ICANN Transcription

Privacy and Proxy Services Accreditation Issues PDP WG

Tuesday 11 February 2014 at 1500 UTC

Note: The following is the output of transcribing from an audio recording of Privacy and Proxy Services Accreditation Issues PDP WG call on the Tuesday 11 February 2014 at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. The audio is also available at:

http://audio.icann.org/gnso/gnso-ppsa-20140211-en.mp3

On page:

http://gnso.icann.org/calendar/#feb

Attendees:
Don Blumenthal - RySG
Luc Seufer - RrSG
Marie-Laure Lemineur - NPOC
Volker Greimann - RrSG
Griffin Barnett – IPC
Justin Macy – CBUC
Jim Bikoff – IPC
Maria Farrell – NCUC
Graeme Bunton – RrSG
Tim Ruiz – RrSG
Roy Balleste – NCUC
David Heasley - IPC
James Bladel - RrSG
Susan Prosser – RrSG
Kiran Malancharuvil – IPC
Sarah Wyld – no SOI as of yet
Todd Williams – IPC
Valeriya Sherman – IPC
Steve Metalitz - IPC
Phil Marano – IPC
Amr Elsadr - NCUC
 Holly Raiche – ALAC
Gema Campillos – GAC
Osvaldo Novoa - ISPCP

Tobias Sattler – RrSG
Kristina Rosette - IPC
Bill Watenpaugh - RrSG
Michele Neylon - RrSG
Elizabeth Baney
Justin Macey - BC
Keith Kupferschmid - IPC
Darcy Southwell - RrSG
Stephanie Perrin - NCUC
Paul McGrady - IPC

Apologies:
Katherine McGowan
Kathy Kleiman – RySGgr
Carlton Samuels - ALAC
Alex Deacon - IPC
Ben Anderson - RrSG

ICANN staff:
Marika Konings
Mary Wong
Gisella Gruber

Coordinator: This is the Operator. Just need to inform all participants that today's conference is being recorded. If you have any objections you may disconnect your line at this time. And you may begin.

Gisella Gruber: Thank you very much, Lori. Good morning, good afternoon and good evening to everyone. On today's PPSAI call on Tuesday the 11th of February at 1500 UTC we have Don Blumenthal, Luc Seufer, Volker Greimann, Justin Macy, Jim Bikoff, Maria Farrell, Graeme Bunton, Tim Ruiz, Roy Balleste, James Bladel, Susan Prosser, Sarah Wyld, Todd Williams, Valeriya Sherman, Steve Metalitz, Phil Marano, Holly Raiche, Tobias Sattler, Kristina Rosette, Billy Watenpaugh, Michele Neylon, (Elisabeth Canni), Justin Macy and Keith Kupferschmid.

We have apologies noted from Katherine McGowan, Kathy Kleiman, Carlton Samuels and Alex Deacon. From staff today we have Marika Konings, Mary Wong and myself, Gisella Gruber.

I hope I haven't left anyone off the roll call. And if I could also please remind everyone to state their names when speaking for transcript purposes. Thank you and over to you, Don.

Don Blumenthal: This audio's still not good but I'll do what I can. I'm hearing an echo of myself. Okay I think - well a few things to think about. We - I think we're getting very close to a final questions document. Mary, could you bring up - or whoever is controlling the last version there?

While that's coming up, Kathy Kleiman recommended moving the one question, Number 3, to the final grouping - out of the main section to the - yeah, (unintelligible).

Kathy Kleiman suggested moving the one question from the main section to reveal. I see - yeah, it's not a perfect fit as she said but I see her point, that it is maybe a little bit too detailed to be in that main area. So barring objection I think we'll go ahead and follow Kathy's suggestion.

Gema had some edits that looked okay to me particularly flagging a duplicated question. And I'm just going to mention this up front, there's been a lot of conversation on the list this morning about what the RAA 2013, or other, RAA does or does not say.

Paraphrasing something I often, and many lawyers say at speeches, I am a lawyer but I am not ICANN's lawyer. And I think we need to get

some questions resolved by ICANN General Counsel as to whether 3.7.7.3 applies in the context of privacy proxy or not.

Off the top I don't think it does but that's not my call or really anybody on - in the working group. We've got to go to GC on that issue. So I'd like to suggest we table that and then send an email to John Jeffery or whoever else might be appropriate. Any comments or thoughts on what I've just said - or - James, that was quick.

James Bladel: Hi, Don. So I'm not going to offer any kind of a legal interpretation or definition but I think in practical terms if the question is, you know, has that provision of the RAA ever been raised in the context of a privacy proxy service I think the answer to that is absolutely, it happens all the time.

You know, I'm not going to weigh in on whether it's correct or appropriate or should be changed or anything like that. I think but, you know, I think we can certainly say that it is invoked or attempted to be invoked in lots of situations and the privacy proxy situation is one of those. So I think that's fair.

I did also just want to point out that - well we can save that for a different discussion but I just wanted to kind of just, you know, say that in practical terms it is often applied.

Don Blumenthal: I appreciate that. I'm with a registry; I don't see the registrar side of how business is conducted so that's a good real-world observation as opposed to my looking at the black and white and trying to...

