JEAN-BAPTISTE DEROULEZ: Hello again. This is the afternoon session of Plenary Call #43 Face-to-Face Meeting #4. It's currently 12:30 UTC and [inaudible]. Thank you.

NEGAR FARZINNIA: Thank you. Alan, I just wanted to note that before lunch we talked about coming back to the comments on Recommendations 5-9 to see if we've addressed them all before moving on to the next recommendation.

ALAN GREENBERG: Yeah, I think we did. There were some positive ones and the noncommercial which was in disagreement, and I think we discussed that one fully. So I think we're done. Thank you.

While we're, however, on that one, Negar just said Recommendations 5-9. With regard to our numbering of recommendations and the NCSG comment earlier, this recommendation is called 5.1. We may change it, but the concept applies. Was that really a follow on to 5, or was 5 a summary meaning it was from the group of 5-9? I think we want to go back and look at them all carefully and make sure that if we are saying this is a follow on to Recommendation X, that it is X. Where there was only one WHOIS 1 recommendation it's moved. But if it was a response to a group, it might be that we need to adjust some of those numbers. So we should take a look at that. Back to you. Sorry.

JEAN-BAPTISTE DEROULEZ: Thank you, Alan. So we are now moving to the recommendation on compliance, Recommendation 4. Here on screen is general comments on that section from the Registrar Stakeholder Group: "Recommendations are not supported by corresponding data, which does not seem to indicate the existence of 'systemic issues.'"

I'll move on to the recommendation itself. Recommendation 4.1: "The ICANN Board should direct ICANN Contractual Compliance to proactively monitor and enforce RDS (WHOIS) data accuracy requirements to look for and address systemic issues. A risk-based approach should be executed to assess and understand inaccuracy issues and then take the appropriate actions to mitigate them."

ALAN GREENBERG: Before we go on to the comments, this is one of the issues that there's some confusion on. When we talked to Compliance and we asked, "Do you look for systemic type problems? Do you look for patterns? If you find that a given registrar has problem X reported multiple times, do you take any action on it?" Their answer was, "We respond to individual complaints." Susan, I think you can confirm. They were pretty clear saying they respond to individual incidents.

Further, discussions with both registrars and with the management above Maguy, including Jamie Hedlund, they implied that they do look for patterns. Moreover, when I was working with – not working with – was talking to Compliance about seven or eight years ago just shortly after Maguy arrived, they were very proud of the tools they had

developed that would demonstrate you could pull up any given registrar or registry and look at the kinds of complaints they got with them.

So these two things didn't quite match, and the recommendation you see here was the result of it. My best analysis right now is that they feel very uncomfortable saying that they're looking for patterns because to the common registrar that may sound like they're looking for witch hunts and they're looking for unsubstantiated data. But my gut feeling is they are, indeed, doing this kind of thing although they don't refer to it as that.

So my general feeling is if we are going to make a recommendation like this, it perhaps needs to be more targeted than just the general statement because I get the feeling that I don't know if they don't feel comfortable talking about it or they're under legal constraint or they're worried about how it will be interpreted. And I understand this is a public discussion other people can listen to. So I'm a little concerned that if we don't make it a little bit more specific, it may or may not have an effect, but it's certainly not going to get reported as such. And I have some worry. So before we look at the specifics, I guess I'm talking about the general concept of do we want to make this exact kind of recommendation. Or if we want the intent to go through, maybe we need to change the words.

And Volker looks like he just really would like to speak.

VOLKER GREIMANN: No. Just to confirm what you're saying. There's definitely an undercurrent of what's official and what's unofficial [with] Compliance.

What they are comfortable saying on the record. Maybe I shouldn't be saying that on the record.

ALAN GREENBERG: [You have this problem.]

VOLKER GREIMANN: Some of the issues that they may detect and not immediately act upon were used to inform some of the audit programs. And the selection of the audit program might also have been informed by certain results they got from complaints numbers and [inaudible] they received from certain registrars. I don't think it would be amiss to assume that a registrar that had extraordinary numbers of certain complaints would find themselves as part of the audit program more regularly than other registrars would.

ALAN GREENBERG: Despite [her asking], I'm going to turn it over to Susan in a minute, but I guess part of the motivation for me for this originally is examples I had seen where there were multiple complaints issued and very often those complaints were rejected on what were clearly spurious grounds. Therefore, if that indeed was happening on a regular basis, it makes it very unlikely they're acting on patterns if they refuse to accept the individual cases are issues.

I don't think we've ever gotten a clear answer about why certain blatant accuracy complaints were rejected, accuracy being the easy one to talk about. When you report an e-mail address which functionally is unable

to work because of the way the DNS works and they claim it's not a problem, you have to wonder.

I still feel there's a need for a recommendation, but I'm not quite sure what it should be. Susan?

SUSAN KAWAGUCHI: Just to back up a little bit to the quandary we're in with what message are we getting, it was very clear in the first meeting we had with Compliance – and unfortunately I can't remember her name – but it was somebody Maguy had join the meeting that she actually works on the inaccuracy reports. It appeared at that point as they stepped through the processes, "Here's the reported inaccuracy. We do this, this, this, and this on this record and then make an evaluation and close it." There wasn't any attempt to see were there other domain name registrations with that same inaccuracy in it. That they did not take it.

But then I agree there was a confusion. We were talking about the DAAR data and OCTO and everything, and Jamie was like, "No, no, no. We do more in-depth." But I think overall when it comes to WHOIS inaccuracy, if a report is filed, they work on that one domain name. And you'd have to bring a more complex complaint to ICANN to get them to do something.

ALAN GREENBERG: We're looking at a pre-GDPR world, so let's ignore the complexities of the new world. I guess I don't expect them for every accuracy complaint they get to go into DomainTools and ask, "Is there anyone else using

this inaccurate address or e-mail or phone number?" One [inaudible] they should do that or they should have done that, but I'm not really expecting them to do it. With a large group where complaints are handled by different people, it's not clear who recognizes the patterns. But presumably, they are collecting these in a system and, presumably, you can run reports periodically asking, "Where are the complaints and what kind are they and are there any commonalities that we should have someone look at?" And I think they may be doing that, but it's hard….

[SUSAN KAWAGUCHI]:   [I think it's on a limited basis, which maybe that's appropriate.]

ALAN GREENBERG: Yeah, as I said, I think we still need a recommendation. I'm just not sure what it is because I….

SUSAN KAWAGUCHI: If you look at a risk-based approach should be executed. So if a risk is identified, then a one-off resolution to one domain name record is not sufficient, right? I always use the same examples but, for example, when I worked for Facebook and I would report a domain name that used Facebook's information completely except the e-mail address and name servers, that's a bad actor. There's no doubt that that's a bad actor, but I would receive a variety of resolutions to that. "No, it's accurate." Yeah, but it's my data or my company's data, and nobody has the right to use this. Or, "Oh, yeah. Suspend it immediately."

I really think it was more that it depended on the registrar. The inaccuracy reports go to the registrars, right? So what we're asking in this is that ICANN [actually is] sending those over to the registrar. We ask them to take an action based on an identified risk.

VOLKER GREIMANN: What I've heard from a lot of people was that they misunderstood that recommendation as to mean that ICANN should certainly go out and start digging or Compliance should proactively start searching for data accuracy issues. We intended this, as I recall, based on the information they receive as part of the day-to-day operations and they should make that analysis. Now maybe we should make that more clear in the definition of the recommendation to just say, "No, we don't want ICANN to go out on factfinding missions. We just want you to use what you already have and cross reference that.

SUSAN KAWAGUCHI: [inaudible] some of the additional information that David Conrad's office has because, to me, that's where this discussion started was we know ICANN is bringing in all kinds of data and looking at it to [cure] the DNS. So why isn't Compliance using that data? And this recommendation was pointed toward the WHOIS, but it's really [inaudible] knew that. I cannot remember things. Who is the Gibraltar registrar that…?

UNIDENTIFIED FEMALE: Alpnames.

SUSAN KAWAGUCHI: Yeah. We all knew Alpnames was a really bad registrar and lots of WHOIS inaccuracies reported there. So, therefore, they should have dug into more Alpnames issues. And, luckily, Alpnames went up in smoke. I mean, Alpnames is the [inaudible] stories I've heard at least.

ALAN GREENBERG: What if we make the kind of adjustment that Volker is talking about – that's probably not necessarily in the recommendation but in the lead up to it – and add a reference to the domain abuse tools OCTO has developed? To say that Compliance needs to be more proactive when there are strong indications received that there may be systemic problems. I'm not trying to wordsmith it but, in other words, we're basing it in response to the registrar group saying you're not based on facts. We're basing it on input received, which may not be facts but it's something meriting investigation.

I mean, a complaint is not [inaudible] that there's a problem. But if someone says there's a problem, then you have to look at it. And latent systemic things that were reported through whatever the OCTO [inaudible] thing is called now, DART, which was renamed to something else. It's just an indication of something meriting some look. It doesn't mean you go audit the registrar. It doesn't mean you disembowel them or disenfranchise them or whatever. But you just take some sort of action.

VOLKER GREIMANN: [inaudible] palatable maybe. I'd feel more comfortable if it would just say insert two or three words into the recommendation itself: "use incoming complaints to proactively monitor" or something like that. Just to make sure that the recommendation itself states this tiny limitation in scope that so many people were worried about just to make it clear. Simply because of the reason many people will only read the recommendations and not the reasoning.

ALAN GREENBERG: I don't have a problem with that. I'd like to word it in a more general way so it factors in the other tools that might be made available, not just individual one-by-one complaints. Do you want to take a cut at rewording that? Okay, let's go through the individual comments then. Jean-Baptiste.

JEAN-BAPTISTE DEROULEZ: Thank you. We have a supporting comment from ALAC: "Based on the Review Team's findings the one with regard to Data Accuracy is a concern (R4.1, R4.2, CM.1), and the ALAC looks very much forward to the Board's response on how to handle this in the long run."

ALAN GREENBERG: Unless someone has a compelling reason to comment, when people are saying they support us I don't think we need to justify it to them.

JEAN-BAPTISTE DEROULEZ: Then we have several other comments in disagreement. The first one is from the Domain Name Rights Coalition: "Dangerous recommendation for registrants, which should be removed as untimely and beyond scope, or narrowed in express language, to a more narrowly-tailored intent of the RDS/WHOIS2. As the ICANN Community researches, analyzes and debates the 'WHOIS database of 2020,' we should not be taking extraordinary efforts to review, cull and delete registrations of the WHOIS database of 1995. Unless there is some proof of illegality, then long-standing domain name registration, where the Registrant is otherwise 'contactable,' should not be suspended or deleted due to failure of some data element to be included or fully accurate."

ALAN GREENBERG: I think what they're saying is don't enforce the RAA there. And that, I believe, is out of our scope. The RAA has provisions related to accuracy that are enforced by Compliance in conjunction with the registrar that may eventually lead to a suspended domain. But that's policy, and I don't think that's within our jurisdiction to change that. Am I missing something here?

Nor do I think we're in a position to say, "Change the policy so accuracy is no longer appropriate." I don't think we're going to say that. So I think our answer is as we read this, you are requesting that we essentially ignore certain current contractual terms. I don't know if they're consensus policies. Some of them may be consensus policies. Some may go back to the world as it was.

I think that's the answer though because I think what they're saying is don't suspend a domain name because of inaccurate information, and that's outside of our scope. So I think that's the answer.

VOLKER GREIMANN: I agree when you're saying that that's out of our scope. I think the question here [inaudible] goes a little bit beyond that. They are saying if we are suggesting additional means to investigate, which I agree would be probably based on a misunderstanding of what we're actually suggesting, then that would put domain name registrars in a bad position because then even more domain names would be suspended and would regularly happen under current processes envisioned by the RAA and policies. I think that's the point where this comment is directed at. So by clearing up the [recommendation] [inaudible] that we point out that it's only directed at the information that they already have available and just using it in a better way already takes care of a lot of that as well. So basically, clean up the language and for the rest say anything beyond that is outside of our scope, and that should be our response.

ALAN GREENBERG: Thank you, Volker. I have a question. If a registrar is de-accredited and their domain names are transferred to another registrar, is that formally a transfer?

VOLKER GREIMANN: It's a transfer, but it's not a standard form transfer. So the ICANN transfer policy rules would not apply, but it's a transfer nonetheless.

ALAN GREENBERG: But, therefore, the data accuracy verifications kick in.

VOLKER GREIMANN: No.

ALAN GREENBERG: No?

VOLKER GREIMANN: They don't kick in because it's a non-policy, nonstandard transfer.

ALAN GREENBERG: Okay, that was my question.

VOLKER GREIMANN: [inaudible] from the [escrow] provision or that we draft in other means from ICANN with regard to such a transfer are usually relatively poor and they require a certain amount of clean up when they come into our system to make sure that our database stays up-to-date and in a good state. So a lot of what is required by the policy would be instituted by us anyway even though it was a nonstandard form transfer just to make sure that we don't import bad data into our database.

ALAN GREENBERG: You don't get the business data from the losing registrar. All you get is WHOIS. So if the information is completely spurious, you have no way of contacting the registrant.

