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**BRENDA BREWER:** Thank you, Alan. Hello, everyone. Welcome to RDS WHOIS2 plenary call number 41 on November 19th, 2018 at 15:00 UTC. Attending the call today we have Alan, Dmitry, Lili, and Susan. From ICANN Org, Jean-Baptiste, Jackie and Brenda. We have apologies from Cathrin, Chris, and Erica. We do have an observer, Svitlana, who joined us, and I'd like to remind you all today's call is being recorded. Please state your name before speaking, and I'll turn the call over to Alan. Thank you.

**ALAN GREENBERG:** Thank you very much. And I will turn the call over to Jean-Baptiste to do our introduction first.

**JEAN-BAPTISTE DEROULEZ:** Thank you very much, Alan, and as part of today's welcome, I'd like to introduce Jackie Treiber who's been appointed to help with editing your final report and helping [inaudible]. So, Jackie, if you'd like to introduce yourself quickly. And if you have any questions to Jackie, feel free to raise your hand. Thank you.

**JACKIE TREIBER:** Hello, everyone. This is Jackie Treiber, and I think a few of you have heard my schtick before, but as this says, I am currently based in Spokane, Washington, and I worked for ICANN Wiki for three years prior to working as an editor and writer with ICANN. So as Jean-Baptiste said, if you have any questions, just let me know. Thank you.

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ALAN GREENBERG: Thank you, Jackie. I'm looking forward to working with you. I'm presuming you're fluent in Swahili, Spanish, Chinese and Portuguese. Is that correct?

JACKIE TREIBER: No, unfortunately. I know a little Italian, but that's about it.

ALAN GREENBERG: I couldn't resist.

JACKIE TREIBER: Of course.

ALAN GREENBERG: Alright. Then you will be with us in Brussels in a couple of weeks, I guess, and look forward to meeting you.

JACKIE TREIBER: Yes, I will.

ALAN GREENBERG: And let's go on to the next item.

JACKIE TREIBER: Thanks.

ALAN GREENBERG:

And that is the engagement session. I'm not sure how much we really want to go into this right now, because Cathy and a colleague have submitted a rather extensive and very quite negative report, comment to us, and we'll be going over that in excruciating detail. The meeting was very poorly attended. You may recall that we had given assurance that we would put a notice out at the beginning saying that this is not a GDPR session if in case you're here by mistake. We didn't do that because we would have chanced losing the two or three attendees we had. So it was not a spectacularly successful session.

Whether that was due to the lack of interest, the competing sessions – and there were quite a few – or the fact that it was Thursday and people were just tired, I'm not sure. But we certainly didn't have an awful lot of participation in that meeting. If anyone really has a desire to go over these, we certainly can do it, but given that Susan and I were there and Dmitry and Lili can take a look at them, but they're really surpassed by the comment that has been made in response that we're going to be looking at in excruciating detail. So I don't think it's worth spending a lot of time on this unless someone else believes we need to.

In which case we'll go on to the next item. And if we can skip to page nine. So, at this point we have seven comments and I'm not really expecting any more. We have left the e-mail address working, but I'm not expecting any more. And if we can go to the next slide, and I'll turn it over to Jean-Baptiste, who has created it, because I haven't looked at the comments in any substance at this point.

JEAN-BAPTISTE DEROULEZ: Thank you very much, Alan. And this is just to reflect a quick analysis of the public comments that were received. I think some of them arrived overnight, I looked at that today. And so this is just to provide at a quick glance what each constituency supports. It's neutral but brings some possible additions that could be made into a recommendation or [inaudible]. So just looking at that, I've separated the analysis into [slides,] so this one is really about your review of WHOIS1 recommendations, and the following slide is more on the [inaudible] objective.

And so on this one, clearly, as you have mentioned, Alan, there is a segment from [first of all,] domain name right collision on the compliance recommendation. Some strong support from ALAC on the majority of the recommendations, and then also the Noncommercial Stakeholder Group is quite critical on a majority of [inaudible] recommendation. So again, this is an ongoing analysis. There might be a few changes. And if I just move to the second slide [inaudible] just wanted to mention that the link is on slide number nine to the different public comments. It's also available on the main Wiki page and it's here on the right side of your screen under the agenda if you want to have a review for this call.

So on the second slide, you have the same analysis, just [shared a] quick overview where there were some [inaudible] and support of your recommendation. The staff report is due to be delivered by the 3rd of December considering that [inaudible] comments, and from what I've reviewed today, I expect to deliver that a little bit earlier than that. So

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[inaudible]. Also, with the e-mail that was shared today, you received the public comment summary template, so this is what we'll be using to report different public comments that were made and [inaudible] analysis from.