((Crosstalk))

Don Blumenthal: Could I ask whoever is not on mute to go on mute except for Steve who'd going to talk now?

Steve Metalitz: Thanks. Steve Metalitz here. I'm in agreement with your proposal. I'm not exactly sure what 3.7.7.3 has to do with the work that we are doing here. But I agree it's - you take it into a separate channel and, you know, again I'd be interested to see what you propose to ask the general counsel.

But, you know, I think this arose because there was a paraphrase of 3.7.7.3 in one of the definitions. I think it's clear that that paraphrase actually doesn't even belong in that definition so, you know, that may have been what has stirred this up. But I think I would agree to take - to table that issue within the context of our discussion, in other words, to - I guess I'm using American terminology there, to kind of take that offline from our discussions. Thank you.

Don Blumenthal: Appreciate it. I think that's become universal at least in the ICANN world offline. Any other thoughts? Marika.

Marika Konings: Yeah, this is Marika. So for us to take this back I think, you know, as Steve suggested, would be really helpful to actually have the specific question you want us to ask.

Don Blumenthal: Oh yeah, I'll put something together definitely.

Marika Konings: All right thanks.

Don Blumenthal: And run it by folks and then we'll get it shipped out - or shipped to you rather. Yeah, we'll do that, you're right. James.

James Bladel: Hi so just agreeing with Steve. I think we should take this offline. I did want to throw out one point I think that supports the statement that it's probably not, you know, squarely in the crosshairs of this working group. I don't think that - or at least my understanding of the working group here is that we would not go back necessarily and start reopening provisions of the RAA for registrars.

I think that we have a provision in the new 2013 agreement that says, you know, registrars will only use accredited privacy proxy services. Okay and then this working group is tasked with going and then figuring out how to hook onto that provision or that requirement by building that accreditation program.

I don't think we want to then spill over and go back and reexamine or, you know, or have ICANN Legal to reexamine or reinterpret some of the provisions of the RAA. I think the RAA - the hook in the RAA is fairly clear; you will only these services that are accredited and blessed by the process that this group comes up with. So I don't - I think I'm agreeing with Steve that we don't want to, you know, reopen the RAA. Thanks.

Don Blumenthal: No absolutely not. I'm only raising this because there's - there's a question in the thread about the - what - under what conditions registrar or proxy services registrars will have to reveal. And it strikes me that part of that will depend on what's considered the controlling language in the RAA. Tim.

James Bladel: Okay I apologize if I misunderstood that I apologize.

Don Blumenthal: Oh no, no not at all. No it definitely was a valid point. I was just cleaning up maybe how we express it. Tim.

Tim Ruiz: Yeah, I think, you know, that just, you know, even when we're done coming up with, you know, an accreditation process that won't preclude someone from, you know, who owns several domain names to coming to some agreement with someone else to license their domain name to someone else for use.

And they may not be running a privacy or a proxy service per se, they just have some business arrangement with someone allowing them to use the domain name. So, you know, I don't think this provision is going to go away because we define an accreditation process for actual services that want to operate as privacy or proxy services.

And just as an example and at the very - the first biggest customer of Go Daddy when I first started back in 2001, was a gentlemen who owned a few thousand domain names and for various purposes and several of them he had licensed out to other people for use.

He wasn't running a privacy or proxy service. You know, I think he was basically, you know, wanting to get to the secondary domain name market. But in the process he had other people interested in using those domain names in the meantime so he made arrangements with them to use those names.

So I think that, you know, this privacy proxy accreditation thing it's going to cover every situation so I think this clause will still need to be

there to cover those situations where, you know, registrant may take it up on their own to do something of this nature and so it's going to - it needs to be clear the situation that they're getting into; that they're going to be liable for the use of this name, blah, blah, blah.

So, you know, we can take it to general counsel if we want to. I'm not sure it really requires that but I don't have any objection to it. But I just want to make that explanation that, you know, why that might - why that was there to begin with and that it wasn't necessarily meant to be a blanket thing that covers privacy and proxy services - at any rate so for what it's worth.

Don Blumenthal: I appreciate that. And the issue you pointed out is exactly why I raised the question as to whether it does apply to what we're talking about or not but it's been suggested that it does so I just want to get that clarified.

Well I think - I think we are at the point where we can - like I said, unless there's objection we can go ahead and - with the working group document - working group questions rather, as it stands, we'll make changes that - editorial changes that Gema suggested, move the question as Kathy recommend.

And I don't think we'll put definitions in the document itself but staff is going to take all the definitions from all the documents that are in the - that are floating around, particularly the ones in the wiki - and come up with a coherent set of definitions for us to use for our internal - for our internal workings.

Seeing and hearing no objection, my DC past is creeping in here, excellent. Let's move on to the work plan please.

Marika Konings: Don, this is Marika.

Don Blumenthal: Yeah.

Marika Konings: I just wanted to flag as well...

((Crosstalk))

Marika Konings: Can you hear me?

Don Blumenthal: Yeah, the problem is my stream doesn't show a microphone so I look over here and I can't tell your hand's up because I expect to see a mic there so I'll try to do better, okay.

Marika Konings: Yeah, because I'm actually on the phone bridge and not the Adobe Connect audio. