Privacy and Proxy Services Accreditation Issues PDP WG
TRANSCRIPTION
Tuesday 03 December 2013 at 1500 UTC

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http://audio.icann.org/gnso/gnso-ppsa-20131203-en.mp3

On page:http://gnso.icann.org/calendar#dec

(transcripts and recordings are found on the calendar page)

Attendees:
Volker Greimann - RrSG
Graeme Bunton - RrSG
Holly Raiche – ALAC
Maria Farrell - NCUC
Gordon Dick - RrSG
Tatiana Khramstova - RrSG
Osvaldo Novoa - ISPCP
Luc Seufer – RrSG
Nicolas Steinbach - RrSG
Susan Prosser - RrSG
Kiran Malancharuvil - IPC
Tim Ruiz – RrSG
Steve Metalitz – IPC
Keith Kupferschmid -
Carlton Samuels – At-Large
Kathy Kleiman – RySG
Volker Greimann – RrSG
Amr Elsadr – NCUC
Phil Marano - IPC
Chris Pelling - RrSG
Don Blumenthal - RySG
Adamar Nacer - ISPCP

Apologies:
Roy Balleste - NCUC
Kristina Rosette- IPC

Tobias Sattler – RrSG
Michele Neylon – RrSG
Statton Hammock - RySG
Paul McGrady
Wendy Seltzer - NCUC
Gema Campillos
Marie-Laure Lemineur – NPOC
Eric Brunner-Williams - Individual

ICANN staff:
Marika Konings
Mary Wong
Nathalie Peregrine

Maria Farrell: Okay, so welcome, everybody, to the Privacy and Proxy Services
                   Accreditation...

Coordinator: Excuse me, I just wanted to let the participants know the call is being
                   recorded. You may go ahead.

Maria Farrell: Thank you very much. Okay so we're being recorded. And this is the Privacy
                   and Proxy Services Accreditation Issues Working Group. This is Maria Farrell
                   here and I am the interim chair before this - until this group elects or appoints
                   its own chair or chairs.

                   So we - I know you all have seen an agenda that's been sent out. I just have
                   one small change to the agenda and that is that I want to propose which is a
                   change to the ordering.

                   Currently we have Item 4 is the election of working group leaders and I'm
                   going to suggest we move that to Item 6 and also let you know that is going
                   to be a discussion about the process to elect working group leaders; we're
                   not actually going to elect or appoint those leaders today. Does anybody
                   have a problem with that ordering? Okay hearing none.

                   Right, well so the point of this call really is going to be both organizational and
                   informational. So we have quite a few organizational things we need to do

today in terms of statements of interest, introductions, just acquainting people with the process of the working group and the expectations and also how we're going to go about organizing the work of this working group with its work plan.

And then also from staff we have Mary Wong and Marika Konings and they are going to talk to us about some of the PDP process and also about the background briefing materials.

So I am going to start off asking staff to do a roll call. And before - just before we do that I want to remind people that we have a requirement that everybody who is on the working group needs to submit their statement of interest. I know not everybody's been able to do that yet so if you haven't done that can you please do it as soon as possible because it's essential for our transparency.

Okay Mary or Marika, would you mind kicking off the roll call or Nathalie, sorry.

Nathalie Peregrine: Hello, Maria. This is Nathalie. I'll do the roll call right away. Thank you. Good morning, good afternoon, good evening everybody. This is the Privacy and Proxy Services Accreditation Issues PDP Working Group call on the third of December 2013.

On the call today we have Maria Farrell, Gordon Dick, Tatiana Khramtsova, Holly Raiche, Osvaldo Novoa, Graeme Bunton, Luc Seufer, Nicholas Steinbach, Susan Prosser, Kiran Malancharuvil, Tim Ruiz, Steve Metalitz, Keith Kupferschmid, Carlton Samuels, Kathy Kleiman and Volker Greimann.

We have apologies from Roy Balleste, Kristina Rosette, (unintelligible), Michele Neylon, Statton Hammock, Paul McGrady, Wendy Seltzer and (unintelligible). Don Blumenthal has sent an email warning that he might be joining the call late today.

From staff we have Marika Konings, Mary Wong and myself, Nathalie Peregrine. I'd like to remind you all to please state your names before speaking for transcription purposes. Thank you very much and over to you, Maria.

Maria Farrell: Okay. Thank you, Nathalie. So let's move on to Item 2 which is introductions. I know we've got a lot of people on this group but I think we've got a huge amount of wisdom and experience on Whois and related issues. So I would like to invite people to just give us a little bit of information about your background or your interest in this PDP and - gosh, I wonder what's the best way to organize this? Nathalie, would you mind calling on people to give...

Mary Wong: Maria...

Maria Farrell: ...just a short introduction about themselves just using the roll call that you just read out so by order of roll call.

Nathalie Peregrine: I'm so sorry, Maria, my phone cut. Would you repeat that please?

Maria Farrell: Sure, Nathalie, I was just asking - I want people to give a short introduction of their experience and interest in this issue. And I think the best way to do that is to have you call on people individually using the roll call that you just gave us.

Nathalie Peregrine: Of course. So you were the first on the roll call, Maria, would you like to go first or would you like me to go straight ahead?