VOLKER GREIMANN: Yes, and that has happened a lot of times in the past when the registrars, even well-known ones like Lycos, went belly up we got data that was unusable and that led to a lot of complaints from registrants who suddenly lost their domains because we had no way of contacting them or of even knowing whose domain that was, and they kept losing domains.

ALAN GREENBERG: So it's a problem that fixes itself. Lili?

LILI SUN: My understanding regarding this comment is a bit different. If you look at the comments from the DNRC, actually there are several comments from this group. So their comments were consistent. They're challenging in a post-GDPR age the legitimacy [inaudible]. They also made a comment regarding the recommendation we just finished before lunch for the data accuracy. In the EPDP process about the legitimacy of WHOIS.

I saw the consistent way in these comments like a recommendation which is dangerous for a registrant. And like for the WHOIS database of

2020 should be totally different from the WHOIS database of 1995. So I think we should take this group's comments as a group, not separately. And according to the comments from Cathrin this morning, even in the post-GDPR age the data accuracy is still a requirement. So I would suggest we take the comments from this group as a group, as a whole.

ALAN GREENBERG: I think we have to look at them as a whole. I think we must respond to them individually. Just based on the [form] we're using, the technology we're using, I think we have to [inaudible] response. They may all be the same response, but I think we have to address specifically. And if you look in this case, they say we should only be acting on things that are illegal. Well, very little related to the domain name system is illegal. These aren't laws. These are regulations that ICANN has put in place. So it's not a matter of legality or illegality.

The substance of what they're saying here is contactability should not be the basis for having a domain name deleted or suspended. And I think that's policy that we're not addressing. I mean, we could address it and say that policy should be changed. I don't think there's a desire in this group to do that. So I think we simply answer based on what they're saying here. That legality is not an issue and we're not recommending [inaudible] we should recommend that the accuracy policies be changed. And moreover, the EPDP has ratified at this point [in a] projected answer that we not change accuracy requirements. So I feel comfortable in rejecting this without a problem.

Go on? Please, Jean-Baptiste.

JEAN-BAPTISTE DEROULEZ: So we have other disagreements. The next one is from RrSG where they view "this recommendation as creating more risk by trying to place ICANN Compliance into a more investigative mode, digging through data without justification. RDS accuracy is an obligation of the registered name holder (RNH). It is not the role of compliance to enforce RNH obligations."

All right, RySC [is in support of the previous comment.]

ALAN GREENBERG: No. Let's deal with them one-by-one. It's "not the role of Compliance to enforce RNH obligations." I thought that's exactly the [role]. Volker?

VOLKER GREIMANN: There's a distinction to be made. The obligations of registered name holders is the obligation for registrars to enforce. The obligations of registrars to enforce that, that's the role of Compliance. So it's a step removed. So basically, Compliance does not enforce data accuracy. They enforce the responsibility of registrars that arise from certain contracts and policies with regard to data accuracy.

ALAN GREENBERG: Compliance in the simplest case responds to a complaint. It may be a complaint for a domain that the validation requirements do not apply to, but they are allowed to enforce that and you have to respond to it.

VOLKER GREIMANN: In any case, they're not enforcing the registrant's obligation to provide the actual data. They're just enforcing the registrant's obligation to ensure that that data is [inaudible].

ALAN GREENBERG: How are we implying something different in what we're saying? In no cases are we saying ICANN should [inaudible] registrant.

VOLKER GREIMANN: "Enforce registrar obligations with regard to RDS data accuracy requirements." I think that would just take care of that comment, at least that part of the comment [is clarified] that Compliance enforces and monitors registrars' compliance with certain obligations that they have with regard to that. Not the data accuracy requirement per se.

ALAN GREENBERG: You look as frustrated as I am. Jackie, Volker will help you in his wisdom reword this so that it is less offensive.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: You're not suggesting changing the intent. You're suggesting changing the wording. We will take it under consideration and with your help.

All right, registries?

JEAN-BAPTISTE DEROULEZ: [Opposed the comment,] RySG. Then we have NCSG: "If the inaccuracies in the records do not cause harm, we do not see any merit in ramping up monitoring. Surely systemic issues present themselves through inaccuracy reporting. Routine sampling is expensive, at a time of falling revenues."

ALAN GREENBERG: Okay, I think the simple answer is we're not suggesting routine sampling. We're suggesting – what are we suggesting?

VOLKER GREIMANN: This is I think again a question of understanding what we actually set out to do. They understand this as we want Compliance to do more individual studies of inaccuracy data like the ARS and go out to find out if there are any issues. Whereas, we intended this as look at the data that's coming in, analyze that, and then find out if there's more that you can do based on the data that you receive. Again like in the previous recommendations, we could just make that clearer in the language of what the basis of data that should be looked at is.

ALAN GREENBERG: Okay, so I think addressed in a simple way, we are not advocating additional random sampling of the DNS in general. We may be suggesting that you start looking at samples from Registrar X if you get a

huge number of complaints about Registrar X, but I don't think that would be called sampling.

Next? First we have to have lunch.

JEAN-BAPTISTE DEROULEZ: So we're moving to Recommendation 4.2: "The ICANN Board should direct ICANN Contractual Compliance to look for patterns of failure to validate and verify RDS (WHOIS) data as required by the RAA. When such a pattern is detected, an audit should be initiated to check if the Registrar follows RDS (WHOIS) contractual obligations and consensus policies. Sanctions should be applied if significant deficiencies in RDS (WHOIS) data validation or verification are identified."

The supporting comment from ALAC: "Based on the Review Team's findings the one with regard to Data Accuracy is a concern (R4.1, R4.2, CM.1), and the ALAC looks very much forward to the Board's response on how to handle this in the long run." Same one as before.

ALAN GREENBERG: Before we go on, make sure we understand, how is this different from the previous one? This essentially says, I think, that if you find something based on the patterns you now are recognizing in the previous one, this is the kind of action that you should take. Do I have that right, or am I missing something? Either everyone is asleep or they're agreeing.

LILI SUN: I think the [inaudible] point is different. For [Recommendation] 4.1, it's generated by the ARS [project] and also the WHOIS inaccuracy complaints. But for this one, for the 4.2, it was generated by the ARS only.

SUSAN KAWAGUCHI: I thought, to me, this is a little different than the first one because when what we were concerned about – and if I'm remembering this correctly, really, August seems so long ago – is that in this one they're not identifying a risk per se, but I guess you could classify it as a risk. But in the inaccuracy report, if one registrar or several registrars are always coming up with inaccuracy reports reported to Compliance and it was at a higher level than you would think it should be based on their registrations, then you would look at them to see do they really [do] follow the RAA and validate and verify RDS. Because hopefully we have seen some of the improvements in data quality based on the requirements of the RAA for the registrars to take action. But if we're seeing a higher rate or percentage of domain names with inaccurate data that are being [reported], then they should take a step further and actually look at those registrars to make sure they're following the process of validating and verifying.

ALAN GREENBERG: The only requirement to validate and verify is [in] new and transferred domains. No?

VOLKER GREIMANN: There are certain other triggers as well, such as a receipt of an inaccuracy complaint. So the main [ones] are the transfer and [the new], but there are other triggers.

ALAN GREENBERG: No, I wasn't trying to be explicit, but by prefixing this recommendation saying should look for patterns of failure to validate and verify as required by the RAA, that is a significant subset. Do we have evidence that that's not being done right now, of major failure?

VOLKER GREIMANN: [inaudible] Compliance actually does with the information that they are requesting, but part of every inaccuracy complaint that we receive is a question of whether we are validating and verifying [and] what methodologies we're using for that. That's part of the [always returning] questions as part of an inaccuracy complaint. If they actually do something with that, I don't know.

ALAN GREENBERG: The question I'm asking is, are we getting, are they getting significant inaccuracy complaints about registrations for which the [2013] RAA validation requirements are applicable?

VOLKER GREIMANN: Again, just make sure that the narrow focus of this recommendation is made clear because I think that was the main problem that arose with the understanding of this. So instead of saying that ICANN Compliance

should go out and look for patterns, they should use the data available to them from incoming complaints to look for patterns.

ALAN GREENBERG: To recognize.

VOLKER GREIMANN: Yeah. So I think that's the common disconnect that I've seen at least from the NCSG and the whatever they are abbreviation for the coalition that we have [responses from] [inaudible].

ALAN GREENBERG: Okay, I guess I was going back to a basic question of, is this recommendation exactly what we wanted? Because it only seems to apply to a very small subset of domains.

VOLKER GREIMANN: I think it does because the intent, if I remember back correctly to when we initially put this on table, more of a question of are registrars actually doing what they're required to do not as much as a requirement to data accuracy in itself. So basically, we wanted to question whether ICANN Compliance does anything to check that registrars are doing what they're supposed to. And with that target in mind, I think the recommendation stands.

ALAN GREENBERG: Let's look at the comments one-by-one then.

JEAN-BAPTISTE DEROULEZ: Starting with the Internet Infrastructure Coalition: They invite "the review team for more…."

ALAN GREENBERG: Before we do that, does anyone know who they are?

SUSAN KAWAGUCHI: Yeah, it's [inaudible]. You probably know better than I do.

VOLKER GREIMANN: They're basically an industry coalition or a group similar to the RIAA and the MPAA of Internet service providers from all kinds of [inaudible]. In Germany, it's [Echo] whom you might have heard of. They're the international equivalent of [Echo] basically.

SUSAN KAWAGUCHI: And comprised of a lot of ISPC members.

JEAN-BAPTISTE DEROULEZ: Thank you. So they invite "the review team for more assurances as to how patterns are defined and then detected. Review team should also scale the concept of compliance based sanctions. i2C also points out this recommendation would benefit input from the registrar community."

ALAN GREENBERG: The last part is easy to answer. We have registrar community participation in this group.

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: Ah, it was doing that before too. So we do have registrar participation in this group. Are we really in a position to define patterns? They're asking us to provide assurances as to how patterns will be defined and detected.

VOLKER GREIMANN: Basically, I think they are asking, what do we mean by patterns? What is our intent? What is Compliance supposed to look for? Because it can mean many things that could be interpreted into this, I assume. I think the registrar comment beyond that is the same. What are patterns of failure? What do we mean by that actually? What are these three words actually supposed to mean? What are [inaudible] for? So I think that's something that we can take care of in the reasoning for this comment. Make sure that we explain what we mean.

ALAN GREENBERG: I'm just reading the rest of it. Volker, the current audit program is a set or regularly scheduled audits based on a sampling. I presume it also includes the ability to do an audit when triggered by specific reason that there's something to audit.

VOLKER GREIMANN: ICANN has the ability to perform up to two formal audits or a [inaudible] year. Normally, that is limited to the inclusion in the audit program. And officially, we've been informed that there might be a way that the registrar might find himself on that list more often if there are certain issues with complaints that they receive, patterns.

ALAN GREENBERG: So number one, we are not recommending anything outside of the current audit program. We are just saying that we are explicitly recommending that if there are regular issues related to compliance with the WHOIS provisions of the RAA and Compliance – again, I'm not trying to word things – Compliance recognizes that there are irregularities of the specific type that are recurrent with a given registrar, they may choose to invoke the audit program. Essentially, that I think is what we're saying. Now how you recognize patterns, I don't think we're in a position to define, but we can try to put words on it of similar complaints are recurrent on a higher than expected rate with a given registrar. So we can try to refine the wording, but I don't think we're looking for anything much out of the ordinary of what they're doing right now.

SUSAN KAWAGUCHI: I would agree.

ALAN GREENBERG: Okay. Negar?

NEGAR FARZINNIA: Thank you, Alan. Just one thing for consideration is for a recommendation like this where we are talking about patterns of failure, no parameters are put around that. It would leave it up to, let's say, the organization to determine what a pattern looks like. So if there are 10 complaints, it's not a pattern. If there are 100 complaints, it's a pattern. So it becomes very subjective and, as such, in the future when we evaluate the implementation of this recommendation, there could be disagreements as to whether it was implemented satisfactorily if we have ambiguity [as to] how we are trying to achieve this. Just putting it out there because we've had issues like this in the past with implementation.

ALAN GREENBERG: I don't want to be the one to always do the answering but I guess if I look forward to the next review team, which I thankfully will not be part of….

VOLKER GREIMANN: You never know.

ALAN GREENBERG: I can say that with a fair level of assurance. [inaudible] to be particularly outgoing on its reports of how it deals with registrars. I'm not quite sure how they would report on this other than to say we triggered six audits in the last five years on registrars which we would not have done other than based on this. So I think there's going to be an implicit vagueness

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on how this is addressed. We certainly can put some implementation guidelines that Compliance should establish norms for the number of accuracy complaints per thousand domains that are sponsored by a given registrar. I always thought that term "sponsored" was an improper one, but it is the term that's used.

VOLKER GREIMANN: Registrars don't like it either, but it's the word.

ALAN GREENBERG: So I think that's the kind of thing we're looking for. Maybe we should put some kind of statistic in, establish what the number should be. I don't know what the norm is. I don't know what the average is, so have absolutely no idea. I assume one complaint per 10,000 or something is reasonable and 400 complaints per 10,000 is not reasonable. But [it may] make no sense at all in the real world. So we can certainly put in some reference to a metric that might be used without specifying exactly what the threshold is.

