup.

ALAN GREENBERG: Volker, do you have a comment on that? I do, but I'd like you to answer first if you have something.

VOLKER GREIMANN: I mean, we have addressed this issue in general when we looked at whether the PDP Working Group has implemented the previous recommendation, and data accuracy has been part of the debate of the working group. In fact, the recommendations of the working group include recommendations that all obligations that a registrar has with regard to data accuracy would also apply to privacy/proxy provider in case that accuracy check has not – the verification or validation has not already occurred on the registrar level. So basically, all registrations on

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the privacy/proxy service are required to have the same verification and validation steps undertaken that registration [inaudible] services have to undergo.

ALAN GREENBERG: Thank you. And Volker, that was in the recommendation of the Privacy & Proxy Working Group?

VOLKER GREIMANN: Correct.

ALAN GREENBERG: Okay. Yes, I wasn't aware of that, and clearly from an ICANN point of view, the registrant is the privacy/proxy service, so I'm glad that was done. Was there any suggestion during that PDP however on how any verification could be done? Because clearly, only the privacy/proxy service has access to that data in normal circumstances.

VOLKER GREIMANN: Based on the various models of how these proxy services and privacy services operate, this has been discussed, but no viable solution that would not also cause violation of the service itself has been presented, so that was not included in any recommendations.

ALAN GREENBERG: Okay, so that could be a note.

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VOLKER GREIMANN: [inaudible]

ALAN GREENBERG: I'm not sure we're in a position to make recommendation, but we certainly could note it.

VOLKER GREIMANN: Agreed.

ALAN GREENBERG: Alright. I was just going to make a comment on the cost issue. When we talk about pricing out of the market, what we're really saying, I think, is that for small operators, it's going to be far too attractive to go under the table and not admit you're a privacy/proxy service than to pay the fees. Unless the fees are highly graduated to reflect the fact that a small operation does not have the same wherewithal to pay the fees as a large one does. Is there currently discussion in the privacy/proxy implementation group on graduated fees, or is it heavily frontloaded because of the cost to ICANN to actually do the verification?

VOLKER GREIMANN: The pricing of the model is entirely ICANN-driven. ICANN has presented its pricing, then taken about half a year to justify that pricing. Essentially, ICANN is charging privacy/proxy service providers the exact same amount that they are charging registrars annually and for

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accreditation without the variable fees, so there's no per domain or per contract fee, but the basic fee remains the same as it is for registrars. And there has been significant pushback on these fees, but ICANN has not budged an inch, just pointing out again and again that this is on an accost recovery basis and that the money would have to come from somewhere.

ALAN GREENBERG: Yes. I can see the cost to ICANN on the initial accreditation. I'm not quite sure what the costs are on an annual basis to ICANN.

VOLKER GREIMANN: Neither are we.

ALAN GREENBERG: Okay. Thank you. We have several hands up, but I think they're all old at this point. And at this point, Volker, are you feeling comfortable with going into the face-to-face meeting without a work group meeting in the interim?

VOLKER GREIMANN: I think that's the reality of the situation that we have to deal with, but I think there are not that many questions still open, so I think we would be able to do it like that. I would still recommend just for every subteam member to have just another brief look over the recommendations of the initial working group just make sure that everybody's memory of these is fresh so that we can have a substantive discussion that moves



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quickly rather than having to look up every single point again and again. I think that's something I have on my schedule as well, to just be properly prepared for this.

ALAN GREENBERG:

Thank you. We have a queue of Lisa, Susan and Lili. Lisa, please go ahead.

LISA PHIFER:

Thank you, Alan. I would like to have a plan to address Lili's concern, whether that is Lili suggesting some text for the subgroup report or a plan to talk through her concerns and how that affects the report, because I'm afraid if we continue to have the issue raised but then no plan to take the next step, we're not going to resolve it.

The other reason I've put up my hand is, Volker, to ask you to take a look at the report gap assessment tool, and you'll see that there were a couple of things that I couldn't find in your subgroup report that perhaps you could include in your final update.