Maria Farrell: Sure, yes. I should have remembered I would be first. Okay so my background is I was an ICANN staff member dealing with Whois about 10 years ago and since then I've been a member of the Non Commercial Users Constituency and the Non Commercial Stakeholder Group. And I am a

GNSO councilor. And I have a broad interest in Whois but having worked on it in some time.

Nathalie Peregrine: All right next was Gordon Dick.

Gordon Dick: Hello. My background - I've been around in the registrar space for the last 15 years or so. But I'm involved at the moment in a corporate brand protection registrar. And I've got an interest in Whois on both sides and it's - we both use it for registering upcoming products for major brand owners prior to them being publicly announced and there's therefore a requirement to keep things confidential.

But on the other side we looked after the disputes and where people are misusing their brand names so we need to find the wrongdoers in that situation. So our position is very complex in this area.

Nathalie Peregrine: All right next is Tatiana Khramtsova. I'm sorry, Tatiana, we can't hear you very well at all. Could you please repeat that? All right, Tatiana, we have problems hearing you so we'll carry on and then move back to you afterwards. Holly Raiche is next.

Holly Raiche: Yeah, I've been involved in the issue actually since probably about 2009 talking on the changes to the RAA and then was watching and attending meetings on the Whois final reports so this is just really an extension of probably years of involvement in the overall issues. Thanks.

Nathalie Peregrine: Thank you. Next we have Osvaldo Novoa please.

Osvaldo Novoa: Okay hello, yes. I work with Internet service provider (unintelligible). I have much experience in the registrar agreement and Whois. But (unintelligible).

Maria Farrell: Nathalie, it's Maria here. I wasn't able to hear Osvaldo.

Osvaldo Novoa: Hello, do you hear me now?

Nathalie Peregrine: Osvaldo, do you mind speaking up? Thank you.

Maria Farrell: That's great, Osvaldo. Yes, please, go ahead.

Osvaldo Novoa: Oh, sorry. Yes, I'm here for the (ISCBC) constituency. I'm in the GNSO Council for them. I don't have much experience in the Registrar Agreement, just what I read in the agreement. I have experience in Internet for many years and, well, I'm just here to cooperate.

Nathalie Peregrine: Thank you very much, Osvaldo. Next is Graeme Bunton.

Graeme Bunton: There we go. Got the mute off. Hi, this is Graeme Bunton. I work for Tucows. We're a biggish registrar. I am newish to Whois in particular issues although I think we've sacrificed several previous employees to this issue about a decade ago. There you go.

Nathalie Peregrine: Thank you. And next is Luc Seufer please. Hello, Luc? You might be on mute; we cannot hear you. All right, we'll come back to Luc later. And Nicholas Steinbach is next.

Nicholas Steinbach: I hope you can hear me. My name is Nic Steinbach on the RSG. Definitely follow the negotiations that we're talking about pretty closely and have worked on both the compliance and operational side at a pretty big registrar so this is a big issue for us and definitely interested to make this process improved. So, yeah.

Nathalie Peregrine: All right thank you very much. Next is Susan Prosser.

Susan Prosser: Hi, good morning. This is the Susan Prosser. I'm with Domain Tools, part of the Registrar group. And we have a strong interest in Whois information, Whois records and we have a lot of experience with the privacy and proxy

registrations and how it's viewed in the consumer base of the Internet so have a lot of interest in how this will come to conspire.

Nathalie Peregrine: Thank you very much. And Kiran Malancharuvil please.

Kiran Malancharuvil: Hi, this is Kiran Malancharuvil. I'm with Mark Monitor. I represent our interest to the Intellectual Property Constituency. And my interest in this issue is protecting consumers and intellectual property rights owners from abuse privacy proxy services to perpetrate fraud on the Internet. Thanks.

Nathalie Peregrine: Thank you very much. Tim Ruiz please.

Tim Ruiz: Yes, Tim Ruiz. I'm - I work for GoDaddy.com, one of the largest registrars and also we own and operate one of the largest proxy services so we have a keen interest in this. Been involved in Whois issues and other issues for 12 years and have served on the GNSO Council in the past representing the Registrars Constituency. Thanks.

Nathalie Peregrine: Thank you very much. Steve Metalitz.

Steve Metalitz: Hi, this is Steve Metalitz. I'm from the United States. I've been involved in the Whois issue since at least 1999 representing the interests of intellectual property owners, particularly copyright interests who have a strong stake in accountability and transparency on the Internet and therefore strong interest in Whois information.

Nathalie Peregrine: Thank you very much. Next is Keith Kupferschmid.

Keith Kupferschmid: Yeah, hi. This is Keith Kupferschmid. I am the General Counsel and Senior Vice President of Intellectual Property at the Software and Information Industry Association, SIIA, in the United States. And we represent software and information companies whose primary interest in this regard relates to copyright and trademark.

And my interest here - and I'm relatively new, I suppose, to these issues but still our issue is primarily in the interest of protecting my members but also consumers against fraud, piracy, counterfeiting and the like.

Nathalie Peregrine: Thank you very much. Next up is Carlton Samuels please.