SUSAN KAWAGUCHI: Or we base it on percentages [of] domains sponsored instead of….

ALAN GREENBERG: Isn't that what I just said?

SUSAN KAWAGUCHI: Oh, I guess that's not the way I interpreted what you said.

ALAN GREENBERG: If it's one per 10,000, then it's .01% or something like that. Whatever. I've lost track of where the decimal is. I think we're all violently agreeing with each other and we should put some sort of metric in. So if we make it clear again we're dealing on information that is received from valid reports of one form or another and we add some comment about the metric, I think that addresses this. And we're not going outside of the audit program.

Okay, next.

JEAN-BAPTISTE DEROULEZ: The next one is from RrSG where they "would like to understand better how ICANN Compliance would be detecting 'patterns of failure.' As ICANN Compliance already conducts audits on registrars who have proven to have a track record of non-compliance…."

ALAN GREENBERG: I think that's the one we just talked about.

JEAN-BAPTISTE DEROULEZ: Oh, sorry about that.

UNIDENTIFIED MALE: [inaudible]

ALAN GREENBERG: No, because we were talking about how patterns of failure and the going outside the audit program, so I think we just did that one.

JEAN-BAPTISTE DEROULEZ: Okay, and then the RySG [committee is in] support of that.

Then we have comments from the Domain Name Rights Coalition: "Dangerous recommendation for" – sorry?

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Yeah, microphone, Lili.

JEAN-BAPTISTE DEROULEZ: That's [inaudible] the same.

ALAN GREENBERG: Okay.

JEAN-BAPTISTE DEROULEZ: Yeah. "Dangerous recommendation for registrants, which should be removed as untimely and beyond scope, or narrowed in express language, to a more narrowly-tailored intent of the RDS/WHOIS2. As the ICANN Community engages actively and with an extraordinary effort in the EPDP, which includes a review of what registrant data fields are

appropriate in 2018 and ahead, why would the RDS/WHO2 be calling on the ICANN Board and Staff to mine the existing WHOIS database for 'errors'?"

ALAN GREENBERG: Again here we mention that what is in the WHOIS database to be made available under limited conditions the accuracy rules apply. The fact that it's not public is irrelevant. I mean, although the EPDP at this point is suggesting that some fields be deleted from the current WHOIS database, it remains to be seen if those fields get deleted. And in any case, they're not the ones that tend to be controversial. So it's not clear that that WHOIS database of 2020 will be significantly different from the WHOIS database of 2015 or 2010 for that matter. The public one certainly will be, but what's in the database itself is not necessarily different. So let's go ahead. I think we have an answer to that one.

JEAN-BAPTISTE DEROULEZ: The last one is from the NCSG: "Given that the RAA will be under review because of GDPR, we recommend holding off on recommending new expenses (e.g., audits) until the new workload of the compliance team has been determined. Breach disclosures, for instance, are a new requirement for both controllers and processors; monitoring for unreported breaches might be a more worthy candidate for compliance action."

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ALAN GREENBERG: They're right, but currently for the registry agreement I believe there are no current contractual terms or requirement requiring disclosure of breaches, I believe, so there's nothing we can act on. And the EPDP is already looking at the GDPR has such requirements and later we have a requirement that reporting breaches be required. So it's not up to us to say audit it since it's not even a requirement yet. Although we could add when we get to that one a reference to breaches should be reported on an annual basis by ICANN or something like that. It's probably worth adding when we get to that one. So I think we're okay here.

JEAN-BAPTISTE DEROULEZ: That was the last one on 4.2.

So we are moving on to Objective 6: ICANN Contractual Compliance Actions, Structure, and Processes. Here are comments on the section itself from the Business Constituency: "The many issues following the adoption of ICANN's Temporary Specification for gTLD registration data (TempSpec) also should be addressed by the Team. The BC is very concerned that ICANN Compliance has failed to issue appropriate guidelines for registrars and registries and users of WHOIS, and also has failed to ensure even a minimum level of compliance in this space. The challenges identified in the APWG/M3AAWG4 survey on the impact of GDPR-WHOIS are also worth noting. As we review disclosure responses, we see overwhelming evidence that contracted parties are unresponsive to disclosure requests; and the responses received are not uniform across what is ostensibly a community bound by a common policy. We ask the Team to recommend that ICANN Org urgently address this."

ALAN GREENBERG: My gut response is this is so blatantly in the middle of the EPDP discussion that this is out of scope for us.

SUSAN KAWAGUCHI: [inaudible]

ALAN GREENBERG: I mean, we can certainly say the review team strongly agrees that we need uniformity and consistency in how these things are handled, and I don't think anyone will disagree with that. Volker might, but….

VOLKER GREIMANN: I think just we should not get into that discussion. Just say out of scope.

ALAN GREENBERG: All right. I was trying to get some brownie points with him. We can't reject everything everyone says.

VOLKER GREIMANN: Of course not. If we already decide that something is out of scope, then we should not comment on it.

ALAN GREENBERG: Okay, he says reluctantly. But does everyone agree? It's a worthwhile comment, but it's nothing that we can address right now.

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JEAN-BAPTISTE DEROULEZ: All right, next one on the section is from the Domain Name Rights Coalition: "Recommendations calling for 'brute force' enforcement of accuracy – at the cost of cancelling potentially thousands (or more) gTLD domain names is ill-advised. These are a) beyond the scope of the recommendations of the WHOIS 1 Review Team (which focused on 'contactability' with the verified phone or email), and b) untimely as the EPDP reviews whether the collection of these 30+ year old fields even makes sense in the 21st Century. Domain Name Rights Coalition also wonders why abusive use of the ARS hasn't been investigated, given that ICANN Contractual Compliance in this area, and ARS are both new. Asks RDS-WHOIS2 to add a recommendation that the filer of a WHOIS accuracy complaint is disclosed to the Registrant. Registrants should be able to discover the identity of those who seek to harm their organizations, companies or speech."

ALAN GREENBERG: All right, one-by-one. Are we saying anywhere that we should use brute force enforcement and cancel registrations?

SUSAN KAWAGUCHI: Yes.

ALAN GREENBERG: Then I'll let you answer. Remind me how we're saying that.

UNIDENTIFIED FEMALE: Maybe we should be saying that.

ALAN GREENBERG: So our answer to this is we [inaudible] that, but now that you mention it….

UNIDENTIFIED FEMALE: It's a great idea. Knock down the doors.

ALAN GREENBERG: Cathrin?

CATHRIN BAUER-BULST: I think there may be different interpretations of what we have said, and possibly the interpretation that's at the heart of this comment is that we are recommending brute force enforcement of accuracy, and maybe we should just review the language in the relevant section to see whether there's a need to further clarify. But otherwise, I think there are serious issues from a [inaudible] perspective with disclosing the identity of the complainant to the registrant, depending on the situation. It certainly isn't something you can just institute as a norm.

ALAN GREENBERG: No. Okay, that was addressing the third part. On the first part, if there is brute force, I'm not even sure what brute force enforcement would be and I certainly don't believe we anywhere have suggested [it]. We've refrained from talking about the ultimate path of what happens if these

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things fail. But right now, if accuracy complaint is made and it is not resolved then, yes, domains are suspended. That's current policy. I'm not quite sure how to respond to the brute force because I don't quite know what they're talking about. Lili?

LILI SUN: If you are thinking about the comment is from DNRC, you should know that they are talking about the interpretation about data accuracy. They think the definition of the accuracy is contactability, not the accuracy we are talking about here. It's the data should be corresponding to the registrant as well. And according to the DNRC, so for the [real] accuracy, it's unachievable. I believe the brute force here is from there, is from the interpretation [inaudible] the data accuracy.

ALAN GREENBERG: Any of this strike a chord?

UNIDENTIFIED FEMALE: I stated a few seconds ago that I don't remember this explicit phase "brute force."

ALAN GREENBERG: [I'm sure we didn't use that.]

UNIDENTIFIED FEMALE: So I don't think that's – I think this seems kind of hyperbolic, but maybe I'm speaking out of turn. I don't know.

ALAN GREENBERG: Okay, barring anything else, I think our response is we are not aware that we are recommending brute force enforceability and anything relating to suspending domains other than what is in our current policies.

VOLKER GREIMANN: I think this goes back [again] to interpretation of what we're recommending. So I think from what I've heard from Kathy who drafted a lot of that is that she feels that the recommendation is [inaudible] too broad and open to interpretation what we actually mean. And by cleaning up that language as we've already done with the previous recommendations, we could alleviate that or remove that misconception and basically help them come on board with it. And the second part, I don't really understand.

ALAN GREENBERG: We're never going to get Kathy to come on board you know.

VOLKER GREIMANN: And I don't understand what they actually mean [inaudible] because I think they mean the accuracy….

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: We have not had any reports of abusive use of the ARS data. I mean, ARS data is only made available to Compliance. Chris?

CHRIS DISSPAIN: Just a question for clarification. Are we planning on specifically responding to every comment that has been made that's negative?

ALAN GREENBERG: That is our charge.

CHRIS DISSPAIN: Really?

ALAN GREENBERG: Yes.

CHRIS DISSPAIN: Specifically to respond to every comment?

ALAN GREENBERG: Yes, sir.

CHRIS DISSPAIN: Okay, I must have got lost along the way.

ALAN GREENBERG: Remember a few years back when people used to submit public comments and they never even got read?

CHRIS DISSPAIN: Okay, so we could respond saying "read."

ALAN GREENBERG: No, no. If you remember that, this is the reaction. The reaction is we as a review team or PDP or whatever go over each comment and put an answer. Maybe it's "noted." Maybe it's "we [inaudible] disagree."

CHRIS DISSPAIN: Okay, so perhaps that's what I meant rather than specifically acknowledge receipt and say, "Thank you, we note," is whether – because it seems to me that we could spend hours and hours getting down into the weeds and feeling the need to justify what we've said. And I just want to make sure that we don't really do that. I mean in the same way, the whole point about it is that – my understanding is this and again I must stress I'm speaking personally – this review team operates as a conglomerate of different views and tries to come to consensus, etc. Comments are [inaudible] NCSG comments are consistent with NCSG and so on. So all I'm saying is I don't think it's necessary for this review team to get into a debate on the comments rather than simply just responding and saying, "We know what you say."

ALAN GREENBERG: Their perception is if we don't that, it is perceived that we didn't bother reading them at all. Having spent untold hours in other groups with this, that is the world we have created. Negar?

NEGAR FARZINNIA: Thank you, Alan. In the bylaws, there is a requirement that as part of the [inaudible] report that is submitted to the board there needs to be a section on the report where the review team addresses how they've taken into account the comments that have come in during public comment. So the idea is not to respond to the commenters, but there needs to be an explanation included in the final report.

UNIDENTIFIED MALE: Thank you.

ALAN GREENBERG: As far as I know, the only practical way to do that is to make sure that we are comfortable, we have discussed each of them and accepted it, rejected it, or explained it. It is tedious. Sorry, go ahead.

SUSAN KAWAGUCHI: Back to Kathy's comment when she talks about the abuse of the ARS, what she's talking about there I think is that people who are trying to get a domain name deleted or just bug a registrant or a registrar will report continually the same domain name or a group of domains. And so it clogs the system. It makes a registrar do a check based on no real evidence. And then sometimes they're successful, supposedly,

anecdotally. I've never really seen this, but I've been told that there have been times when somebody didn't have up-to-date information and ended up a domain actually got suspended and eventually deleted. So if you have like even for Facebook we would get that and then a report. MarkMonitor would just forward it through and say, "Hey, do something."

ALAN GREENBERG: I understand what you're saying. That's not the ARS though.

SUSAN KAWAGUCHI: But I think that's what she's [getting at].

ALAN GREENBERG: Oh, okay. But the abuse of the complaint system….

SUSAN KAWAGUCHI: Right.

ALAN GREENBERG: …I fully understand, and if someone had mentioned abuse of the complaint system to us early on in the game, we might have chosen to look at it. But it's nothing that [we] reported to us nor is it something we looked at, and it's certainly not the ARS. Volker?

VOLKER GREIMANN: I mean, we could respond to that in two ways. We're not aware of any abuse issues of the ARS because the data in the ARS is randomly sampled. That's the one way. Take it by what they wrote.

ALAN GREENBERG: [Or is it public.]

VOLKER GREIMANN: Or interpret it in the way that they probably mean as to the reporting system by third parties, the accuracy reporting system which could shorten to ARS as well. And there we see some form of abuse from time to time, but there are no statistics on that. We just deal with it [on a case-by-case basis].

ALAN GREENBERG: Nor did we have it reported to us when we solicited input initially.

VOLKER GREIMANN: Yes, exactly. So basically, we….

ALAN GREENBERG: Okay, I think we're covered.

VOLKER GREIMANN: Yeah, we're covered.

ALAN GREENBERG: And the last one asked, oh, the last one is reporting to the domain owner who the complainant is. I would say privacy issues prohibit us from doing that. That's a reasonable answer to give, however I don't really know if that's a fact or not.

SUSAN KAWAGUCHI: Currently, you can consent to having your [inaudible].

ALAN GREENBERG: Are you asked?

SUSAN KAWAGUCHI: Yes.