One was that issues that are enumerated, they don't seem to tie back to the analysis very clearly. And if you take a look at it yourself and see if there's some way to tie those things together so that the reader doesn't just read the analysis and then see its sort of disjoint set of issues but rather sees a flow of your thinking. I think that would improve the section.

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And then the other thing is that there was no identification of impacted groups for each of the issues you identified, and that's probably a pretty easy fix to the text that you have already in draft form. Thank you.

VOLKER GREIMANN: Thank you.

ALAN GREENBERG: Lili, please, unless Volker has a comment. I'm sorry, Susan next.

SUSAN KAWAGUCHI: Thanks, Alan. Back to the discussion on is it fully implemented or not, I think I have to back off of that at this point because, A, we did get the comments and the questions in the session, but also, if we look at this – let's just pick one that's centralized, WHOIS lookup for example. If that had just been agreed upon by the board and ICANN org was instructed to do it but hadn't done it, I don't think we would have agreed that that was implemented fully.

So I think we just need to provide stages of implementation, which is basically what everybody else is talking about too, but I wanted to just make sure that we weren't so bold as to put "fully implemented," but it is on the road to implementation or something, and what is implemented?

On the pricing, that recommendation also suggested incentives, so when we actually publish our report, if the pricing part has not been resolved, I would suggest that we encourage ICANN to provide

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incentives to the bodies that are requesting the accreditation. So maybe they start out with a lower price or after a year, good behavior and doing what they're supposed to do, they get a refund back on their accreditation fee, something, because that is part of the original recommendation.

And then the other point on data accuracy, I copied into the chat the language from the PPSAI final report about accuracy, and the proxy privacy customer information is held to the same standard as the registrant information, is the way I read the report, and that was the intention when we drafted that section. So I don't know if that fulfills Lili's concerns or not.

ALAN GREENBERG:

Thank you, Susan. Lili?

LILI SUN:

Yes. I just want to respond to Susan's comments in the chat. Actually, I know that the validation and the verification also pertain to P&P service. But in the data accuracy subgroup [inaudible] background materials, I found that actually, for the WHOIS [AI] project, [we'll need to consider] WHOIS data as relating to a P&P service. [inaudible] was closed in the first place. They didn't even go to the registrar. So actually, there is no check whether the P&P service provider uses validation or verification. So I also [inaudible] comment in the chat that actually, this is regarding the compliance actions.

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ALAN GREENBERG:                    Anyone have a comment on that? I do, but I'm not the best expert on it, so if anyone else would like to comment.

VOLKER GREIMANN:                Well, just that GDPR has taken care of equalizing the playing field on that as well, because the checks for the accuracy on whether these checks have been performed or not. It's also more difficult under the GDPR with regards to this for [inaudible] that do not have this service. So basically, the non-privacy/proxy registrations have come to the same level that is expected for the privacy/proxy service accreditation. So I think the recommendation of the working group still stands, and with the GDPR in place –

ALAN GREENBERG:                    Volker, can you speak up? People are saying they can't hear you.

VOLKER GREIMANN:                The difference has become a lot smaller under the GDPR, I think, so I see no reason to treat privacy/proxy service providers worse than normal registrars in this respect.

ALAN GREENBERG:                    Volker, can I ask a question? Because now I'm confused. I thought there was absolutely no way that ICANN can do any level of verification on the real registrant data. Not the registrant of record, which is the privacy/proxy service, but the beneficial registrant. My understanding was there was no way we could unveil the real user to do that

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verification other than to trust the privacy/proxy service. Am I missing something? Have we lost Volker?

VOLKER GREIMANN: Sorry, I was on mute there. Yes, I'm just saying that it's going to be similar to what will be the new status quo under the GDPR for non-privacy/proxy registrations. The amount of – yes?

ALAN GREENBERG: No, I was going to say on GDPR, it may not be the rule today, but it is conceivable that ICANN itself, to be able to do accuracy checks, could have access to the full WHOIS record. Whereas with privacy/proxy, I don't believe that option is there. That's the difference.

VOLKER GREIMANN: I would agree to that. I would agree that that is the case, but I don't see any workable solutions to that issue that wouldn't violate the trust of the privacy/proxy registrations' beneficiaries. And with checks, again, for accuracy from Compliance with regards to normal registrations, there is a certain element of... How do you best say that? There has to be some indication that there's inaccuracy in the WHOIS and that triggers the verification and validation. Whereas with a privacy/proxy service provider, that indication of inaccuracy is already missing, so that wouldn't – so the trigger that usually triggers WHOIS inaccuracy action by ICANN is already missing.

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ALAN GREENBERG: Okay. So I think what you're saying is I didn't miss anything, that there really is no way that ICANN can penetrate that and do anything resembling an accuracy check on the beneficial registrant for a privacy/proxy service.

VOLKER GREIMANN: There is one method. We have processes for reveal and relay of underlying information where there are parties that have legitimate interest in obtaining that data, and once that data is being revealed or relayed to that party, then of course, inaccuracy would become plain to see, and that could then trigger a compliance action. So I would say for those records where a reveal or relay of the data has occurred, then that could also lead into a compliance action. But that's of course a lot less than what's available for other registrations.

ALAN GREENBERG: Yes. Okay, so I think we're all agreeing that there really is no way to do accuracy checks in a general case. Yes, if a UDRP was filed, suddenly you have the ability, but that's a pretty rare case.

Susan, please go ahead. And I think we have to move on to the next item.

SUSAN KAWAGUCHI: I think the intent of the wording in the PPSAI report was that the vendor or provider takes that responsibility on so that when it is revealed, that it is actual information. And my anecdotal experience is about 50-50. You get junk which is obviously not even words sometimes, and then

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you get actual information. And then I dealt with that directly with the provider, but I've also sent that in to ICANN and said, "Look, this is what I've got" and I didn't get much of a help or response there. But Lili's right, and I was misunderstanding her point of view. So I'll write up something and put that in for the compliance report, and then we can talk about it in Brussels.

ALAN GREENBERG: I certainly think we could certainly make a recommendation over and above what is in the privacy/proxy, and do it either on the compliance or privacy/proxy, that if there is reveal and it is demonstrably not accurate – and you said perhaps half of them that come out of UDRPs or URSes look like that – that Compliance must take action in those cases.

SUSAN KAWAGUCHI: No. It had nothing to do with URSes or UDPRs.

ALAN GREENBERG: Okay. Well, any reveal.

SUSAN KAWAGUCHI: [It has to do with] simple reveals. Yes.

ALAN GREENBERG: Yes, okay. In any case, if it becomes obvious, it shouldn't be up to you to submit a compliance report at that point, I would think. I think there's enough evidence that Compliance could simply step in when those

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come up. So maybe we want to consider a recommendation like that in one place or another.

Lisa, back to you then. Let's go on to the next item.

LISA PHIFER:

Thank you, Alan. Just pointing out that Volker's – to sum us up here on privacy/proxy, Volker's request that all subgroup members take one last look at the subgroup report and identify any action or issues they may have with the current text, and then Volker, you have an action to address those along with any gaps in that subgroup report and get it back to the full review team.

I would like to ask that that happens by the end of this week so that we can prepare a full report for the review team to review in its entirety in advance of next week's face-to-face. I realize that everyone has many other things on their plate, but I'd like to suggest that be the target.

Moving on then, the next topic we've identified was Recommendation 11, the common interface section. And Jean-Baptiste, if I could ask you to advance the slides, there you go. And again, the subgroup report was presented at ICANN62 by you, Volker, and there were no specific questions raised on common interface, I think, other than there was a question someone asked about what happens when the domain that's a subject of a query is internationalized, and are there some blank fields in the response being returned in the common interface? If I recall correctly.



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Volker, is there anything else that you can flag for us as a remaining open issue for the common interface? I know that the recommendation text itself might need to be solidified.