And I just wanted to remind you that as per the ICANN bylaws, your final report should include an explanation of how these public comments were considered as well as a summary of changes made in response to public comments. So this is something to keep in mind at the time that you start reviewing the different inputs [inaudible].

ALAN GREENBERG:                    Alright. Question. How many of these used the form that we provided?

JEAN-BAPTISTE DEROULEZ:        Just one, Alan.

ALAN GREENBERG:                    That's disappointing, but my own group is one of them that chose not to use the form, so I can't really complain too much, I guess. Any thoughts on this? I only looked at two of them, and the two I looked at were the coalition and the NCSG one. One of the things that surprised me is both of them were very negative on the bylaw change because we had removed the phrase protecting – I don't remember the exact wording. Essentially, protecting registrant rights, protecting registrant data.

Although we implied it. Safeguarding registrant data, I'm sorry. And I was rather surprised that the interpretation was that, because that

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wasn't the intent, and an easy one to fix, but I'm wondering to what extent our report was not clear and therefore people have misinterpreted things. I hope that's not a trend. It certainly was in that particular one. Any other comments or thoughts at this point? Obviously, the comment period has closed last night and these are hot off the press. Anyone have any thoughts or comments at this point?

Let's look at – I'm not sure if it's in these slides or not – the template that we're going to be using. Is it possible to put that up? I don't know if you're prepared to do that or not. Everyone should have received it in e-mail.

JEAN-BAPTISTE DEROULEZ: That's correct, Alan. Let me just [take a look.]

ALAN GREENBERG: I can ask the question specifically without actually having this thing in front of me. The norm has been in these reports to actually cut and paste from the comment into this form to allow us to then create a response to each comment as it was phrased. Is that the intent of what you're going to be doing with the column field in the individual spreadsheets, the one for each recommendation?

JEAN-BAPTISTE DEROULEZ: Yes, Alan, so this is [referring to this Excel sheet, our report of the] comments that were made, to a summary of that, and I think you're referring to a column "response action from the review team."

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ALAN GREENBERG: I'm looking at the spreadsheets that have each recommendation ,such as the one, R1.1, and there's a column [inaudible] comment. Was the intent to either cut and paste the comment or summarize the comment there? is that the intent of how you planned to fill it out?

JEAN-BAPTISTE DEROULEZ: [Summarize the comment there.]

ALAN GREENBERG: Okay. So that will give us essentially a slot to write a response to every targeted comment, and therefore, I believe, fulfill the requirement that we have to make sure we're addressing them.

JEAN-BAPTISTE DEROULEZ: Yeah. If you prefer that the full comment on that specific recommendation is pasted there, that's also possible, Alan.

ALAN GREENBERG: Yeah, I'm not really sure. I'm happy with – well, I don't know. Anyone have any thoughts? Normally in the public comment summary, each comment is disassembled based on the subject matter. So the report normally goes by topic, and then it extracts bits and pieces from the various comments that are relevant to that particular subject. I think that if we do the equivalent here, whether we want to cut and paste the whole text or try to summarize it, I'll leave it up to you. The number of

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comments we have is short enough that going back to the original comment is not going to be too tedious if we have to. So I think my inclination is to try to summarize it if you think you can do justice. If not, cut and paste.

JEAN-BAPTISTE DEROULEZ: Sure.

ALAN GREENBERG: And I don't have any other comments particularly on this. The next item is on the final report itself, what are we going to be doing. One of the things I'd like to discuss here if anyone has any ideas but bring focus to it so we can have a substantive discussion in Brussels is, are there any issues that have come up either because of the public comment or simply the world has changed in the last month or two that warrant addressing issues that we have not addressed to date? And I don't have anything particularly right now.

One of my concerns is not so much a new issue but perhaps a negative one, is that we have some evidence or some discussion that Compliance is actually doing some of the things that we are recommending, particularly being more proactive. And that came out in sort of obtuse discussions not in response to a direct question to them, and I think we need to look a little bit into that. But I think we need to be open to addressing any new issued that have come up.

Even if they weren't in the draft report, there is precedent for addressing new things in a final report that have not previously been



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aired. So I don't think we should be afraid to do that if that seems to become relevant. And I see Volker has joined us. Thank you. Any thoughts what else we need to be prepared to do in Brussels to try to bring this to a close? I hear no voices and no hands, so I will assume we will do it on an ad hoc basis if necessary.

One of the things I plan to do, and I'm hoping I'll have the time, but we'll see. The EPDP unfortunately is taking far more time than I expected, but once we get the draft report out, maybe things will slow down slightly.