VOLKER GREIMANN: [inaudible]

SUSAN KAWAGUCHI: Maybe that's what it [inaudible], but you have a choice.

ALAN GREENBERG: So what is our answer? The review team is not fully cognizant of the privacy issues associated with unilaterally releasing the name of the complainant. Claim ignorance when nothing else works.

SUSAN KAWAGUCHI: [inaudible]

ALAN GREENBERG: Did someone catch that? The review team is not [inaudible] of the legal issues surrounding unilateral release of the domain name. It is an option given to the complainant currently.

UNIDENTIFIED FEMALE: Well, even as [Volker] was saying the default [inaudible].

VOLKER GREIMANN: Yeah, I just checked on the ICANN inaccuracy complaint forms, and it's the box that says "I do not want [inaudible] disclosed. I do not want it to be disclosed." And they have to provide a reason. So by default, everyone is disclosed. I presume ICANN Compliance looks at those reasons and sees if they make sense and then decides on whether they forward the name or not. But I have no idea. We have no data on that.

ALAN GREENBERG: I would think under GDPR, privacy is the default.

VOLKER GREIMANN: Well.

ALAN GREENBERG: I think we're done with this one.

JEAN-BAPTISTE DEROULEZ: Then public comments on Recommendation CM.1. This recommendation is: "The ICANN Board should negotiate contractual terms or initiate a GNSO PDP to require that gTLD domain names suspended due to RDS (WHOIS) contact data which the registrar knows to be incorrect, and that remains incorrect until the registration is due for deletion, should be treated as follows: (1) The RDS (WHOIS) record should include a notation that the domain name is suspended due to incorrect data; and (2) Domain names with this notation should not be unsuspended without correcting the data."

The first public comment is from RrSG in support, however they reject "the notion of the RT [review team] dictating contractual terms."

RySG supports that.

And a comment from ALAC: "Based on the Review Team's findings the one with regard to Data Accuracy is a concern (R4.1, R4.2, CM.1), and the ALAC looks very much forward to the Board's response on how to handle this in the long run."

ALAN GREENBERG: I think our response to the first one is the only mechanisms by which ICANN can change a contract are through negotiations or, if applicable, a PDP and we are simply giving the board full latitude to use whatever tools are available.

VOLKER GREIMANN: I think this could be very easily redressed by just removing part of that first sentence from the word "should" to the word "to" so that it would now read: "The ICANN board" – include "should" – "should require that gTLD domain names suspended" and so on and so forth. And how they do that is up to ICANN. So not suggest how ICANN should do that and say, "ICANN should do that." I think that part would totally remove any question about what the registrars have objected to.

ALAN GREENBERG: The reason we came up with that wording is ultimately, for instance, [inaudible] board cannot negotiate a term, they can initiative a PDP. They have no control over the outcome of that PDP. Okay, so ultimately the board is not in a position to guarantee that this be done. We are simply saying the board should use whatever tools are available. And maybe we need to reword it. Now it says….

VOLKER GREIMANN: Well, it needs some rewording anyway because when we are renegotiating the RAA we're not negotiating with the ICANN board. And it says that the ICANN board should….

ALAN GREENBERG: Ah, okay. Okay, it's not the ICANN board that negotiates anyway, so that needs to be clarified.

VOLKER GREIMANN: Just remove that entirely and let the board decide how they want to address that and I think we're fine.

ALAN GREENBERG: The problem, Volker, is when we started this discussion and started saying we want something changed, we were told that there is no way to change it and there is no guaranteed way to change it, that's correct. But these are the tools. And you're right, the wording is wrong. It's not the board that negotiates, and maybe it's [initiate] because negotiation implies we don't know the outcome of the negotiations. I think the wording needs to be clarified so it's less offensive. But we are not dictating contractual terms. We are saying we would like through whatever mechanism possible to see this term changed. It may end up with a good result. It may end up without one, but one should use whatever tools are at our disposal. So I think that this needs rewording. Not dictating terms. We are suggesting such a term would be advantageous. And suggesting advantageous is probably not quite strong enough. But, okay, we'll try some rewording on this one. Do we have a break coming up soon? I'm getting tired?

JEAN-BAPTISTE DEROULEZ: At 3:30.

ALAN GREENBERG: Okay.

JEAN-BAPTISTE DEROULEZ: That's [inaudible].

ALAN GREENBERG: Oh, that's fine. That's only a half hour. All right, next one.

JEAN-BAPTISTE DEROULEZ: So next one is on Recommendation CM.2: "The ICANN Board should direct ICANN Organization to assess grandfathered domain names to determine if information is missing from the RDS (WHOIS) Registrant field. If 10-15% of domain names are found to lack data in the Registrant field, then the ICANN Board should initiate action intended to ensure that all gTLD domain names adhere to the same registration data collection requirements within 12 months."

Support from ALAC on this recommendation.

And the Domain Name [Rights Coalition]: "Requests deletion of this recommendation as it (1) goes beyond the scope of the WHOIS 1 RT [review team] recommendation of 'contactablity'; and (2) violates basic standards of due process and common sense, such deletions would disproportionately impact Registrants from the developing world who are already underrepresented in the online space. It may also impact users who are sharing local educational and community resources. Finally this recommendation and the review of grandfathered domain names with the possibility of mass deactivations should be tabled pending completion of the EPDP's work."

ALAN GREENBERG: This I think will be an interesting one. On reading it again, I'm not sure why we ended up homing in on empty fields as opposed to something closer to what the ARS looks for of fields which would not meet the validation [requirements]. So can someone remind me of how we got from validated fields to empty fields. Volker?

VOLKER GREIMANN: I think because empty fields are very easy for ICANN to detect and validated fields are something that the registrar might possibly know but ICANN would have no idea whether a field is validated or not unless they ask. And having to ask for every single field for every single domain name might be a bit of an onerous task for a review of all the domain names that are still considered to be grandfathering because [it's] quite a substantial number. But if they have the number of domains that they consider [inaudible] how many fields are empty there, that's something that ICANN can probably do.

ALAN GREENBERG: I guess I didn't think of [their] registrar business. I thought of it as an ARS sample of 180 million.

SUSAN KAWAGUCHI: That wasn't [inaudible].

ALAN GREENBERG: Sorry? Oh, okay.

SUSAN KAWAGUCHI: [inaudible] he expressed that [inaudible]. The way I understand this is before 2009, or before 2013 – this is all becoming very foggy to me lately.

ALAN GREENBERG: That's why I'm asking questions because I don't remember either.

SUSAN KAWAGUCHI: If a domain name was registered before the registrar sponsoring the domain signed the 2013 RAA, they were not required to collect the registrant field and the address. There's two.

VOLKER GREIMANN: I don't think you had to [inaudible] the registrant e-mail address. That was something that wasn't….

SUSAN KAWAGUCHI: The address or something. There were two.

VOLKER GREIMANN: Yeah, the registrant field was a lot shorter in the old days, at least from the mandated part. Whether a registrar actually collected it and displayed it is a different question.

SUSAN KAWAGUCHI: Right. So it could be that everybody has been collecting this information all along, but they weren't required to collect two different fields, and I can go back and check that. So, therefore, this could become critical now when everybody is talking about data minimization and if admin and tech – this is not a problem in my opinion when admin and tech was for sure being collected – but if we go down the road with EPDP and they decide on data minimization, then all of a sudden we have registrant records missing two critical fields. That's a problem. And there's no reason to have [inaudible] bifurcated here.

We should have one policy for WHOIS and it could be that the EPDP will say this is the new policy and we're doing this. But if we get into this, well, maybe we are, maybe we aren't and it takes two or three years, this could cause quite an issue. The registrars would have their billing information, so they would know who really owns the domain. But we would have no right to ask for that information because they don't collect it or they're not required to collect it.

ALAN GREENBERG: Let's not confuse what the registrar has as their entity they're dealing with and who is the registrant of record. They may be completely different things for a number of legitimate or illegitimate reasons. Okay, lack data in the registrant field, that means the field called registrant. So that field was at some point optional?

VOLKER GREIMANN: No, the old registrant field itself was not optional, but it did not contain as much data as the other standard fields. The Admin-C [inaudible] field

was more verbose, had more data elements than the registrant fields in the old days. And I think that is something that should be addressed, but I think we're recommending data collection requirements, and that's [inaudible] the scope of the EPDP and that's a concern.

ALAN GREENBERG: When we're talking about registrant field, we don't mean just the registrant name. We mean the registrant name, registrant address, registrant e-mail. So it's registrant fields, to start with.

SUSAN KAWAGUCHI: It's [inaudible]. They have to [inaudible].

UNIDENTIFIED FEMALE: If I may, the missing field in 2009 RAA is the e-mail address and phone number.

SUSAN KAWAGUCHI: [Okay, thank you.]

ALAN GREENBERG: Phone number is not a mandatory field.

VOLKER GREIMANN: It used to be [inaudible].

ALAN GREENBERG: Even for people who didn't have phone numbers?

VOLKER GREIMANN: I don't know the reasoning why it wasn't in there, but the 2009 RAA just didn't have e-mail address and phone number as required fields for the registrant because probably they assumed that if somebody wanted to contact the registrant urgently, then they could talk to the admin who was designated for that role.

ALAN GREENBERG: But phone number is a mandatory field now?

VOLKER GREIMANN: It is. Fax isn't.

SUSAN KAWAGUCHI: [Yes.]

ALAN GREENBERG: [inaudible]

VOLKER GREIMANN: Can we make that a recommendation?

ALAN GREENBERG: I challenge you to say that in the EPDP. Please.

VOLKER GREIMANN: Drums and smoke signals [inaudible].

ALAN GREENBERG: I'm just wondering because in large parts of the world people have a phone number but it may well be a temporary phone number that will change next week when they buy a new SIM card. So I just find that interesting if we worry about the Global South. However, that's not the subject of this problem.

SUSAN KAWAGUCHI: You and I [inaudible].

ALAN GREENBERG: All right, are we still comfortable with the recommendation as it stands? I think it needs a little bit of clarification of what fields are we [talking about].

SUSAN KAWAGUCHI: We could add e-mail address and [phone number].

ALAN GREENBERG: If those are the fields, then we should. Now the DNRC comment. I don't think we are suggesting mass deactivations. As a matter of fact, we're particularly silent on what would happen. However, the reality is, what would happen?

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VOLKER GREIMANN: What would happen would be mass deactivations because [if] we forced all the domain names that are currently still considered to be grandfathered under the new rules, that would require having to contact all those registrants, getting feedback from those registrants. And if we don't get that feedback, then these would be suspended. That is the logical course that would happen because if we have to touch the registration to change fields, don't get feedback for those changes, then suspension is the only contractual option that we have at besides deletion.

ALAN GREENBERG: Assuming a reasonable transition period.

VOLKER GREIMANN: [Even then.]

ALAN GREENBERG: Pardon me?

VOLKER GREIMANN: Even then. I mean, if you deactivate now or you deactivate in a year, it doesn't make much of a difference.

ALAN GREENBERG: I was thinking more like ten years.

VOLKER GREIMANN: Well, I assume that in ten years the grandfathering issue will have resolved itself with domains being deleted and transferred.

ALAN GREENBERG: That's not clear to me.

VOLKER GREIMANN: Well, if you look [inaudible] grandfathered domains that will peter out at the end. [inaudible] sure about that. There will never be zero, but the trend is clear.

ALAN GREENBERG: I think this recommendation with the threshold of 10-15% was, if you're right, then this recommendation will result in nothing. If you're wrong, then it says we have to take some level of action. I would guess it would be constrained by renewal dates and a variety of other things. So given that you can have a domain for ten years, it might well be ten years.

Okay, so I think what we're hearing is we can still live with the recommendation. If Volker is right, then the test will be done, it will fail, and the recommendation goes up in smoke.

VOLKER GREIMANN: [I still] have a problem with that because ultimately the entire 2013 RAA and the obligations that go with it and the transition process were part of an extended negotiation program between ICANN and the [inaudible]

and in this case the registrars. And the result that was reached was a carefully designed compromise that was designed by ICANN and the registrars to take into account all perspectives on this. And one part that had also been understood by the parties at the table at that time was that usually the registration data accuracy is an issue for domains that are used for abusive purposes.

If you don't have a domain that's not being used for abusive purposes or [inaudible] registration in that, then the accuracy requirements don't become that urgent because there's no actual need for that data to be 100% accurate or for the registrant to be contactable. Because, let's face it, if you don't need to contact a registrant because he's not doing anything wrong, then you probably don't need the contactabilty to be as strict [or as] stringent as for registrations that are being used for abusive purposes where certain things go wrong.

And the older [inaudible] gets, the less likely it is that there's problems with that registration that you will need that contactability. So I would argue strongly that for the domain names that are still grandfathered whenever this kicks in, there's not actually a problem with that data still being missing unless we find some overarching reason why the contactability for such old domain names is such an important goal [that] to risk the deactivation of those domain names.

ALAN GREENBERG: And let the record show Stephanie Perrin has joined us.

UNIDENTIFIED FEMALE: [inaudible]

VOLKER GREIMANN: Well, we took all the [inaudible].

ALAN GREENBERG: Okay, Volker, I guess I disagree with you because we're talking about contactability based on WHOIS data, which is different from contactability by the registrar, as you and other people have pointed out multiple times.

VOLKER GREIMANN: I'm not saying that. I'm saying that contactability by the registrant, by anyone, becomes less of an issue the older the domain name is.

ALAN GREENBERG: Oh, there's no question about that. I don't think anyone is arguing that. But should a situation arise where one wants to contact the registrant, ultimately the whole purpose of WHOIS is that we be able to do that. The number of times [inaudible] need to be contacted compared to the 300 million domains is infinitesimally small. We know that on the general [case].

Could we close the blinds a little bit right now? The sun is directly in my eye, or the reflection of the sun. Thank you.

So clearly if this recommendation were to be put in place, ultimately how does one handle the situation of a registrant who does not respond

to any queries by the registrar? Remember, the registrar also sends them queries saying your credit card is expired and things like that.

VOLKER GREIMANN: We don't need to figure out how to handle that because that's already in the agreement. The failure to respond to a valid inquiry by the registrar is a breach of the contract by the registrant which can – must, actually, under the ICANN contract – be enforced by either [suspension or] deletion of the domain name. So having to force the registrar to reach out to a registrant already triggers a mechanism in the RAA that forces the registrar to take action if no response is received. And I think that is part of the concern that if we make it necessary for the registrar to contact the registrant to make any kind of modification, then you trigger a deactivation down the road for a lot of domain names.

SUSAN KAWAGUCHI: This isn't really [inaudible] pertain to our discussion, but it sounds like you're saying that no matter what the new registration data policy is that the registrars will advocate for not touching them so those old registrations will never, ever have to [pertain] to the new policy that comes out of the EPDP.

VOLKER GREIMANN: Never, ever is too far. Like I said, the grandfather mechanism foresees certain triggers where the registrant would come to the registrar and make certain requests, such as the transfer of the domain. And in those cases, then this domain name would no longer be considered

grandfathered and would have to adhere to those mechanisms as well. So if I don't like GoDaddy anymore and I want my domain with Key-Systems, then I have to say goodbye to my grandfathered status for that domain.

SUSAN KAWAGUCHI: Okay. I don't agree, but [inaudible].

ALAN GREENBERG: Volker, you did agree to this as it is currently worded in the draft report. Is what you're saying now saying should we have a consensus call for the [inaudible] you would not agree with at this time? Or you can live with it based on it's being a compromise?

VOLKER GREIMANN: Well, before we go there, can we see if there's any other [comments]? It surprised me that there's only two.

UNIDENTIFIED MALE: [There are.]

VOLKER GREIMANN: So I think before we go there, we should see all the comments and [then I'll] make a decision based on what we [inaudible].

ALAN GREENBERG: Okay.

JEAN-BAPTISTE DEROULEZ: The next one is from the RrSG: "Very problematic. The ARS studies have shown that the number of grandfathered domains is already decreasing steadily on its own, illustrating that there is no strong need for a complete removal of grandfathering privileges for pre-2013 RAA domain names, which would create significant implementation issues for both registrars and registrants. The terms of the 2013 provisions were negotiated by ICANN and the RrSG under consideration of the realities of the domain business and difficulties in having to reach out to existing customers. The RT [review team] also does not demonstrate any reasonable fact-based need for removing the grandfathering rules. If an existing registration that predates the adoption of the 2013 RAA by the sponsoring registrar is not causing any issue, there needs to be a compelling reason to impose sanctions. The presumption that sufficient time has passed since the adoption of the 2013 RAA is erroneous as registrars have been adopting the new RAA over time, not at the time it was introduced by ICANN."

ALAN GREENBERG: Comments anyone?

VOLKER GREIMANN: I think I just raised those comments. It's amazing.

ALAN GREENBERG: Should we put on the record that Volker has agreed with the registrars' comments?

VOLKER GREIMANN: Yes. Yes, please do.

ALAN GREENBERG: Let's go on, and then we'll talk about them in general.

JEAN-BAPTISTE DEROULEZ: Thank you. Then the RySC comment. They are concerned "with the wording: who would be the party responsible for taking the actions described on domains suspended due to RDS data? RySG echoes the RrSG's concerns that the RT [review team] should not be dictating contractual terms and believe the recommendation as written is imprecise and potentially problematic."

ALAN GREENBERG: Okay, open discussion. Volker?

VOLKER GREIMANN: I'm not sure if I could add anything to what I've said before [in the] comment as written here. The last point is valid as well. I think we've had that discussion before though. So we need to go over it again because this is a discussion we've had over and over before we came up to this recommendation.

I'm not a big fan, so I would support anything that cuts into this or removes it. But obviously there are strong feelings on the other side as well. I think one thing that we should maybe consider in our response to

the registrar stakeholder [inaudible] is to actually demonstrate the need for the removal of the grandfathering rules for such domain names. If we can demonstrate an actual need that is understood by all parties that, oh yes, that's a valid reason why we actually need that, then I think that would go a long way of making that argument. If we can't, then we should consider removing that [inaudible] recommendation.

ALAN GREENBERG: Does anyone [inaudible] – I'll give you the floor next, especially since you may have an answer for me – the reference to the ARS data showing that the number is decreasing. Does anyone have a handle on what those numbers are? I think Lili may be able to pull them up.

LILI SUN: Yes. So first my comment is regarding the [inaudible]. Since the [inaudible] are missing for the grandfathered domain names [registration], I think it's [inaudible] needs already considering the e-mail address is super essential for any [inaudible]. We can use that field for correlation, for expanding our initial assessment. I think, yeah, the substantial fields [inaudible] is already a [inaudible] need already.

For this [inaudible], if you can recall for the first ARS report, there are around 40% grandfathered domains. So the review team considered it was a really considerable portion. And even now, we see a descending trend on the grandfathered domains, it's still around 30% if I'm not wrong. There are still 30%. And we made a compromise to a 10-15% if the domains are missing the fields, it's already a compromise. If we are going to remove the recommendation [wholly], I think, yeah, so no

matter what percentage the grandfathered domains would be there. So there are still a considerable portion of the grandfathered domains are missing the substantial fields [over there]. There will not be any solution in the future.

I reiterate Susan's point that with really need a consistent policy. Since the 2013 RAA, it has been [coming into effect five years]. Why we should keep like two formats [of] policies? There is no reason.

ALAN GREENBERG: Thank you. Of course, the five years means that's when it was available. Some people may only have signed on to it very recently. I note Stephanie is in the queue.

The reason I was asking the percentages is I wonder if we can take the ones we have, and it's only a limited number over a couple of years, and do any projection on when in fact that number goes down to become negligible. I suspect it's a relatively long period, but I think it's worth trying to do that projection.

Volker and then Stephanie.

VOLKER GREIMANN: Two points, one of which my constituency might kill me for, but I [inaudible] that last. First point is that one part of this recommendation that always struck me as a bit odd was that we're not basing it on any existing numbers that we know. We're saying only 10% of grandfathered domain names, if they don't have contact details [inaudible] but we don't know what the number actually is right now.

We don't know where we are operating from, what the timelines are, what the grading is. As in, how far along that road, that target, how far away from the target are we currently? We know how many domain names are grandfathered [or not] but we don't know how many of those domains actually don't meet those criteria that we are setting for removal of the entire grandfathering provision. So that's something that I would really like to see. As in, do registrars only have to contact [inaudible] registrants to make sure that we are under that level? Are we almost there, or is this an enormous amount of effort that has to go into this? As in, how easy is it to make that trigger happen or not? I think that's something that we should consider.

That's the first point, and before you respond I would [come to] the second one. One reason I think is compelling and should be made by our group is that if the admin contact [inaudible] moved, then the registrant contact without an e-mail address or telephone number would mean that no contact would be there with those details. And I think that's a problem. That's the main problem. So our focus might be on ensuring that a contact exists that has these details rather than make sure that the registrant contact definitely has to have [them]. Okay.

ALAN GREENBERG: What I was going to say, and [inaudible] Stephanie next, is I wish we worked in an environment where we could simply say can someone please tell us how many of the 180 million grandfathered domain names – and that was the estimate we got – have no entries in those fields? I mean, DomainTools can probably do a simple query and tell us at least what it was six months ago.

UNIDENTIFIED FEMALE: [They can?]

ALAN GREENBERG: They can. They still have their data now. No one has taken it away from them. I don't even know who to ask to get that kind of query done. And maybe it's as simple as asking the question and trying to get a definitive answer now and deciding whether this is a recommendation we need or that we're already under that threshold and it's moot.

UNIDENTIFIED FEMALE: [inaudible]

ALAN GREENBERG: Pardon me? Stephanie?

STEPHANIE PERRIN: [inaudible] position and with Kathy Kleiman's group's position. Secondly, I do think we're really stretching for ways to be relevant here on this recommendation because I can't see the point of spending a pile of money when we're going to have a new policy coming out of the EPDP and more money will be spent implementing that policy. So to ask for more work when, as Volker just pointed out, we don't actually know what fields we're going to come up with as recommended fields after EPDP, this may fix itself. Because if you're going to delete some fields, you're going to have to have a contact point. So why don't we just put it

on hold? Rather than a recommendation, why don't we note that there is an issue and we don't have stats for it?

And on the matter of DomainTools, they should be dumping those records because they aren't obtained lawfully under the GDPR. So they better not be able to still do a search. Thanks.

ALAN GREENBERG: If we can't get the data, then we can't get the data. This recommendation will not be acted on until after the EPDP [inaudible] has for delivering a product. Whether they do or not is rather moot, so we're not spending any money until then. And the fields we're talking about here – you may not have been here when we started that discussion – are the registrant telephone and e-mail. I doubt if the EPDP is going to be deleting those two fields. Volker?

VOLKER GREIMANN: I think a compromise that a lot of registrars would be able to live with [inaudible] align this recommendation with the EPDP results inasmuch as to say that ICANN should ensure that by the time that the EPDP is implemented that all contact fields that the EPDP requires to be there for a domain name ensure that at least one contact has those fields. As in, say if the [inaudible] is deleted and we say there should be an e-mail address or there should be a phone number, then one of these contact fields that exists has to have that data, regardless of whether they're grandfathered or not. Because that would pull them back in.

ALAN GREENBERG: I would suggest that it has to be the admin or registrant. The technical contact may well be a very different entity that has no connection with the administration of the domain. So [inaudible] specific, we are talking about one of or a pair of the admin or registrant must have a telephone number and an e-mail or any one of the four is sufficient. I would suggest any one of the four may not be sufficient because a phone number is not necessarily a particularly reliable way these days.

VOLKER GREIMANN: It really depends on what the EPDP comes up with. If they say only phone or e-mail, then we [can] only demand phone or e-mail.

ALAN GREENBERG: EPDP is not likely to come up with that recommendation at that level.

VOLKER GREIMANN: Okay.

ALAN GREENBERG: Welcome. Can we welcome our new attendee? Erika Mann has now joined us after a laborious walk here from Germany. For the record, the trains are on strike. Susan?

SUSAN KAWAGUCHI: So the first half of this recommendation was to see if we do have a problem. So if they get through the first half which seems to me that with GDPR who knows how hard this would be, but then there may be

no problem. Maybe that data is being collected. But what I'm really concerned about is that you just confirmed to me that you did not expect the new EPDP TempSpec, whatever we're going to call the new policy, to impact the old domain names. So if that will be a registrar [inaudible]….

UNIDENTIFIED MALE: [inaudible]

SUSAN KAWAGUCHI: Well, he just said that.

VOLKER GREIMANN: I just said I don't know what they come up and what the ultimate result will be. It might be a problem; it might not be a problem.

SUSAN KAWAGUCHI: Right.

VOLKER GREIMANN: If we, for example, say there should be no more Admin-C contact, which might be a foreseeable outcome, then having domains that have nothing in the registrant field for either e-mail or [inaudible] may be a problem and that should be addressed. If, however, the [inaudible] continues to exists so there is someone representing the registrant that has that data available, then the problem is not as bad as any other circumstance. I'm just saying we should take into account what the

outcomes might be and tailor our recommendation to catch what we actually intend to happen here.

SUSAN KAWAGUCHI: And I disagree because you've seen what has happened in the past, so there is not a lot of trust there. And [inaudible] this recommendation I would have a problem if we change it substantially.

ALAN GREENBERG: Thank you. And to Stephanie, noted. Volker, question. In the hypothetical situation you just described, we are deleting the billing and admin contact which is the current position of the EPDP and we have a registrant field with no information in it. You're saying it would be reasonable at that point to say it has to have some contact information, otherwise there's no way to contact the registrant. How would registrars handle that? Given this discussion we've had more than one time on the difficulty of contacting registrants and the consequences of not being able to contact them.

VOLKER GREIMANN: That's a good question. It would be a very, very troublesome and onerous process. But in that case, we would [inaudible] the need for that because we agree there should be someone who has methodology of contactability somewhere in their WHOIS data, whatever the contact may be. And if these elements that have that contactability are suddenly removed and having just short registrant field that's missing essential information, then we understand the need that there should

be some information there. And depending on what the EPDP comes up with and depending on what the processes are available to us, these data fields must be filled. I agree with that 100%.

ALAN GREENBERG: And you'll put money on the table your colleagues will agree?