VOLKER GREIMANN: Yes, I think we mainly only need to do just a bit of cleanup on the language of what [inaudible] points. I don't think there's anything [inaudible] to debate, so I think we are in a good place here if we can just [check] the language and make sure that we dot all the Is and cross all the Ts.

LISA PHIFER: I see Susan has her hand up.

SUSAN KAWAGUCHI: So since the advent of GDPR, the enforcement of GDPR, [I've] used common interface a lot to look up WHOIS, and finding – and I've probably got four different instances where registrars have timed ICANN out and are not allowing lookups, and so then I brought this up at the ICANN meeting in Panama, and ICANN staff came to me and said, "This is a big problem we have."

But I haven't had the time to delve into this further, so we should – I can send to the subgroup the screenshots showing the responses I've gotten, and I think we should note that there may be an issue with registrars fulfilling their terms of the RAA to provide access by ICANN org – or through ICANN org really is how it works. Because if they're

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blocking ICANN's access, then who else are they going to block? So it's a problem.

LISA PHIFER: So Susan, if I could ask you to take the action to suggest how you think that should be reflected in the common interface by sending an e-mail to the subgroup list.

SUSAN KAWAGUCHI: Yes I'll do that along with the screenshots.

LISA PHIFER: Good. Thank you. And Volker, I see you have your hand up.

VOLKER GREIMANN: Yes. Just to respond to Susan, when we are blocking access to WHOIS records to ICANN, this is not intended to block ICANN from these records, but rather block the tool that ICANN has provided to the rest of the world to provide WHOIS access to full data. So basically, we are complying with the temporary spec, and that applies to everyone, including ICANN. Because if ICANN is providing a WHOIS service to the rest of the world, we cannot just go ahead and say, "We are blanking out the WHOIS, but if ICANN displays the WHOIS, then you get the full experience." That's not how the GDPR works.

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SUSAN KAWAGUCHI: No. This has nothing to do with GDPR. You can get records from redacted records like [C] records all the time. I've probably looked up 2-300 records on the common interface just in the last month, and you get the redacted GDPR compliance records. This is not returning any results. Just because GDPR exists doesn't mean that a registrar doesn't have a responsibility to provide a record. Even if all they do is limit it to generated data and registrar and registry data, they still have to provide a record. So it has nothing to do with that at all, it has to do with not allowing the lookup to go through ICANN to the registrar.

And what's happened – and maybe this was going on all along and I just haven't been using their lookup tool – is what we thought was a fully implemented recommendation is now reverting to not being a fully implemented recommendation. Because if not all registrars comply with this and return some sort of record – they can't time ICANN out and block them – then that's not fully implementable or implemented. So it has nothing to do with GDPR, it has to do with access.

VOLKER GREIMANN: So I think you're talking about rate limitations that certain registrars have implemented, right?

SUSAN KAWAGUCHI: Exactly.

VOLKER GREIMANN: Where you get a number – if you get [inaudible] the requests. Yes, certain registrars do that to prevent harvesting of the data, which was

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also of course a problem with the [inaudible]. It probably should be less of a problem now. So ICANN should probably talk to these registrars, but I think that's something that we identified pretty early on in our review, that ICANN does not actually track these metrics of when a registration record is not displayed because of certain rate limitations. And I think we reflected that in our recommendations as well, that this data be tracked in the future and therefore may lead to a better quality of service.

SUSAN KAWAGUCHI: Yes, I agree, but I think we should just – because it seems to be a growing problem, and that's according to just a brief conversation I had with somebody internally at ICANN, so that is the –

VOLKER GREIMANN: That would be [useful] information.

SUSAN KAWAGUCHI: Yes, it would be.

VOLKER GREIMANN: Could you share some information regarding that?

SUSAN KAWAGUCHI: If I get it, if I get more, I will. Yes. I just haven't had time to follow up.

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VOLKER GREIMANN: [Because I didn't] know that, and that would be interesting indeed that – if this actually is on the increase, I wouldn't see any justification for that, so yes, that would be interesting to see more information.