One of the things I would like to do is go through the report and try to identify places where I think it needs tightening up. I would really like to target a report that's a lot shorter than what we have right now and to actually get people to actually read it. And at the massive – currently I think close to 180 pages, I think the chances of anyone diving into it in detail are pretty small. So I will be recommending that.

I already mentioned it to Jackie, but I think we want to look at opportunities to remove duplication. The format that we were, I guess, instructed to use to begin with ends up replicating a fair amount of text over and over again in the different parts of each section, and to the extent we can remove that without losing anything, I would certainly like to do that. Any other thoughts on the report before we go on? Next item then.

JEAN-BAPTISTE DEROULEZ:

Alan, I've seen a quick hand raise from Dmitry, but I don't know if it was a mistake or not.

ALAN GREENBERG: If Dmitry wants to call out – he's muted right now, so I don't know if he wants to speak or not.

JEAN-BAPTISTE DEROULEZ: And I see there is a comment in the chat. Do we want to make the report shorter or just move as much as possible to appendices?

ALAN GREENBERG: Well, that's actually – I would like to make the text shorter. There are things such as in each section, there's a list of the documents we consulted and the sources that we used. And things like that, I think, can be moved to an appendix, because I don't think anyone is going to look at that list item by item in reading the report. And if we think it's important to include it, then we can certainly move that to an appendix. And there may in fact be a way of putting it into a tabular form that would even shorten it, because there are many documents that are repeated in every section. Certainly, the original WHOIS report is mentioned in every section, so we may be able to modify the format. But certainly, some things we could move to appendices. But I think that there's an opportunity for shortening the text as well. Thank you for the question, Dmitry.

Alright. If we can go to page 13. There we are. Susan and I did meet with Contractual Compliance when I was in Los Angeles and Susan was nearby on vacation. Trying to remember when that was, I've lost track right now.

JEAN-BAPTISTE DEROULEZ: September [26]?

ALAN GREENBERG: September, November. Some month. I honestly don't remember at this point.

JEAN-BAPTISTE DEROULEZ: September 26.

ALAN GREENBERG: And what we we're looking at particularly is trying to understand the numbers that we got out of the accuracy reporting system, which didn't make any sense. What we were seeing was that a very large number of – there were a significant number of the sample domains [that showed] accuracy problems. We seem to have an echo from Carlton. Thank you, it's muted.

We had what we thought was a very large number of accuracy errors, ones that were flagged by the system as being potentially in error. But what was surprising was a very significant number of those were closed by Compliance because the data had changed by the time they looked at it. Now, that doesn't mean fixed, it does mean changed. If the data did not match character for character, then it was deemed to have been changed and therefore not looked at further.

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Now, I think that alone is potentially the subject for a comment, but ignoring that for the moment, we were trying to understand why it was that on randomly selected domains, something like 40 to 50% of those that had a potential error in them happened to be changed, what we thought of sort of immediately after it was sampled.

And there were a number of reasons and we got a better handle on the different reasons that the change may have been caused, and part of it is the long delay in looking at it. There's a significant time lag in each step of the process, and we're talking about months. And moreover, Compliance then essentially rations the ARS issues to look at only a small number per week so they don't overload their other system handling the regular comments that are coming in, the regular complaints coming in.

And neither of us had the time to really analyze the results since then, but the feeling that we came out of the meeting with was that there was a significant number of different reasons why the data might have changed, and each of those did not seem to be an unreasonable result, ranging from the domain doesn't exist anymore, it was cancelled, to the data was changed.

One of the things that came out which is supposition, but you will recall there is a data reminder letter that goes out once a year. We're looking at a timeframe where the time from the time the sample is pulled until the final analysis is done by compliance is a significant part of a year. So it is quite possible that a reminder letter has gone out which resulted in a change. We don't know that, we can't tell the cause and effect, but

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the time lag is long enough that it may well be having some effect. It's an interesting supposition, there's no way to track it.

It would be useful if we knew when the reminder letters were sent out for each registration, but that isn't something that registrars are required to publish, and if we asked on a request basis, I suspect it would be something that a registrar would not be eager to add to their workload. Volker may have a comment on that, but they certainly know, because they know when they have to send it out. But it's not clear it's information new could access ready if we needed it. Volker?

VOLKER GREIMANN:

Yes, Alan. First of all, I think I heard the argument about the long timeline from my own mouth during our deliberations. But that aside, every registrar is basically free when to send out these reminders. We do it around the time when the domain name becomes eligible for renewal, but every registrar has their own way of doing it. So some may do all of them at the same time. The only requirement is that [inaudible] reminder send out once per year per domain name, and therefore, there is no definite timeline when this is sent out. [inaudible] combine them with the renewal reminders because that means less e-mails are sent to the registrant. But like I said, the registrar is free to do it as long as they keep records and can show that they have sent them out once a year per domain name.