Carlton Samuels: Hi, this is Carlton Samuels. I hope you're hearing me. I am here representing the ALAC. I have been with the Whois issue for about five, six years now. I've chaired the At Large Whois Working Group since inception. I've also been a member of the Expert Working Group (unintelligible). And you will recall that the ALAC has come out in favor of having qualified proxy privacy services so I want to make a contribution and probably represent the views of the ALAC to this group. Thank you.

Nathalie Peregrine: Thank you. Next is Kathy Kleiman please. Hello, there, Kathy? You may be on mute.

Kathy Kleiman: Am I off mute now?

Nathalie Peregrine: Yeah, we can hear you perfectly.

Kathy Kleiman: Terrific. Good morning, good afternoon everybody. This is Kathy Kleiman. I'm with the Non Commercial Stakeholders Group and founder of the Non Commercial Users Constituency. And referring to what Graeme said earlier, I'm one of the people who have sacrificed themselves on this altar of Whois for the last 12 years including work as vice chair of the Whois Review Team.

In my legal practice is see a lot of abuse of the Whois where it's being used to track down and really prosecute and persecute people for the views they're expressing online including views that in their own countries, in many cases, would be completely protected speech but perhaps not in other countries.

I've also seen a lot of abuse of the Whois in just to track down people for harassment, spamming and other types of purposes having nothing to do with their Internet activities; it's become a tracking tool. So I'm very interested in what we're putting together here and what the future will be in this area. Thank you.

Nathalie Peregrine: Next is Volker Greimann, please.

Volker Greimann: Hello. My name is Volker Greimann. I'm with Key Systems, large German registrars, and we also have a number of other registrars in the group such as the Moniker (unintelligible) group of registrars.

I am also a GNSO councilor and as my functions with the Registrar Constituency I have been working with ICANN on the RAA therefore the temporary solution that is currently in the RAA for privacy services affiliated with registrars was also partially developed by - of the team I have been working on.

Our interest is, of course as a registrar, to see and work with all parties and creating the rules that will also come down to registrars when working with privacy services affiliated or non affiliated and we also operate a privacy service which I also watch keenly.

Nathalie Peregrine: Thank you very much. Next is Amr Elsadr please.

Amr Elsadr: Hi, this is Amr. I'm with the Non Commercial Stakeholder Group I'm representing; I'm on the GNSO Council right now. I am originally from Egypt but currently a graduate student studying telemedicine and eHealth in the north of Norway. I've been involved in Whois issues only for the past year on the Thick Whois PDP Working Group. Thanks.

Nathalie Peregrine: Thank you. Next up is Phil Marano please. Hello, there, Phil? We cannot hear you, you may be muted.

Maria Farrell: Nathalie, I see Phil is typing - oh he's only on Adobe. Yeah. Phil, could you please just type a short intro for yourself into the Adobe Chat channel please?

Nathalie Peregrine: Okay thank you. I'll read the Adobe Connect intros at the end of the call - at the end of this. Next up is Chris Pelling please.

Chris Pelling: Hi there. I'm Chris Pelling. I represent (NETA) in the UK. We're an ICANN-accredited registrar in the process of setting up our own privacy service and basically joining the band to make sure it's set up properly and in some sense is to see whatever views are and how we should go forward making sure the information we have and keep is correct.

Nathalie Peregrine: Thank you ever so much. Now just for the purpose of the transcript I'll read what Luc Seufer wrote in the Chat. So, hi, Luc Seufer, EuroDNS, European registrar. Although we're not providing the service at the moment we may in the future. Thank you very much, Luc.

Maria Farrell: Great, Nathalie. I think there was also a typed one from Tatiana Khramtsova.

Nathalie Peregrine: That is correct. So Tatiana Khramtsova for the transcript. Hi. Tatiana Khramtsova, Russian registrar representative and Registrar Constituency member. Thank you ever so much.

Marika Konings and Mary Wong from staff (unintelligible)?

Marika Konings: Hi, this is Marika. Marika Konings. I'm a Senior Policy Director with ICANN since 2008 based in the ICANN office in Brussels and together with Mary I'll be providing staff support for this working group.

Mary Wong: Hello everybody. This is Mary Wong. And I only recently joined ICANN a few months ago as a member of the policy team. Prior to that I was a community

member in the GNSO and some time also on the GNSO Council where I've worked with some of you on Whois related issues. So together with Marika I will be your staff support for this working group.

Nathalie Peregrine: Thank you very much. And, Maria, that is all for now. Thank you.

Maria Farrell: Thanks. I think we've had just one final one from Phil Marano who's typed into the Chat. I'll read it out. Phil says, "I am associate attorney with Katten Muchin Rosenman in Washington DC as well as an ISPC member. As an intellectual property attorney I deal with privacy and proxy services everyday in the context of trademark and copyright infringement.

Oh and I see we have Don Blumenthal who I think has probably just joined us as well. Don, I'm going to ask that we continue and not do anymore introductions and we'll have your intro added to the transcript.

Okay so we've got on to Item 3. Thank you, first, everyone for giving your introductions. I think it shows that we've got a huge amount of interest in this working group and a lot of work ahead of us so let's crack on.

Item 3, principles of transparency and openness. This is a very quick informational one from me which is just to tell you all that all of the calls of this working group and subgroups, if they're created, will be recorded and transcribed and those transcriptions made publicly available.

And also all of the emails that we send to the working group mailing list or lists will be publicly archived. So basically everything we say and all of our deliberations will be available on the Internet for posterity and in the interest of transparency and openness.

Okay so let's - we're at 24 minutes past the hour and we've got 35 minutes to go on this call. What we're going to do now is have about five minutes or so each from Marika regarding the GNSO PDP process and then from Mary

about some of the substantive issues which we should have covered and will need to have covered by the time we meet again in a week's time.

So, Marika, I'm going to ask you to go first and, Mary, I'm going to ask you to go straight after Marika without any further introduction. And just a note for everybody who's on the call and who'll be reading this transcript later, Mary is going to give a quick high level overview of a lot of the issues but you will see that staff has very kindly circulated to the list some documentation that is really essential reading for everybody who is going to be on this working group so that we all are starting from the same knowledge base.

Marika, could you go ahead please?

Marika Konings: Yes, thanks Maria. So this is Marika. So what we've done is tried to, in a couple of slides, highlight some of the main items in relation to the GNSO policy development process as well as the GNSO working group guidelines and as well providing some information on the charter itself. And as noted we also have a separate document that, you know, tries to summarize some of the main documents that have been raised in relation to this topic.

So just to note that this is really an abstract. The full documents were circulated prior to this meeting and can be found on the working group wiki so we're just providing a high level overview.

And maybe also just to mention, because as we know that there are a lot of new members to this working group that may not have participated in previous efforts or may not be as familiar with, for example, the policy development process as others may be, we are planning a newcomer - a working group member newcomer Webinar probably to be hosted on the 16th of December which we're going to use as a kind of open door event where people can just show up and we can go into more detail or answer any questions you may have.

And of course, you know, feel free as well here to type in the Chat or contact us after the call if you have any questions or like further information.

So very briefly on the GNSO policy development process and on the slide on the screen you basically see the overall process. And it's just to highlight where we currently are the working group phases, kind of in the middle of the different steps of the policy development process goes through.

So we already have the issue scoping and the issue report, which hopefully everyone had an opportunity to read, and we're now in the working group phase which precedes, basically, Council consideration and eventually a Board vote and implementation should the recommendations be adopted. So as I said I won't go into detail in these different phases. You'll have an opportunity to review that at your leisure or join our newcomer Webinar.

But just to focus on the working group phase of things, so as you may have read in the Annex A of the ICANN bylaws that spells out the policy development process as well as the PDP manual there are a couple of requirements for PDP working groups that need to be followed.

So first of all you're expected to (receive) the opinion of other ICANN advisory committees and supporting organizations at an early stage of the process so reaching out to them and you may decide on which shape or form you do that to make sure that they have an opportunity to provide input and feedback on the charter questions you're considering.

You're also expected to request input from stakeholder group, GNSO stakeholder groups and constituencies. Again, you may do that through a questionnaire asking them, you know, sending them a letter. There are different ways you can explore there. But again it's one of the required steps for them to provide hopefully input at an early stage in the process.

Based on your deliberations and review of the information received eventually you're expected to publish an initial report which is expected to cover draft or proposed recommendations, your analysis, of course, of the issues under discussion and as well the view of input that you have received at an early stage in the process.

This report would then be published for public comment following which a final report is expected to be published which is expected to include a compilation of all the statements received and all the community input received, the recommendations you're making and the level of consensus these have achieved. And this is something that's outlined in the Working Group Guidelines the different levels of consensus and decision making methodologies and also a statement concerning the impact of the proposed recommendations.

As said this is just a snapshot. Further details on how you're supposed to go about these things can be found in the PDP manual but this is just to give you an idea of some of the requirements, of some of the things you'll need to be thinking about as you go about developing your work plan.

As said I won't cover what happens next which is in a later conversation. As said, just again so - just a summary of all the requirements or the elements that are required under the PDP manual but this is just to note that these are minimum requirements.

It is really up to you as a working group to decide if there are additional activities you want to undertake, if there are additional documents or questions you would like to put out for public comment, for example so these are a minimum set of requirements that you're expected to meet as part of your work.

And for further reading, as said, Annex A of the ICANN bylaws, the PDP manual and also on the GNSO Website you can find these graphics and some further background information on the PDP and some related materials.

And so for a brief coverage of the working group charter I'll just hand it over to Mary.

Mary Wong: Thanks, Marika. And hello again everybody. This is just going to be really brief because, as you probably will have seen, the working group charter has a number of questions that we won't go into today.

Here on this slide you see what the purpose of the working group is. And for those of you who were in attendance during the informal meeting in Buenos Aires you recollect that there were some introductions made and some background given particularly by James Bladel from the Registrars Constituency.

And the issues that we're dealing with in this PDP by the working group really are issues that were identified during the negotiations for 2013 RAA which comprised issues that were identified by a number of groups in the community including prior GNSO working groups and the law enforcement community many of which at high and medium priority level topics were already addressed in the negotiations and in some way form appeared in the 2013 RAA.