SUSAN KAWAGUCHI: Yes. Okay. I'll see what I can dig up.

ALAN GREENBERG: Yes, I can certainly confirm that on one of my domains, when I go to the registrar, I see completely different information than when I go to the WHOIS portal. So we have a problem, and I suspect it has only happened recently. So I just don't think we can ignore it.

VOLKER GREIMANN: [inaudible]

ALAN GREENBERG: Go ahead.

VOLKER GREIMANN: That may be an issue of whom the ICANN portal is querying. If it's a thick registry and the ICANN portal is only querying the registry as they expect the data from the previous [edition] to be there, then they will get a different result than if they would be querying the registrar that now has to output certain other information as well under the temporary specs. As the obligations under the temporary spec have changed, there may be a difference between what the registrar and the

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registry is outputting, and the ICANN portal, I believe, is still programmed pre-GDPR as it relies on the registry.

So it depends on the TLD and whom the portal is querying. So that may be an issue as well. That is also probably a GDPR issue [as we] previously said that we would [exclude] those, but if that is a growing problem, then we might reverse that decision on this point.

ALAN GREENBERG:

You may well be right in this case, and I haven't checked what the registry produces, but nevertheless, if we're in a situation where the ICANN WHOIS portal, which we are saying should be the one people rely on, is not working, then we have a problem. But you're right, under how different groups have implemented GDPR, we may well have an interesting situation that for a thick domain, we may have different answers coming from different people.

Alright, I think we seem to have finished the queue on this one, so back to you, Lisa.

LISA PHIFER:

Thank you, Alan. So just to recap just as with Recommendation 10, for Recommendation 11, the common interface subgroup members are asked to send any remaining concerns they have to the list. That includes the action Susan took to reflect the discussion we just had about timeouts, and then Volker to incorporate any final changes into that draft and to get it out to the full review team.

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I note in chat Volker said that the end of the week was difficult for him. I do have a general concern – it doesn't apply just to these two subgroups – that we do need a target by which all subgroups will have the text they want to be folded into the full draft report clearly made available to us so we can go ahead and get ready for the face-to-face meeting. Alan, I don't know if you have any guidance as to what that sort of drop dead date should be.

ALAN GREENBERG:

Well, one of the questions is, we're scheduled to have a meeting on Monday. If we're still going to go ahead with that meeting, then clearly, there are going to be substantive things happening then. On the other hand, I presume you're getting on a plane on Tuesday. I don't know how early or late in the day that is. So we have to allow you at least some time to integrate the stuff that we're doing. Do you have pretty much all of Tuesday, or do you leave early on Tuesday?

LISA PHIFER:

I leave early on Tuesday. It takes me two days to get to Brussels.

ALAN GREENBERG:

No comment. Clearly, there are going to be some changes that get made on Monday if we're having a meeting. And I hope we are, or at least I believe we are. I would say we really need things to go to Lisa no later than Sunday other than things that are happening on Monday. So that gives you the weekend. I can't see anything later than that. I'm saying this without having asked Lisa ahead of time. Does that sound

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reasonable or not? But if some of us try to get our stuff to Lisa well before the end of the week, then hopefully, she can integrate the ones that only show up on the weekend. Lisa, am I putting you in an awkward position?

LISA PHIFER:

I think you're reflecting reality. I do want to have the full draft out to the review team so that as everyone travels, they can have a read through it so we don't walk into the face-to-face having that be the first time we look at the full report. So we'll do our best to integrate what we have by the end of Sunday into the full draft for the review team. And I'll say that we'll try to have that full draft pulled together by the end of my day Monday.

ALAN GREENBERG:

Okay. Where are we in the agenda? Sorry, my Adobe Connect either disappeared or froze.

LISA PHIFER:

Alright, we are now moving on to Recommendation 3, outreach, Alan.

ALAN GREENBERG:

Alright. Okay, I can –

LISA PHIFER:

[inaudible] Slide 13.