VOLKER GREIMANN: I will make them.

ALAN GREENBERG: Can I quote you? No, I will not quote you. Stephanie?

STEPHANIE PERRIN: I was going to comment on the applicability of the GDPR to this whole problem. There has to be a contact point for the benefit of the registrant. [inaudible] for breach notification alone. I don't know what the billing, how you guys handle billing for these grandfathered guys, but….

UNIDENTIFIED MALE: [We don't.]

STEPHANIE PERRIN: You don't, yeah.

UNIDENTIFIED MALE: [We don't] [inaudible].

STEPHANIE PERRIN: Yeah, so they do need that, but they don't need two. They're going to have to, the EPDP whether it likes it or not is going to have to address a necessity test for the collection of double contact points. And in the EWG we came up with all kinds of contact points which I don't think is going to, we'll know better after the Tucows case gets all the way through court, but it's unlikely we're going to have both the phone number and the e-mail in my view. And I think the e-mail is probably going to be anonymized. So that's just a view.

ALAN GREENBERG: Let's not confuse what is made public with what is stored in the database.

STEPHANIE PERRIN: Sure, but you still have to have a necessity test to collect it.

ALAN GREENBERG: Someone has an e-mail address even if you only present an anonymized version.

STEPHANIE PERRIN: You still have to pass the necessity test to collect it. You don't get – we're always talking about this disclosure business. We're not….

ALAN GREENBERG: Stephanie, that's the EPDP's problem. That's not the table we're at here.

STEPHANIE PERRIN: Sure, but if it – yeah, okay.

ALAN GREENBERG: What I hear you and Volker saying is if grandfathered clauses post-EPDP result in no contact information, we have a problem for whatever reason.

STEPHANIE PERRIN: Correct.

ALAN GREENBERG: Volker said and I think you said that maybe two pieces of contact information is too much.

STEPHANIE PERRIN: [inaudible] you need one.

ALAN GREENBERG: No, you need one working. I learned a long time ago that if you rely on one piece of information, it probably will fail at the wrong time. So we can consider that. We're not debating that here.

STEPHANIE PERRIN: Okay, [inaudible].

ALAN GREENBERG: Well, we can't define [inaudible] until you actually try to use it.

STEPHANIE PERRIN: I know, but [inaudible].

ALAN GREENBERG: I am not going to be the one to call 180 million registrants to see if they're there or not. I have better things to do with my life. What I'm hearing from Susan is she believes it is really important to have contact information for the registrant. I think I'm hearing the same thing from all of you. Susan, if you were told that you have workable contact information for the admin [inaudible] registrant field is empty, would that satisfy you? Now remember, we haven't at this point considered after the EPDP who's going to have access to any of these fields.

SUSAN KAWAGUCHI: It just makes me more concerned because if for some reason the EPDP policy is only touching new registrations from the date it's implemented….

UNIDENTIFIED FEMALE: [inaudible]

SUSAN KAWAGUCHI: Well, I didn't realize that the 2013 RAA didn't apply so I just don't think that you can say that or I'm just not going to agree and have the faith that it gets put in place. It makes reasonable sense to take a look at this. I don't think it would be that hard or if ICANN can tell us [inaudible] take a look at this. This is millions of domain name records, and I think that the security of the DNS would be harmed if we end up in a situation in which we have no contact information available even under any – like I could file a UDRP but there's no e-mail address collected so, therefore you would not be able to contact the registrant in that manner, for example. And so I just don't have faith in the system that this is not needed because of what's going to happen in EPDP. We can't predict that. This is an existing problem that we saw. I think it needs to be solved, and I think these domain names need to be looked at.

ALAN GREENBERG: I think there is some violent agreement going on here using slightly different terminology.

SUSAN KAWAGUCHI: I think there's enough difference in the terminology to be dangerous.

ALAN GREENBERG: All right, nothing we do here is going to affect what happens until next July at the earliest. And Negar's estimate is [inaudible] if we deliver a report by the end of January, the board rules by the end of July. It is likely to be at the earliest the end of 2019 before an implementation

plan is delivered. So we're not going to see any implementation prior to that. If what we say in this recommendation is, again not wording the recommendation, but the recommendation preamble is we currently believe there are about 180 million grandfathered domains which may not have any contact information. And if they do have contact information, that contact information might be deleted due to whatever comes out of the EPDP. They might only have admin contact, and the admin contact will disappear. How that happens, we're not going to ask.

May I finish? Okay.

Since it is essential that there be some contact information for every registration, I think we can make a much stronger recommendation than this by generalizing it. Instead of simply saying – I mean, right now, we're saying if there's only 14% of the fields that are empty, ICANN do nothing. And what Volker is saying is saying there's 14% of what may be 150 million domains by that time. That's, I don't know, a large number, 25 million domains or something like that. Okay, 10% - I can do 10% - 10% of 150 million domains is [15 million] domains which will have no information in them, and that would be just fine. Volker is saying that's not acceptable.

VOLKER GREIMANN: No information is not correct.

ALAN GREENBERG: No contact information.

VOLKER GREIMANN: Even that, you'll have street address still in there. It will just be e-mail and the phone, partial information.

ALAN GREENBERG: Oh, okay, sorry. What he said about contact information, okay. So I think we're moving toward a stronger recommendation than what we have there, what's worded.

SUSAN KAWAGUCHI: Well, I mean, I'd be open to seeing other language. I'm not going to – that's fine. We can work through this. But what I am saying is unless that recommendation was very, very clear, I do not want to find myself in a situation three years from now where registrars say, no, can't touch those and we weren't required to collect the e-mail address and phone and we are not agreeing. And registrars and the registry have all the power in this situation. They can just dig their heels in and say we're not going to do this. It's not going to happen. And then we end up with records that do not include a registrant e-mail and phone. That is a dangerous situation.

VOLKER GREIMANN: And for the record I agree. I don't think we should have domain names without any records for any of the contacts.

SUSAN KAWAGUCHI: [But you do.]

ALAN GREENBERG: May I?

SUSAN KAWAGUCHI: [inaudible] you don't know. Nobody knows because nobody [inaudible].

ALAN GREENBERG: No. All he said is we should not have. He didn't say we don't have.

SUSAN KAWAGUCHI: No, he's saying we don't.

VOLKER GREIMANN: We don't want that.

SUSAN KAWAGUCHI: Oh, you don't want that. [inaudible]

ALAN GREENBERG: No, we do not want.

SUSAN KAWAGUCHI: I thought you said if you're a registrar, you don't want that. [inaudible]

ALAN GREENBERG: I think he's on our [inaudible].

VOLKER GREIMANN: Dependent on the outcome of the EPDP, we may end up with a situation that both you and I don't think is tenable.

SUSAN KAWAGUCHI: Okay.

ALAN GREENBERG: Now the registrar will still have contact information but not something that, for instance, a UDRP provider can get access to without legal action in the country of the registrar.

All right, we're already on soft ground. We didn't use the appropriate words at the end of this recommendation, as we talked about before. That is, the board should either negotiate or initiate a PDP. It says the board should ensure. The board has no way of ensuring. So again, I think we need the right wording there. And, yes, ultimately registrars can dig their feet in and in the old ICANN there would be absolutely no recourse. In this new modern ICANN, we can remove the board if they don't do what we want. Right, Chris?

UNIDENTIFIED FEMALE: [inaudible]

[CHRIS DISSPAIN]:   I'd like to see that.

ALAN GREENBERG: You're supposed to believe that Empowered Community power has teeth. If you joke about it, we know you don't consider it serious.

I think we can come up with something that we can live with. It's going to take a little bit of work, so the three of us will skip dinner tonight and….

VOLKER GREIMANN: No way. [inaudible]

ALAN GREENBERG: All right, but we're going to have to do some quick work to get back on the table sometime tomorrow. Volker?

VOLKER GREIMANN: Yeah, just to reiterate, I think the [logical compromise] is to modify this that considering that registrant fields do not necessarily have full contact information due to grandfathering rules [implemented] as part of the 2013 RAA and considering that the EPDP is considering to get rid of certain other contact fields, this would result in a situation where only one contact field would exist for the registrant or representing the registrant that would not have the full fields as [envisioned] under the [inaudible], whatever you may have. We consider this to be a situation that is untenable and, therefore, we would recommend – and then the recommendation would be – that at least one of the contact fields representing the registrant after the implementation of the EPDP should

have full contact details. And then make it a recommendation [inaudible] actually what the board should [inaudible].

ALAN GREENBERG: May I take that offline? Because the full contact details is different from one of. So let's talk about it.

VOLKER GREIMANN: Full as required under the [inaudible].

ALAN GREENBERG: Okay, I think we may have a compromise that will work and, in fact, be a stronger recommendation. And how it gets implemented, Lord only knows. I mean, right now we may have records with no contact for admin or registrant. So, okay.

VOLKER GREIMANN: And I think we have moved right through the break time.

ALAN GREENBERG: Then it is break time now.

JEAN-BAPTISTE DEROULEZ: So starting again after the break, we're not on Recommendation CM.3: "The ICANN Board should direct ICANN Organization to review the RDS (WHOIS) records of gTLD domain names sampled by ARS for each region to determine whether lack of knowledge of RDS (WHOIS) inaccuracy

reporting tools or other critical factors are responsible for low RDS (WHOIS) inaccuracy report submission rates in some regions."

So here starting with three supporting comments. First one from RrSG. They have "doubts, however, that the Inaccuracy Reporting Function will remain viable in their current form under data privacy regulations as such data is no longer publicly accessible. As such, any review or study of this tool may be a misuse of resources."

ALAN GREENBERG: I'm not sure why you class this as supporting.

JEAN-BAPTISTE DEROULEZ: So those [inaudible] who use the form and they report it support but have doubts.

ALAN GREENBERG: Oh. I guess first I have a question on the recommendation. I understand the intent. How would one attribute motive, however, to try to understand why there are so few reports? Susan, I think it came from you, so I'm sort of asking you.

SUSAN KAWAGUCHI: Yeah, actually in reading it now after a few months it's like there's a lot of problems with this. It seemed to make sense before. I guess what I was trying to get at was we know we have a problem in the Global South and there's very relatively little small numbers of use of the

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accuracy reporting tools. And if there was something in the domain name registration itself that might give us a clue or the organization a clue to the few that are reported, why are they reported and is there any information we can glean from that? But part of me thinks that this is probably not a way to go about it. I mean, outreach might be better.

ALAN GREENBERG: Well, okay, I think the gist here is that the ARS shows there is inaccuracy but no one is reporting them through the other methods.

SUSAN KAWAGUCHI: Mm-hmm.

ALAN GREENBERG: And I would think that is when we talk about doing outreach we should simply add a footnote, a subpart of it to say there may need to be a particular focus in the Global South because, and cite this as a rationale and delete it as a recommendation.

SUSAN KAWAGUCHI: I would sort of agree unless somebody can remind me of other reasons that we decided on this.

ALAN GREENBERG: I'm concerned because I don't like making recommendations where I have no clue whatsoever of what the methodology would be to do it. And although [inaudible] it's for all good intentions, I'm not sure one

could – it's hard proving a negative and how do you demonstrate why people aren't doing something? It's either they don't care, there are no mal-doers in the Global South, or they don't know about it. But how do you go about determining that? So I think delete this as a recommendation, add it as a more targeted focus on the outreach, and leave it be.

And just for the record, the [comment] on the Registrar Stakeholder Group saying ARS may no longer be possible I don't think is relevant to this discussion. Volker?

VOLKER GREIMANN: Maybe that also ties in to how relevant are domain names in the Global South. If you look at regions such as Africa, domain names are not really the main use of the Internet. It's mostly telephone payment services. This may not be as relevant in the Global South as a region [inaudible] part of the regions that are included in the Global South and the Global North. I don't think it's quantifiable.

ALAN GREENBERG: I guess I disagree with you at some level. I realize perspectives are different, for instance. I haven't been there in four or five years now, but the last time I was in Tanzania or Kenya names on trucks and bulletin boards and stuff all the time always using the ccTLD, not the gTLD. That's what struck me. So the names are being used. They strongly often focus on the ccTLD, but they are relevant. But I think what Susan is saying is the ARS shows there are inaccuracies but no one seems to care. It's an interesting thing. It may mean we need more

outreach, but I suspect there's also and issue of [the ccTLD] versus gTLDs.

All right, so this one we will delete. We will respond to the comment noting we're deleting it, but whether the ARS can continue or not in the future is not a factor.

VOLKER GREIMANN: I think they stuck that in to [inaudible].

SUSAN KAWAGUCHI: So, Lili, did you have any comments on that?

LILI SUN: My memory regarding this recommendation is also generated by the Compliance report. There is constantly a lack of inaccuracy report from the Global South and even for some African regions I remembered. So the previous discussion was focused on whether there is a lack of knowledge of the reporting tools. So I agree this is part [inaudible] outreach efforts as well.

ALAN GREENBERG: That pretty well matches my memory. All right, let's go on to the next one.

JEAN-BAPTISTE DEROULEZ: All right, the next comment from the RySG: "What is the desired outcome? Review team should make that more explicit and consider revising this recommendation accordingly."

I'm sorry. Did you mean this recommendation?