So what we're dealing with in this working group are those remaining issues that either weren't addressed or weren't addressed adequately. And specifically as identified in a staff paper that was published I believe in mid September these were identified to be issues relating not just to privacy and proxy services but really to the accreditation.

And by way of background I should also add, as many of you already know, that ICANN has already previously committed to creating an accreditation

program for privacy and proxy service providers so the work of the working group is expected to inform that effort.

The charter questions, like I said, are very detailed. And they are derived from the staff briefing paper that I've already mentioned. So perhaps jumping ahead a little bit in the next meeting or two this would be something that the working group would like to consider in terms of groups the questions together or deciding whether they should be dealt with consecutively or in parallel and so forth.

I'm not going to read them all. It's just that we have listed them in this set of slides so that, A, for those of you who are not familiar with the charter you can see what they are as well as their scope; and, B, so that even for those of you who are familiar with the charter that you would be able to have them in just one place.

The charter itself as well as these slides and the other background documents, as Marika has typed into the Chat here, are already available on the wiki.

And so coming to the additional issues beyond just the specific questions listed in the charter here are some questions that perhaps the working group can deal with bearing in mind of course that we are looking at a timeframe of - from now up to 1st of January 2017 which is when the temporary specifications in the 2013 RAA is set to expire.

So either the earlier of that date or whenever the program is created based, we hope in part, on - in large of the work of this working group and so here are some additional issues that the working group should be considering.

The charter also notes, as per the Working Group Guidelines of the GNSO, that there may be formal consensus policy recommendations which may create binding contractual obligations on the contracted parties but they may

not be so limited - the working group can, in considering its many recommendations at the end of the day, make recommendations in a different form, perhaps, for example, best practices and so forth.

And I've already mentioned that the work of this group and its final recommendations should be of assistance to ICANN in creating and launching an accreditation program as well as addressing more broadly some of the recommendations that are made by the Whois Review Team.

And I should add that in the summary document that we sent out last week the recommendations of the Whois Review Team and other background work was already listed and summarized.

So here's a list - sorry, a link to the wiki and some other information there that we can talk about at some later time. And on that note I will hand it back to you, Marika.

Marika Konings: Yeah and this is Marika. And just very, very briefly as I know we only have limited time. Basically as the Annex A in the PDP manual set out that the process that needs to be followed is part, you know, developing or conducting this policy development process the GNSO Working Group Guidelines basically set out the process for the working group itself and the way it is expected to conduct and the process it needs to follow.

So basically - and I hope everyone had a chance to look at that because I think some elements there, you know, definitely will come back and are important for you to review and understand.

You know, it talks about issues such as, you know, what are the working group member roles and responsibilities. I think we'll come next to that as well, for example, on the election of working group leaders, first of all of a chair or a co-chair. We also have a Council liaison, what is the function of the

Council liaison. What is expected with regard to participation and representativeness?

It also outlines - I think that's one of the key items we'll probably come back to once we get to recommendations and determining the level of support for those, what is the standard methodology for making decisions. And, again, what is included there as well is what is the appeal process should people not agree with the designations made? What can you do to challenge that? And it talks as well about some of the elements in relation to communication and collaboration tools and as well products and outputs.

So I'd just like to encourage you to have a look at that. And we have a summary available which you can find the highlights of that and as well the full document the link is provided here.

So as said, you know, feel free to - I don't know maybe at the end of the call if we have time left we can take some questions or feel free to type them in the Chat. As said both Mary and I are available as well, you know, after the call through the mailing list or through the follow up call we'll do for newcomers so we can go into more detail in some of these issues which, you know, some of may be new.

With that I think I'll hand it back to Mary for a short overview of the main documents that she summarized in the background document and I'll pull that up now.

Mary Wong: Thanks, Marika. And this is the document that I referred to in my earlier presentation and it was sent to everybody on Friday and also posted on the community working group wiki. Again, we don't plan to go through the whole thing but you see here from the table (unintelligible) that some of what we thought was the most relevant prior community work to this working group has been excerpted as well as links provided here you see in Section 7, to

the full report, for example, of the Expert Working Group, which we summarized in Section 4.

And this links to the initial report as well as to the status report although the excerpt only the status report that came out just before the Buenos Aires meeting. And the reason for that is because they do call out specifically some questions as well as additional research that they will be doing into privacy and proxy services.

Other documents that we have excerpted and summarized include a very recent study done by the National Physical Laboratory of the United Kingdom, here in Section 3, on privacy and proxy service abuse that was published for public comment in September. And we will be working with NPL to get a final report out because the public comment period has been closed.

And we will also be publishing an analysis of all the public comments received including from some of you and some of your groups, thank you very much.

The other document that we've also excerpted is the document that we've spoken of in various other forms, the 2013 RAA. Some of the actual contractual provisions that we thought may be relevant to this working group as well as the full text of the temporary specification that expires on January 1, 2017.

And finally the Whois Policy Review Team recommendations from their final report has been summarized as well. And as I said, all those are linked in Section 7. And in Section 2 - actually I'm going to backwards here I realize - there are some community work that was done prior which we thought was also relevant as well.

So the idea here is to have in one document some - at least a overview of some of the other work that has been done to date so that the working group can consolidate, can discuss and move forward with its recommendations.