ALAN GREENBERG:

Okay, I will talk to that one even if I can't see it right now. And if someone else could handle the queue, please, until I can get back in or at least get back live. That one was fully complete. As I noted during the presentation, or prior to the presentation, I noted that the slides said fully implemented. At that point, I said, well, we can't really call it fully implemented, because the outreach part wasn't done. So I think we have to qualify it for that.

And on further reconsideration, we're also saying, yes, the ICANN org implemented a whole bunch of new stuff, but did not even try to coordinate it with the things that are already on the web. So I'm tempted at this point – and we can certainly discuss it more at the face-to-face – to lower the implementation to partially implemented, even for the “provide documentation” part. And I think that can be justified based on the further recommendation we're making. Although the further recommendation says, “Don't do it until we know what's happening with GDPR,” just because it's not worth doing on an interim basis now, it could well have been done four, five years ago if they had looked at it in a different way. So my inclination is to change the big green tick to something that's much more partial than we originally had. Other than the verbiage that goes along with that, I believe the report is stable, and we haven't had any comments on it in a long time.

Alright, my Adobe Connect now seems to sort of be working again, and I see no hands. And now I see a hand from Lisa though, so go ahead.

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LISA PHIFER: Thank you, Alan. Alan, I would ask that you take a look at the gap assessment tool, both for the subgroup section and also for the recommendation. There are a few items you could flesh out in the recommendation itself, and then there's just a little bit of rationale missing, at least on my read, from the Section 4 where you identify the issues.

ALAN GREENBERG: I will do that.

LISA PHIFER: If you could have a look at that. Great.

ALAN GREENBERG: In my copious free time, I will do that. And next item, which I think is also mine.

LISA PHIFER: It is, safeguarding registrant data, Slide 15.

ALAN GREENBERG: Safeguarding registrant data. The report was sent to the whole plenary. I do not believe there have been any comments. And miraculously, I see from Lisa's gap assessment there are ticks in every box. So unless I hear comments – and of course, subject to a final review at the face-to-face – I think that one is complete.

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And where are we? We are now finished with the item on subgroup status. We have a discussion at the face-to-face meeting, and I will turn that over to, I'm guessing, Alice.

LISA PHIFER: Alan, before we move forward –

ALAN GREENBERG: Okay, go ahead, Lisa.

LISA PHIFER: Just one more item related to subgroups, and that is, I believe we have two subgroups that are going to try to have a call this week. I wondered where we stood on organizing those calls. That was Recommendation 2, the single WHOIS policy, and then the compliance group. I know we have Carlton. So that would be the single WHOIS.

ALAN GREENBERG: Is there some reason that we haven't already sent out a doodle on them if we decided to have a meeting?

BRENDA BREWER: Doodles have been sent out for Lili's subgroup, which is rec 15-16, and an updated doodle was just sent out this morning for Carlton's subgroup. And I'm waiting for Susan's availability so I can send a doodle out on that one. So check your e-mail, folks, there's information to get these subgroups –

ALAN GREENBERG: So there are three that we have or will soon have doodles on.

BRENDA BREWER: Correct.

ALAN GREENBERG: Good. Thank you. Lisa, back to you if you're not finished.

LISA PHIFER: That was it, Alan. Thank you.

ALAN GREENBERG: Okay, thank you.

LISA PHIFER: I'm sorry, there's compliance.

ALAN GREENBERG: That's alright.

LISA PHIFER: Where do we stand with compliance?

ALAN GREENBERG: I think she said she's waiting for Susan's availability.

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LISA PHIFER: Thank you. You listen better than I.

ALAN GREENBERG: Every once in a while. Alright, back to whoever's talking about the face-to-face.

ALICE JANSEN: Hi, Alan. Thank you. I hope you can hear me okay.

ALAN GREENBERG: We can. I can.

ALICE JANSEN: Okay, good. Alright, so the agenda was circulated to the list yesterday. I'm not sure if everyone had a chance to scan through it, but essentially, it's [up] in the same location and the same sort of arrangement, so the breakfast is [inaudible] the office and you'll have lunch in the office. And then you'll have a dinner on this first evening.