UNIDENTIFIED FEMALE: [inaudible]

JEAN-BAPTISTE DEROULEZ: Okay.

ALAN GREENBERG: Oh, what we're doing is we're deleting the recommendation and our response – we will respond to the comment anyway – saying that the existence of ARS is not [inaudible] but we are deleting the recommendation [inaudible].

JEAN-BAPTISTE DEROULEZ: All right, Recommendation CM.4.

ALAN GREENBERG: One second.

UNIDENTIFIED MALE: [inaudible]

JEAN-BAPTISTE DEROULEZ: Recommendation CM.4: "The ICANN Board should direct ICANN Organization to publicize and encourage use of the Bulk WHOIS inaccuracy reporting tool (or any successor tool)."

There is support from ALAC.

Then the Domain Name Rights Coalition "finds this recommendation unnecessary, as there have been 'only 3 have reported inaccurate RDS (WHOIS) records in the last year' and only 10 individuals/entities are registered for it, and suggests the reporting tool should be deleted rather than promoted."

ALAN GREENBERG: It just shows how you can interpret the same data in different ways. All right, in reverse order, the Registrar Stakeholder Group comment says that "It is unlikely that the use of a bulk reporting tool referenced in Recommendation 4 will be compliant under GDPR or other applicable data protection regimes."

I don't believe it is a given. I do believe that there are significant people in the Registrar Stakeholder Group who believe that should be the outcome given that there is a strong position that under GDPR registrars should not be obliged to distinguish between geographic localization nor legal versus natural persons. But it is not a given that that is the outcome at this point, and so I don't think we can presume that all of WHOIS is going to be blacked out going forward. So the bulk reporting

[inaudible] not disappear and bulk reporting may still be applicable. So I think we have to work in that world. Volker?

VOLKER GREIMANN: Can we make that recommendation dependent on such a recommendation of the EPDP to make it clear that provided there is still a means to gain bulk access to WHOIS data, the promotion of a tool to provide bulk WHOIS inaccuracy [inaudible] may be beneficial to the community? Because otherwise, it doesn't make sense if there is no way to [inaudible] if this recommendation goes [inaudible]. So why not make that clear at least in the reasoning?

ALAN GREENBERG: I have no problem with that.

SUSAN KAWAGUCHI: I don't think this is dependent on bulk access at all. Is that what you're saying?

ALAN GREENBERG: I think he used the term bulk access not in the DomainTools form but in a [inaudible].

VOLKER GREIMANN: I wonder how you're going to make bulk WHOIS inaccuracy complaint without having access to domain names on more than on an individual

domain basis, which seems to imply a bulk access in some form or shape.

SUSAN KAWAGUCHI: No. I mean, we're doing it now. We're just not reporting them [inaudible] as bulk access. So I came up with this one. One of the reasons was because I do a lot of WHOIS stuff and only found out about the bulk access stuff tool a couple years ago. So I thought, well, if they've got this tool, they should allow – they should publicize it because it's a pain to do one-off. With the zone files, you always get the domain name. You get a list of newly registered domains or updated domains. So that's the bulk list that you need. And then you just do a bunch of one-off lookups. Yes, it used to be easier, but it is not. But you could easily.

Like I ran across a registrar that [inaudible] redacted in, they absolutely left all the information off except their own registrar information and nameservers. The nameservers were on the WHOIS record. But it was over 100 domains. I looked them all up individually, and I could simply plug those into the bulk WHOIS instead of filling out every little form on the – so I think it's a good tool.

ALAN GREENBERG: Certainly one of the reasons ICANN has not wanted to publicize it widely is once it's submitted, it gets transformed into individual tickets. And that doesn't always make sense either because if they are all indeed reporting the same sort of problem perhaps with the same registrar, it's

not clear they should be. But that's a methodology problem on their side.

SUSAN KAWAGUCHI: Right. That doesn't mean [inaudible].

ALAN GREENBERG: Volker?

VOLKER GREIMANN: I just wonder what we mean by "publicize and encourage use of" because I just looked at the main ICANN website about WHOIS inaccuracies and they're making it clear that there's such a tool and they're giving instructions on how to sign up for that. What more do we want? If we want them to publicize it, then they could just say we're already doing that. I think we should be clear in what we want with this [inaudible]. Not just say they should do more but what exactly do we want ICANN to do, and especially the ICANN board to do. Does this rise to the importance of a recommendation if it's something that could be done on an afternoon by someone working on the ICANN web page by making a couple of more references if we could get that done?

SUSAN KAWAGUCHI: I don't disagree with that. The more detail we can give without being overly prescriptive is [best].

Last summer, I actually went through the process and applied for it and didn't use it in three months and then they revoked my permissions. And I'm like thanks a lot, guys. The reason I didn't, I didn't want to burden them with a bunch of – because I wanted to see where this was all going. So now I have to go through the process again.

VOLKER GREIMANN: [inaudible]

ALAN GREENBERG: Yeah.

SUSAN KAWAGUCHI: Well, for a lot of it.

ALAN GREENBERG: All right, Volker, where did you find this? Under [inaudible]?

VOLKER GREIMANN: I basically Googled for "bulk inaccuracy" and landed on the ICANN website about WHOIS inaccuracies. I'm putting the link into the chat on the Adobe Connect.

ALAN GREENBERG: I'm not on. I never did get on Adobe Connect.

VOLKER GREIMANN: Maybe you should then.

ALAN GREENBERG: Maybe I should.

VOLKER GREIMANN: It's icann.org/resources/pages/inaccuracy-2013-03-22-en.

ALAN GREENBERG: Why don't we first solve the problem and get me on Adobe Connect? What is the…?

SUSAN KAWAGUCHI: [inaudible]

VOLKER GREIMANN: "RDSReview" – one word. So https://participate.icann.org/rdsreview-observers.

For example, what I could imagine is just as part of the inaccuracy reporting page put a reference in there that would be a – if it's not there. I haven't checked it. That would be a logical place to put this information. But I still think that's something that we could just informally ask someone at ICANN to put on the website instead of making it a recommendation because it's a minor thing.

ALAN GREENBERG: Well, we can negotiate. We're willing to remove the recommendation if they put it onto the website. Yeah, there is a page on Compliance complaints there. But there are lots of things on the ICANN website Google will tell you about that ICANN won't.

SUSAN KAWAGUCHI: And I've been told informally, not from [inaudible].

ALAN GREENBERG: Oh, no.

SUSAN KAWAGUCHI: [inaudible]

UNIDENTIFIED FEMALE: [inaudible]

SUSAN KAWAGUCHI: Partly because [inaudible].

UNIDENTIFIED FEMALE: [inaudible]

SUSAN KAWAGUCHI: No. Because [inaudible].

UNIDENTIFIED FEMALE: [inaudible]

SUSAN KAWAGUCHI: [inaudible]

ALAN GREENBERG: Yeah, but that's you, Susan.

SUSAN KAWAGUCHI: [inaudible]

ALAN GREENBERG: All right, action item for Alan to write to Contractual [inaudible] and negotiate the entry. Is the page that it should be on the one called https://www.icann.org/compliance/complaint?

VOLKER GREIMANN: Just one reference. I'm looking at the Compliance complaint page now where you have the different complaint forms linked to, and the Learn More page is actually that page which I linked to earlier. So it is included on the Learn More about page. So I'm not sure what more we can ask for unless we put it on the form itself.

ALAN GREENBERG: Where is the Learn More? Sorry.

VOLKER GREIMANN: On the ICANN website.

ALAN GREENBERG: Complaint Submission & Learn More.

VOLKER GREIMANN: Yeah, that's the same page, and that advertises that service.

ALAN GREENBERG: Where do you see it advertised?

VOLKER GREIMANN: In the second paragraph: "ICANN also provides a mechanism for bulk WHOIS inaccuracy complaint submission, which allows a user to" so on and so on. And on the bottom we have: "To inquire about access to the bulk WHOIS [inaccuracy] complaint tool, please email compliance@icann.org, Subject: Inquiry about WHOIS Bulk Submission."

ALAN GREENBERG: I have no idea what page you're on. Put the link. Give me the link.

VOLKER GREIMANN: Okay, if you go to the icann.org page and then /compliance/complaint. That's the website where you have all the different complaint types where you basically get to the forms where you make the complaints. And when you go to the bottom where it says "WHOIS Inaccuracy," the

first column is "Learn More" and that's the page I linked to in the Adobe Connect.

ALAN GREENBERG: [inaudible]/org/compliance? You see, I foolishly went to the menu and selected Compliance. It gives me a completely different set of things there.

VOLKER GREIMANN: Well, that goes back to I think Stephanie's point of needing a librarian to make sure that the ICANN page is navigable. Google gets me here.

ALAN GREENBERG: Ah, oh, there's pictures here. WHOIS inaccuracy complaint. Now that gave me a document.

UNIDENTIFIED FEMALE: You have to go to [inaudible].

VOLKER GREIMANN: If you go to complaints on the page with the pictures, you go to complain submission and learn more and then it takes you to the same page.

ALAN GREENBERG: Ah, see there's another complaint submission and learn more [inaudible] to a different place altogether. Oh, no, it doesn't. All right, so now I get to a table.

VOLKER GREIMANN: On the bottom of the table is "WHOIS Inaccuracy." In the first column, you have the "Learn More" column, which is the one that I linked to earlier that has that information.

ALAN GREENBERG: Ah, "WHOIS Inaccuracy Complaint Form."

VOLKER GREIMANN: I'm not saying it's easy to find; I'm just [saying it's] there.

UNIDENTIFIED FEMALE: [inaudible] all the way at the bottom [inaudible].

ALAN GREENBERG: Is someone trying to talk. I still can't find it, but that's me. I am willing to write to Compliance if someone tells me where it should be or how to find it.

VOLKER GREIMANN: But like I said, that's probably going to be the response, "Look, it's there, and why didn't you find it?"

ALAN GREENBERG: If there's any "Hitchhiker's Guide to the Galaxy" here, we can talk about how to hide things in plain sight.

All right, we will see if we can negotiate getting it more evident and delete the recommendation. Is that the decision? Done. Next. Stephanie?

STEPHANIE PERRIN: Just in passing, this form is no longer compliant with GDPR. Should we be pointing this out to icann.org?

UNIDENTIFIED FEMALE: No. You can personally.

UNIDENTIFIED MALE: Why is the form not compliant?

STEPHANIE PERRIN: Well, it says if you want to update your data, but it doesn't mention the fact that ICANN – it doesn't [inaudible] ICANN's control of that personal data.

UNIDENTIFIED MALE: [inaudible]

STEPHANIE PERRIN: Exactly, yeah.

UNIDENTIFIED FEMALE: [inaudible]

STEPHANIE PERRIN: I don't know that it is as long as ICANN's controlling data.

ALAN GREENBERG: Stephanie, we're not going to have the debate about who the controller is right now.

STEPHANIE PERRIN: Sure, yeah.

ALAN GREENBERG: Please, let's not start that [inaudible].

STEPHANIE PERRIN: No, no, apparently I just missed a call on that lovely topic.

ALAN GREENBERG: Such is life.

STEPHANIE PERRIN:	Speaking of which, are we going to have a break for the EPDP call tomorrow morning, Alan?
ALAN GREENBERG:	I booked off for me. [It's] the middle of the afternoon. Next?
JEAN-BAPTISTE DEROULEZ:	Thank you, Alan. We are on Recommendation CM.5: "The ICANN Board should recommend the GNSO adopt a risk-based approach to incorporating requirements for measurement, auditing, tracking, reporting and enforcement in all new RDS policies." And we have three public comments in support from RrSG, RySC, and ALAC.
UNIDENTIFIED FEMALE:	[inaudible]
ALAN GREENBERG:	I have a question on this one. Is anyone going to know what it means? Passing this on to the GNSO as written?
STEPHANIE PERRIN:	If the board has to have a little tutorial on what taking a risk-based approach means, then possibly that's a good thing.

ALAN GREENBERG: Sorry, I missed that [inaudible].

UNIDENTIFIED MALE: It's merely for us to recommendation to the GNSO that they do something.

ALAN GREENBERG: You don't have to understand what it means.

UNIDENTIFIED MALE: Well, it seems given that the registries and registrars have said they support it that they understand what it means. Of course, they may not understand it means the same thing.

ALAN GREENBERG: But we can wash our hands of it. It's not our job at that point.

STEPHANIE PERRIN: Are you arguing for more [detail], Alan? Is that why you raise the question?

ALAN GREENBERG: I raise the question asking, do we need more detail? If everyone is happy to not, I'm delighted to pass it on. We may never get another

recommendation that everyone supports. Done in record time. Next? We may be able to leave before tomorrow.

JEAN-BAPTISTE DEROULEZ: So the next topic is Recommendation 10: Privacy/Proxy Services.

VOLKER GREIMANN: And I think the mechanism that we have in there has already been triggered as far as I know.

JEAN-BAPTISTE DEROULEZ: Recommendation 10.1 is the following: "The Board should monitor the implementation of the PPSAI. In the event that the PPSAI policy does not become operational by 31 December 2019, the ICANN Board should propose an amendment to the RAA that Privacy/Proxy providers affiliated with registrars shall verify and validate underlying customer information provided to them in the same way as registrars are required to verify and validate other registration data."