What Maria has asked me to do, at least for the next couple of minutes, is to take you very briefly through Section 1 which is key definitions. And I don't wish to read them all because I think many of you have read them in other forms already.

But what we thought would be helpful was for the working group, first of all as we said, to have everything in one place. And in this particular respect it seemed important to note whether or not the key definitions, for example, of privacy services or proxy services are uniformly used across the ICANN community.

And here I've also included where the actual definitions we've listed were derived from, for example, for the definition of privacy services and proxy services you see that this was a set of working definitions developed for the GNSO Council back in 2009.

And I should note that these are the definitions that were used for all the Whois studies that were relevant including the NPL study that I just spoke of. We've added here in a note also, here you see in Section 2 below, that a slightly different definition at least in terminology was used by the Whois Policy Review Team.

And we also set out a definition here, again, relating to privacy and proxy. This was from the terms of reference of the NPL study referring to illegal or harmful communications because that was the focus of the study.

Because the working group in its charter was asked to look at the possible differences or reasons perhaps, if any, for differentiating between commercial and non commercial users and purposes the definition, again, from the 2009

Council document is included here for commercial purposes, law enforcement.

And the last view come from the Whois Policy Review Team final report and these have to do with Whois data, Whois protocols and what is a Whois service. So once again we hope that this is going to be helpful to everybody and with that over to you Maria.

Maria Farrell: Super. Thank you very much Mary and thank you, Marika. Okay I know it's a quarter to the hour but I think let's take some questions if anybody has questions either about the process or about some of the substantive issues that Mary brought up there. Has anyone got any questions they would like to ask?

Steve Metalitz: This is Steve Metalitz. I raised my hand in the...

((Crosstalk))

Maria Farrell: Oh hi, Steve. Yes, please go ahead.

Steve Metalitz: Yeah...

Maria Farrell: And I see Tim Ruiz as well. Tim, we'll take you after Steve.

Steve Metalitz: Yeah, I just wanted to thank Mary and Marika for pulling together this material. It is very helpful to have it all in one place. I had a question about - in the definitions about this working definitions document developed for the GNSO Council in February 2009. Can you - can one of you provide a little more context about why the GNSO Council needed these definitions?

I'm just trying to understand how this fits into what we've been tasked to do and particular this definition of commercial purpose whether that was

developed with this issue in mind or some other issue. So if you have any insight you can share on that that would be great.

Mary Wong: Maria, this is Mary. I can try and answer Steve's question at least to some extent.

Maria Farrell: Yes please. Go ahead.

Mary Wong: Steve, so thanks very much for the question. And in fact you may actually be more familiar with the background process than some of the rest of us because as you'll recall the timing from probably something like '08 through to '09 and possibly early 2010 there was quite a lot of work done in the GNSO and by the GNSO Council in relation to deciding whether or not to do Whois studies, what studies should be done and what should be the terms of reference.

In addition there were several working groups that were formed as well as a drafting team and a number, I believe, of public comment forums that were opened in an attempt to help us get to grips with all of these questions.

So I don't have the working definition document in front of me. There is a link on the GNSO Website under the Whois Studies tab to this and other background documents. And I can provide them to the working group as well.

My thought is that this, as well, some of the other definitions that you mentioned that came from that document was going to be helpful to this group in the sense of seeing not just what the definitions are but where those definitions have been used. And in particular for privacy services, proxy services, illegal communications that those were used in the NPL study that we thought whether or not the findings were relevant that that would be one of the most relevant documents this working group might want to consider.

With regard to commercial purpose and other definitions it may or may not be relevant to the working group but we thought it'd be better to be a little bit more thorough rather than a little bit less so. I hope that helps.

Steve Metalitz: Yeah, this is Steve. That is helpful. And if you can circulate the link to that document that would be great as well. Thank you.

Maria Farrell: Yeah, thanks Steve. That was really a good question. It's Maria here. Mary, if you do - when you go into look at it more closely if there is any particular context we should be aware of, you know, any (unintelligible) definition or assumed constraints around it or applications for it that would have been in the minds of people at the time that would be really good too. Tim - Tim Ruiz is up next.

Tim Ruiz: Yeah, I guess that was question as well because I've been involved in all these different Whois and I didn't quite recall these definitions. But also, as I commented in the Chat, I just wonder if - and I don't know if we're at that point where we're discussing modifications to the definitions yet or not or if that's an open issue.

But it just seems there's an important part of the definition of proxy service, at least, that is missing from proxy services in the 2009 definition. And I - whether we include it or not - and maybe the fact that sure is a note is good enough but I just think this issue of, you know, who is responsible for the domain name when a proxy is being used I think is an important issue that needs to be resolved.

And I think just from, you know, that as things stand today it would just seem logical that as it currently stands if you list yourself as the registrant you're responsible for the domain name. And are there circumstances in which you could, you know, sidestep that if you take certain actions or whatever, I mean, those are probably issues that we can address. But just from the starting

definition I just wondered if that's something we would want to consider adding to our working definition of proxy services.

Maria Farrell: Thanks, Tim. It's Maria here. Yeah, I think for this group it's going to be really essential for us to have a shared sense of the definitions we're going to use and a shared understanding of the, you know, as we're getting into the substantive work because otherwise I think we'll find our foundations are built on pretty sandy ground.