ALAN GREENBERG:

Thank you. Yeah, I understood that. My real question was if we went to registrars with essentially the list of domains that were sampled and

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found to be problematic in the ARS, could registrars give us the date when the letters were sent out in each of those cases? And my supposition was probably could in many cases, but it would be something that wouldn't be eagerly looked upon by the registrars. So I don't think it's something we're likely to do in a general sense, unless we try to do it on a few samples just to get an idea. Volker?

VOLKER GREIMANN:

You're absolutely right. this would be similar to another audit by ICANN as we would have to dig it up for every domain, look at our [sending queue, one for] each domain name [that had to be sent out,] so this would be a lot of work.

ALAN GREENBERG:

Surely you love these audits though, Volker. Don't answer that, please. We can talk about this later. It's not something I think we would do. It might be an interesting test to do to try to get a feeling for whether these letters really have any effect or not, because if you remember the recommendation out of WHOIS1 says, "Do something to find out if these letters are working or not," and basically, the answer came back is, "We can't do that." The ARS may actually give us a window into being able to do that if we choose to for some given sample. If the ARS ever gets resumed again, because right now it is halted due to the EPDP changes and the temporary spec. So at this point, we don't know whether it's ever going to start again.

Alright. So I think Susan and I have a little bit of homework to do, I'll go back over our notes and try to decide how we rework the

recommendation, because when we wrote the recommendation, we really had a big unknown as to why the numbers look like they do. And I think we need to go back and look at those numbers in light of what we now know and decide whether the recommendation stands, and if so, just how to do it.

And we're on to Any Other Business. In response to Volker's comment saying "You mentioned the delay during the deliberations," yes, but I don't think any of us had a real appreciation of just how long it was. And it looks like although the ARS is sampled every six months, it could well take close to a year to process that data after it's sampled. That was somewhat surprising to me.

And I'll turn it over to you, Jean-Baptiste.

JEAN-BAPTISTE DEROULEZ:

Thank you, Alan. [I'll just report here under] AOB just as a heads up for everyone, the upcoming plenary calls. There are only two plenary calls left before the face-to-face meeting, and one before the end of the year holiday. Then the second update I wanted to make is regarding travel services. Travel services will soon work with [inaudible] so if you receive in the upcoming months, and especially at the beginning of next year, a new layout for their e-mail, don't be surprised. It's not a spam, it's the new [inaudible] we'll be using. So before [inaudible] merged from Outlook, and now they are using it a little bit more [inaudible] program. So just a heads up that if you receive a new type of mail from Travel Services, that's totally normal.

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In any case, if you have any questions on that, feel free to reach out to them or to us and we'll be able to [inaudible].

ALAN GREENBERG:

And let's hope it'll solve some of the problems we've had over the years. Our intent at this point is to start looking at some of the comments, and I'm not quite sure on the format [inaudible] if we'll go through them piece by piece, because we're not expecting the full report to be done, certainly for the 26th. It may be done by then, but it's not clear. But I think we'll be talking in the leadership team about just how do we use this time effectively to make sure that by the time we need – the target for the face-to-face is by the end of the face-to-face to have all of our recommendations pretty well locked in. If not the detailed wording, then certainly the intent, and hopefully the wording, and to understand what other changes we hope to make in the report so that we don't have any real surprises going forward after that.

If we make substantive text changes, we're going to have to get people singing off on each of their sections, but hopefully not with a lot of debate so that we understand what we're trying to achieve. So it's not clear how we'll be using the meetings going forward for the next two weeks, but we'll look at that over this next week. And hopefully, we can get decent attendance.

I do not believe we have any action items out of this meeting. We do have some out of the leadership meeting that came into it, that is Susan and I will have to review the meeting we have with Contractual Compliance. And did I miss anything other than that?



JEAN-BAPTISTE DEROULEZ: Thank you, Alan. That's exactly what I had recorded here since you mentioned on this call too, and the other thing I'll mention is just [inaudible] summary of the public comments that were received rather than copy and pasting the public comments. [But I didn't record it as an action item.]

ALAN GREENBERG: Alright. Any further comments? And we'll turn everyone else free and let you go back to whatever you were doing, and I'll go back to the EPDP call. Any further comments from anyone? Hearing nothing, seeing nothing, thank you all. I appreciate you coming. Bye.

JEAN-BAPTISTE DEROULEZ: Bye.

BRENDA BREWER: Thank you.

**[END OF TRANSCRIPTION]**