Here we have two supporting comments, one from Business Constituency and ALAC. The first one is: "It is unacceptable that ICANN Org continues to delay implementation of this approved consensus policy and we ask the Team to address this in their report. ICANN should be accrediting Proxy Privacy providers and requiring compliance now."

The second one is support from ALAC.

No comments?

Then we have a neutral comment from NCSG: "If registrars do not object to this requirement, we cannot see a reason to object. However, the first recommendation on Privacy Proxy Services would be to do a financial review to ensure that the results of the IRT have not forced the service out of the marketplace. There is no focus on cost in this document, and maintaining an open and accessible domain space demands a focus on cost."

ALAN GREENBERG: Now they premise that saying if the registrars don't object, and the registrars did object. So let us look at their comment.

JEAN-BAPTISTE DEROULEZ: All right, to disagreements, one from RrSG: "The RrSG believes this recommendation seems to overlook that Privacy/Proxy is a SERVICE, same as email, and therefore the underlying customer information is already being verified and validated by the registrar. In essence this is requiring the customer info to be verified/validated twice, which adds no value. The RrSG also rejects the notion of a recommendation dictating contractual language. Contracts are the sole remit of ICANN and the contracted parties."

And RySG supports this comment.

SUSAN KAWAGUCHI: I don't think that's true.

ALAN GREENBERG: Which part is not true?

SUSAN KAWAGUCHI: The registrars, that they already are. Not all of them are verifying and validating because I've seen a lot of underlying contact data, and there was no way in hell and that registrar recognizes that and will immediately suspend the registration.

ALAN GREENBERG: Just to be clear, are these registrations that predate the 2013 RAA?

SUSAN KAWAGUCHI: No, but I'm not sure that is applicable here. It was more of like there just was no information or it was so nonsensical it was ridiculous. So if the registrars all want to sign on and say, yes, they are doing that, then maybe we have a different recommendation. But I do not think that every registrar is doing that, and so I would hate to let go of this.

ALAN GREENBERG: To go back on the history, registrars are required to validate information of their registrant. It is unclear if the registrar has a captive privacy/proxy service whether they are similarly verifying the information that is being kept by the privacy/proxy service. And that was the rationale for this recommendation. If a registrar has a captive privacy/proxy service and is already verifying it, then they've ticked off the box. We're not asking for it to be done a second time if they are doing it as part of their regular process.

If they are not doing it, if they believe there is a loophole that says because the registrant of record is the privacy/proxy service and not the original registrant they no longer have to verify that information, then this is taking out that loophole. So I'm not quite sure I understand the [inaudible]. The stakeholder group comment is saying it's already being verified by the registrar, in which case fine. Done. But we believe for reasons I no longer remember that might not be the case in all cases. Volker?

VOLKER GREIMANN: It has always been my interpretation that the accuracy and the verification requirements hit upon the domain name meeting a certain trigger event. Basically, if it's newly registered or transferred in, then you have to verify the information that the registrant has provided. And whether you then apply a privacy service on top of that or not for those privacy services that are affiliated with a registrar is irrelevant to the question of whether you have to perform the validation and verification. At least that's my interpretation of the contractual language. If other registrars interpret that differently, I wouldn't know about that.

But it has been my impression that if the privacy service is affiliated with the registrar, operated by the registrar and [an] affiliated entity, then the contractual obligations with regard to verification and validation of the registrant-provided information obviously apply. They would not apply if the privacy service provider is not affiliated with the registrar as a third-party provider because we would not have any access to that data when the domain name, for example, is transferred in. But

otherwise, it would have been provided. I would be interested in learning more about your experience, Susan, because it strikes me as an odd way of handling that.

ALAN GREENBERG: This one was added I think during the third face-to-face. Because remember, we were very late in doing privacy/proxy. And I'm trying to remember and I can't what the trigger mechanism was that caused this. Clearly, there was a belief that some [registrars] are verifying the details of the privacy/proxy service as meeting the criteria in the RAA [since] that is the registrant of record and not necessarily validating the underlying information. But I'm having a hard time remembering the history of how we came to that conclusion that it might be a problem. Stephanie and then Susan.

STEPHANIE PERRIN: I can't remember whether I raised it at the time, but I am concerned about the focus on affiliated proxy services as opposed to unaffiliated proxy services. So if we wind up in this situation and there's a doubling down on registrar affiliated proxy services while we're unable to do [inaudible] the unaffiliated ones, doesn't that have a disproportionate effect on the marketplace?

ALAN GREENBERG: Well, in theory, yes. But there's nothing we can do about it because the only people we have contracts with are the registrars. So we cannot

require someone who has no contractual connection with us to do anything.

STEPHANIE PERRIN: Sure. But I mean from a regulatory perspective you go ahead and [inaudible] the other guys. You don't go ahead and pile on the guys you already regulate.

ALAN GREENBERG: Well, that's what we're trying to do. But we're saying should the privacy/proxy PDP not come to [fruition] [inaudible].

STEPHANIE PERRIN: I know. I understand that.

ALAN GREENBERG: [inaudible] can we get partway there?

STEPHANIE PERRIN: Spelling it out, I don't think you can discriminate further about the guys you already regulate. That's not a fair process. Spoken like an ex bureaucrat, but you know.

ALAN GREENBERG: Since the registrars did not raise that, I [inaudible] feel I am obliged to raise it at this point.

STEPHANIE PERRIN: Just because they didn't think of it doesn't mean it isn't valid? Does that mean they're the only party here whose vote counts on that? Fundamental fairness. It's part of Work Stream 2, is it not?

ALAN GREENBERG: I'm more concerned at this point with is there a need for this recommendation at all. Lili, please go ahead.

LILI SUN: So [inaudible] this recommendation is from first generated by the data accuracy findings. So during the ARS project, whenever they encounter a domain registered the P&P service they just stop there since there is no accreditation standard for P&P service. And it was already a contractual obligation for registrars to validate and verify the registration data even [inaudible] P&P service. But so far since there is a [missing] for the accreditation system for P&P service, no one touched [upon] the WHOIS data [inaudible] utilized a P&P service. So I believe this recommendation just to identify the needs in the future. Once we have the accreditation system established, just make sure the obligations depicted in the 2013 RAA there is some enforcement of those obligations.

ALAN GREENBERG: I guess my problem is, is there any evidence that the captive P&P services for new registrations and transfers are not effectively doing their validation today? If you look at how a registration is done, you put

all of your information and typically with a captive service you tick off a box saying I want to pay an extra $2 a month or whatever and have my information hidden. Is there any belief that there are registrars who once that box is ticked off decide to skip or omit the verification and validation requirements? Remember, because there is a validation requirement [inaudible] a verification within six days or seven days or something else. Susan, please?

SUSAN KAWAGUCHI: My experience and for a major proxy provider is they would send me – now this is almost two years old of information form when I was still at Facebook – but they would send me the information and say if you believe this is inaccurate data, please let us know and we'll take action. So why would they even suggest that? Why wouldn't they just say here is the WHOIS data or the underlying contact information data associate with the registration. I don't know if they validate the e-mail address or not, but the data was so poor in probably 30-50% of the cases that it was very easy to write back and say, yes, this data is no [inaudible] and you need to take action. So what they would do then is sometimes they would just suspend the proxy service but sometimes they would suspend the registration.

ALAN GREENBERG: Do you have any belief though – I won't say evidence but certainly belief – that these were registrations that were done under the 2013 RAA?

SUSAN KAWAGUCHI: [inaudible] irrelevant.

ALAN GREENBERG: That's the only obligation that registrars ever had to validate the data
                          was under the 2013.

SUSAN KAWAGUCHI: Oh, yeah. Yes. This is based on anecdotal experience, but if you
                          [participated] in the privacy/proxy debate PDP, which I think you did….

ALAN GREENBERG: No, I didn't.

SUSAN KAWAGUCHI: No, you didn't? This is definitely an issue for people in similar positions
                          to what I was in.

ALAN GREENBERG: All right, let me try to summarize. The Registrar Stakeholder Group is
                          [inaudible] saying we're already doing this, therefore you're asking for
                          double the work. I think we need to clarify through wording or whatever
                          that we are not requiring a second validation, but we believe it is an
                          obligation of the registrar to perform the validation for domains that
                          they will pass on to their captive privacy/proxy. If they are already doing
                          that as Volker says he believes he is and others are, then it's a done
                          deal. There's no problem. If they're not doing it, it's correcting a
                          [inaudible].

VOLKER GREIMANN: Yeah, but I agree with Susan here. If this is actually a question of if they are doing this or not which I hadn't known and none of the other registrars that debated this comment apparently were aware of either, then this becomes an issue where it would make sense to just point that out. That this should be applied on a general scale. Maybe also indicating that where this is already carried out by a registrar as part of their contractual obligations under the RAA anyway, duplicate of course doesn't have to be applied. But there has to be for each dataset a rather accepts verification and validation no matter whether that registration ends up under privacy or not. I think that's reasonable as a request.

ALAN GREENBERG: So we need to make sure the wording is clear. The recommendation stands.

VOLKER GREIMANN: Yeah.

ALAN GREENBERG: Okay. Next.

VOLKER GREIMANN: [inaudible]

SUSAN KAWAGUCHI: Yeah.

ALAN GREENBERG: And registries agreed, so I think we're done with this one, are we not?

SUSAN KAWAGUCHI: It could be [inaudible] my experience [inaudible].

ALAN GREENBERG: Then the answer is as we're reviewing this document we verify that the wording is crystal clear and no other action necessary.

JEAN-BAPTISTE DEROULEZ: So Recommendation 10.2 is the following: "Reviewing the effectiveness of the implementation of WHOIS1 Recommendation #10 should be deferred. The ICANN Board should recommend that review be carried out by the next RDS (WHOIS) review team after PPSAI Policy is implemented."

SUSAN KAWAGUCHI: [inaudible] that supposed to [inaudible].

ALAN GREENBERG: Done.

JEAN-BAPTISTE DEROULEZ: Only supports.

ALAN GREENBERG: What's next?

JEAN-BAPTISTE DEROULEZ: Next on the agenda is the wrap-up.

VOLKER GREIMANN: Didn't we table something earlier, or did we already catch up to that?

JEAN-BAPTISTE DEROULEZ: Yes. There was [single] WHOIS [policy]. We are waiting for Carlton. As you prefer. [And on single] WHOIS policy if I recall correctly there were no – there was only one [inaudible] comment, so that's pretty [inaudible].

ALAN GREENBERG: [inaudible] we omitted a half hour item and we are finishing 15 minutes short, so that's not bad. We did take a slightly longer break at one point. So we're [almost] on time which says something about our estimates. And I don't think we need to do anything else today unless Volker wants to talk today right now about rewriting that recommendation whatever it was. I can't remember what it is now.

VOLKER GREIMANN: Let's sleep on that.

ALAN GREENBERG: Okay. Then I think we are adjourned unless there's any further wrap-up. Do we want to go over what we have done at this point? [At the] meeting right now. Technically, the next item in confirm approved recommendations findings. The question I'm asking is do we want to do that right now or not?

NEGAR FARZINNIA: We've taken notes on the recommendations that require action. Given that some of them are going to be rewritten, there doesn't seem to be much need to review them at this point because we will need to work with some of the review team members to rewrite recommendations. And I don't think there is any action to review anything just yet. That's [inaudible] but of course, Alan, it's up to you.

ALAN GREENBERG: That's fine with me. Jean-Baptiste, do you want to quickly review what tomorrow looks like? And then we will adjourn.

JEAN-BAPTISTE DEROULEZ: Sure. But it also depends whether we move [single] WHOIS policy to tomorrow or not. But tomorrow we will start with a welcome with Day 1 takeaways and Day 2 objectives. Then we review the public comments received on [Common Interface], Internationalized Domain Names. Then there is the morning break. Then we continue the review of public comments received with Plan & Annual Reports and then Objective 2: Anything New. A one-hour lunch break, and after that Objective 3: Law

Enforcement Needs for two hours. And after the afternoon break, we will review the public comments received on Objective 4: Consumer Trust and finally the wrap-up.

ALAN GREENBERG: I am somewhat optimistic that the first two items, the Common Interface and the Internationalized Domain Names [inaudible] be done in less than the time we've allocated. We have almost an hour and a half for them. And hopefully we'll be able to squeeze in Carlton's at the same time and make up for the difference. I'm just looking at the comments we had on those two, and I think we'll be able to pull that off.

[inaudible] we are meeting at 7:00 PM, dinner at 7:00 PM and I presume it's a 10-minute walk away.

UNIDENTIFIED FEMALE: [inaudible]

JEAN-BAPTISTE DEROULEZ: Close to it. It's like next door to the restaurant where you met last time. So [inaudible] want we can leave ten to 7:00 from [inaudible] in the lobby.

SUSAN KAWAGUCHI: So meet in the lobby [inaudible]?

JEAN-BAPTISTE DEROULEZ: Yeah.

VOLKER GREIMANN: We need to remember the lobby [inaudible].

ALAN GREENBERG: It's called Meet Meat. Your Google phone will tell you where to go if necessary. But if we leave all together, we don't have to rely on that.

[END OF TRANSCRIPTION]