So I'm going to suggest that we take the issue of looking at the definitions that this group is going to take as its working definitions and deal with that when we look at the development of the work plan and that should be a priority item.

Marika, it's still Maria here. I had one question for you which is in terms of process, there is a requirement that we should get advisory committee advice or input at some point. I know we have Carlton Samuels on from the At Large, which is fantastic. And - but I wonder what are your thoughts, if any, about engaging the Government Advisory Committee on this because I know they're often very, very interested in all things Whois.

Marika Konings: This is Marika. I think the way that other PDP working groups have typically approached this aspect is to write a letter to the different SOs ACs through their chairs and basically saying, you know, we're this working group, this is what we're looking at and these are the questions we're looking for input on.

And obviously it helps if there are already members from those groups participating in the working group because they can serve as a kind of - maybe informal liaison and taking it back and making sure hopefully that some input is received.

It may be worth noting that I think we do have actually someone that is also a GAC member as part of this working group so I don't think she's on the call

today but it may be helpful as well following up with her to discuss what would be the best way to try to get that input.

But again as said, you know, I'm happy as well to share some of the - some examples of letters that have been used by other efforts reaching out. I do have to note that I think - I need to look back at most of the PDPs we've done we actually didn't' get much feedback from most of the SOs ACs. I think the ALAC is typically very good in providing feedback.

I think we've had some conversations with the ccNSO but I don't recall that we ever had any formal responses I think from any of the other SOs ACs. So it may be worth discussing or considering how that can be done in a more effective way especially if there is an indication that some of these groups want to or have information that would be helpful for this working group to consider.

Maria Farrell: Okay thanks, Marika. I mean, my sense is I think that we should get off a letter fairly quickly to the At Large - sorry, the advisory committees just letting them know that this working group is kicking off. And maybe at some point, you know, after Christmas or early in the New Year we might do a follow up with some of the specific issues. But I know it takes them some time to move sometimes so I think we should give them as much notice as we can.

Okay, listen, I'm going to move us on to - we've got Items 5 and 6 to cover. The Item 5 is the development of the work plan. Now I know from staff - from Marika and Mary who have given their advice, typically what's worked in the past in terms of developing a work plan is to do a brainstorming call where we kind of go through a lot of the issues that we think the charter requires us to cover, what information we're going to need, what grouping of topics there may be or what sequencing of topics and issues there might be even down to whether we should create sub teams.

So I know the suggestion from staff - and I think it's a good one - is that we would receive a document, which Marika is going to draft for us, which will be kind of a mind map and basically covering lots of the different topics that are covered in the charter and that we would have a substantive discussion on those for the bulk of our next call.

What do people feel about that? Is that an approach that everyone is happy with? Or are there alternative suggestions?

Steve Metalitz: This is Steve Metalitz. So you're suggesting that there will be - I just want to be clear about what you're suggesting. There will be a document that will be produced by staff and then that would form the basis for this brainstorming discussion on the next call? Is that what...

Maria Farrell: Hi, Steve. Yes, it's Maria here. Yes, that's the idea. Marika has suggested that she produce even just a list of topics and the suggestion to guide our brainstorming process and that we would then discuss them on our next call. Marika, do you have anything you want to add to that?

Marika Konings: Yeah, this is Marika. So basically - and, Steve, you may have seen it in other working groups. The idea would be that I just pull the questions basically from the charter and put those in a mind map and some of the comments that already have been made today so that can serve as a kind of, you know, capturing all the questions.

And the idea would be then, you know, for example going through the charter questions and to find, okay, what do we - what does the working group need in order to be able to answer that question and try to, you know, as well see if we can group things together. Because in a mind map it's easier to, you know, move things around, pull things together, take note.

But the first draft would basically be just pulling everything out of the charter and, you know, plotting that into the mind map so that can serve as a starting point for the conversations.

And we'll push it out to the list and of course if people already have comments or other things they think should be included there or added there, you know, we can of course already start doing that on the list as well prior to the call.

Steve Metalitz: This is Steve. That sounds like a good idea to me. Good way to proceed.

Maria Farrell: That's great, Steve. Thank you and thanks, Marika. Well look, I'm going to take - otherwise unless anyone has other questions I'm going to take that as ascent to that approach that we're going to get that mind map document from Marika and we're going to spend our next call talking about the substance of what we should, you know, how we're going to organize our work.

Okay and the other topic, which we are going to finalize on our next call, is going to be the election of the working group leaders. I'm going to suggest that we open a nomination period for chair or chairs, plural, and that we - for one week - and that we close it next Monday, the 9th of December.

And my suggestion is that basically we kick around nominations - either self nominations or groups nominations for chair or chairs, co-chairs, vice chairs, and that we kick around the names on the list or at least produce the names on the list and discuss and agree a chair on our next call which is likely to be in one weeks' time.

Can I take a queue on that or does anybody have an opinion to express on that approach? Is there anyone who thinks that's a bad idea?

Steve Metalitz: This is Steve Metalitz. I just had a question about it. So you would continue to - you would chair the next meeting?

Maria Farrell: Hi Steve...