So we've sort of mapped out the agenda using the draft report and some of the sections that require additional discussion and so on. So you'll see that we – and I hope the agenda – yes, you can all see the agenda on the screen. So we'll start with a welcome where we will talk about day one objectives, opening remarks, and also give a refresher on work plan and an update on gap assessment assuming that progress will

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be made in terms of filling out some of the sections that require further work.

And then we'll talk about the draft report, give you a short overview of what's currently in the draft report, what's been drafted already. The [leaders] have received the current draft report [inaudible]. The background section is more or less final, so we're just waiting for Alan [inaudible] to get back to us on that one. But we'll share those with the full group, the draft report, as soon as we've got agreement from our chairs.

And then the first item will be to actually approve the background sections, which we think will be pretty straightforward. And then we'll dive into the content discussions with anything new, and [inaudible] Stephanie, strategic [inaudible] with Cathrin, law enforcement needs is Cathrin again, and compliance is Susan followed by data accuracy with Lili, and then Volker will talk about privacy/proxy services, and we'll end the day with safeguarding registrant data, common interface, and wrap-up. So this is what we have for Day 1.

Day 2, we will start with Lili's presentation on plan and annual report [so] Recommendations 15-16, followed by Carlton's single WHOIS policy. Then after the break, we'll talk about consumer trust with Erika and we've got a little parking lot here for any items from Day 1 or the morning session that requires further discussion.

After lunch, we'll have the outreach report from Alan followed by the IDN report. Dmitry is on holiday during the face-to-face meeting, so we'll need to determine who will deliver that, and we'll drive that

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agenda item. So this is still TBD. And [inaudible] Lili there. It's a suggestion and it's up to the group to decide.

And then as soon as the end of the subgroup discussions, we'll have [inaudible] on consent of the executive summary. Executive summary, as you know, is one of the key sections in a review team report. And we'll then discuss the structure of report [where adjustments] need to be made. It may be that you will decide that some other sections need to be merged or some of the information reshuffled, so this is something we'll have a good sense of as soon as we've gone through all the subgroup findings and recommendations.

And then we have a little parking [lot] again for some of the items that require further discussions, and we'll end our face-to-face meeting with details [that match] the draft report. So we'll set all the deadlines for completing outstanding action items, we'll have penholders assigned to some of the actions, and similarly to the second review team, we'll take some agenda time to [inaudible] confirm the approved recommendations, findings and action items from the meeting. And then per usual, we'll end with Any Other Business and some of the closing remarks from the leadership.

So this is the suggested agenda, and I'm looking forward to hearing any thoughts that anyone may have. Thank you.

ALAN GREENBERG:

Thank you, Alice. I have two comments. The first one is I think we really need to allocate some time for looking at the timeline going forward. As we previously talked, we have a little bit of flexibility since we're now

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going to extend the public comment past ICANN63, but I think we need to firm up the timeline going forward, and I think that probably should be done at this meeting. So we should probably allow at least 15-20 minutes for that somewhere.

My other comment is we have previously talked about – and obviously, that should be near the end, not at the beginning – possibly starting Friday earlier. I'm happy to leave the time as it is right now if we can change it on the Thursday. And I don't know terms of access to the office, delivery of breakfast and things like that Is it going to be possible to change the start time for Friday on Thursday, or is that something we have to do ahead of time if we want to do it at all?

ALICE JANSEN:

We're going to work with a new catering company, so I don't know to what extent they'll be flexible, but I can check and get back to you on that, Alan.

ALAN GREENBERG:

Okay. I'd certainly be willing to start with an 8:00 meeting start if that's going to help us, if we need the time. I prefer not to do it unless we need it, but obviously, that's geared off whether we can make that change at the last moment or not.

ALICE JANSEN:

I'll find out for you [inaudible]



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ALAN GREENBERG: I'm assuming everyone is local except for – sorry, everyone is in the hotel except for Cathrin, and she said she can make an earlier start if necessary. So catering is really the only thing we have to verify on. We can make our final decision at the meeting next week though.