((Crosstalk))

Steve Metalitz: ...this would be discussed. Is that the...

Maria Farrell: Yeah, okay here's how I see the next meeting going is that I'll still be the interim chair as the meeting begins and my hope would be that we would, within the first 10 minutes of the call, get all of the admins on and have agreed a chair and then that we would spend the rest of the call that the chair would - the actual chair would then take over and chair the call and that we would then have the substantive discussion on our work plan. So that's kind of how I see things going.

Steve Metalitz: You were very eager to become an ex-interim chair. That...

Maria Farrell: Well, I tell you what here - the reason I'm wanting to do it this way but, you know, I'm happy to chair that call. Maybe it would be too much to ask somebody to just come in and do it. But I'm very aware that we're going to have quite a break for Christmas and I want to get at least a bit of momentum on this group going on the one hand.

                   But on the other hand I don't want to, you know, do any kind of - too much substantive chairing of the issues. You know, I think the chairs will come in and want to run the things his, her or their ways. So that's sort of the two things, time, you know, getting things going and getting a new chair.

Steve Metalitz: Okay, no I support that approach.

Maria Farrell: All right thank you. Does anyone else have any suggestions or concerns about how I suggested we get our chairs in place? The other topic - or the

other thing I wanted to say was I know, you know, some of us have discussed it - the notion of chairmanship of this group in the abstract sense.

I know looking at other groups - working group that have had an enormous amount of work to do and a very large working group, I mean, we're looking at 30 people plus on this working group now.

So it may well be - my personal recommendation would be that we would elect co-chairs both to deal with the amount of work, to back each other, and to alternate and also, you know, in case people are concerned about having a - kind of a substantive balance, a balance of approach to the working group's work. So my personal recommendation would be that we appoint co-chairs but obviously that's up to the working group.

Okay so I'm going to leave that issue with just one final exhortation to everybody on this group to themselves consider whether they would wish to self nominate as a chair or a co-chair and also to please go back to your groups and, you know, try and see if you've got somebody there who you think would be willing to take on the work of this working group.

Our next item is the weekly - is just how we're going to - what we're going to do for our next steps. I think it's probably fair to say that this group is likely to meet once a week for an hour for the foreseeable future. And I think - I don't think I'm going too outlandish here but I think looking at past working groups we could be working on this certainly for 6, 9 even perhaps 12 months.

So it's going to be a pretty intense piece of work but we've got a very large and very motivated group so I encourage everybody to - who's interested to put their name forward.

Okay we've got three minutes to the hour and the final item really is to look at confirmation of our next meeting and next steps. Our next meeting I'm going

to propose will be at this time, 1500 UTC next week, which is the 10th of December.

However I'm just going to ask if offline if the staff wouldn't mind taking a look at the makeup of this group and where people are situated geographically and see - just make an assessment on whether we will need to alternate the timings of this call just to accommodate people in different time zones.

One final question I guess which I'll put to this group is my proposal is that we do two further weekly one-hour phone calls one on the 10th of December and one on the 17th. And then we will take what I think is going to end up being a three week break actually because the - after two weeks we would then still be - let me see, 30th of December on New Year's Eve, New Year's Day so that's a holiday for many people. So I think we would reconvene on the 7th of January.

Do people have any particular views or concerns about that weekly one-hour calls until 17th of December and then a break until 7-January? Okay I see no hands up.

That's pretty much the final item we had on the call. Does anybody else have anything they'd like to raise before we wrap it up? No? Okay. Oh I see a couple of people are typing. While they're typing I'm going to thank everybody for being on this call.

I recognize it's been quite an administrative and sort of an informational call; we haven't had a lot of substantive work to do yet. But I think we've got a really strong, really motivated group and we're getting all of our organizational ducks in a row, which is really going to help us get moving on our next call.

The next call we're really going to get into some of the substantive discussion of what the issues are how they relate to each other, what kind of research or other work we'll need to do to back up and support all of our policy making

work. So I really encourage everybody to please read the documentation that the staff have prepared for us.

If you only read one thing I think it should be Mary Wong's document the definitions summary of relevant work and references. That's really absolutely required reading for this working group if I can.

Okay and I'm seeing just a couple of items on the Chat. Kathy Kleiman with regards to the timing of the meeting saying alternating is what has always been fair. And David Cake based in Australia I think agrees with that. And Marika says that people should need to suggest - need to commit to the calls at 2:00 am if we're going to alternate.

So, listen, I'm going to ask that Marika and Mary if you wouldn't mind just taking a look at the timings and the distribution of the group and seeing what is the fairest thing to do.

With that I'm going to wrap up this group and thank you all so so much for joining. It's a really terrific group and we've got a lot of work to do but I think we've got some very very exceptionally committed and knowledgeable people to do it. So thank you, Marika. Thank you, Mary. Thank you, Nathalie. And thank you everybody for joining.

Steve Metalitz: Thanks, Maria.

Maria Farrell: Bye.

Marika Konings: Thanks.

Mary Wong: Bye.

Steve Metalitz: Bye bye.

((Crosstalk))

Coordinator: That concludes today's conference. Please disconnect at this time.

Gordon Dick: Have a great day.

END