Any other comments on the face-to-face agenda? I must admit I'm intrigued by the watermark on it where the watermark is behind the printing except for one section where it's in front of the printing. Or, sorry, one of the sections where it's not transparent is what the problem is.

ALICE JANSEN: Sorry, Alan, before we close this agenda item, can we decide who is going to drive the IDN [item?]

ALAN GREENBERG: Oh, sorry, that was my third point. I'll do that.

ALICE JANSEN: Okay, great.

ALAN GREENBERG: I'm on that subteam, so I don't mind doing that one.

Anything further on the face-to-face meeting? Then we'll go on to Any Other Business. I added two items to Any Other Business. One is the timeline adjustment that I just mentioned. We already know we are

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going to hold the public comment later. I would suggest there's no need to make formal changes to the timeline unless Alice has already done it.

But if it hasn't already been done, I would say just leave the timeline as it is currently written, and in Brussels, we will adjust both – confirm both the fact that the comment will end later than we originally planned, and obviously, we'll defer other items in delivery of the final report, and we will firm up exactly when the public comment will be issued and when we expect the draft report to be issued at the face-to-face. So unless there's any comment, we'll note it has to be adjusted, but not bother doing it right now. I don't think anyone is watching it on a minute-by-minute basis.

And the other thing is it's dawned on me as we're going forward that the ICANN org evaluation of implementation was green tick marks everywhere. We are clearly not having green tick marks everywhere, and I wonder to what extent, number one, do we want to do a summary somewhere in the draft report of the comparison between where we see the implementation and where ICANN org did?

And second of all, do we want to perhaps think about making a recommendation? And I would guess it's to ATRT3 to make a recommendation that ICANN formally, after the issuance of the review team analysis such as [ours], that they formally look at the gap analysis and try to understand why there was such a difference. Anyone have any thoughts on either of those, on that item?

Not something we need to discuss now, but I think it's something we want to think about and perhaps go forward with. I find it rather

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problematic that every review team has green tick marks everywhere. And certainly, my experience on the last review team I sat on and on this one is the review team does not view it that way. I think that overall concept needs to be addressed.

Any comments from anyone? Seeing nothing, then I will ask Jean-Baptiste to review – to confirm decisions reached and action items.

JEAN-BAPTISTE DEROULEZ:

Thank you very much, Alan. And starting with the decisions reached, we have one for rapporteurs to send all final subgroup reports to be incorporated into the draft review team report by Sunday, 22<sup>nd</sup> July, end of day UTC. We have Alan to drive the IDN section at the face-to-face meeting. In terms of action items, Volker will update his statement of interests. For the gap assessment tools, all rapporteurs have an action item to review the assessment tools and [have time] to fill any gaps this week to be included in each subgroup's final report to be submitted by Sunday, 22<sup>nd</sup> July, end of day.

On Recommendation 10, proxy/privacy services, subgroup members are invited to take last look at the subgroup report and submit comments via e-mail or confirm they agree with the subgroup draft as is. Volker to address any concerns raised in the final draft to be sent to the full review team by the end of this week.

On Recommendation 11, common interface subgroup, members of the subgroup are invited to review the subgroup [inaudible] and submit comments via e-mail or confirm they agree with the subgroup draft as is. Susan to propose edits to address increase in common interface

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timeouts since GDPR, and finally Volker to address any concerns raised in the final raft to be sent to the full review team by the end of this week.

For Recommendation 3 outreach subgroup, Alan will update the subgroup report to fill gaps, and finally on the face-to-face meeting, ICANN org will check whether catering delivery can be advanced permitting start at 8:00 a.m. And also to allocate enough time to discuss the timeline on the agenda.

ALAN GREENBERG:

Any further comments before we adjourn? Then I will see you on subgroup meetings that happen this week, and we'll meet again next Monday at the same time. And have a good and productive week for everyone. Bye-bye.

**[END OF TRANSCRIPTION]**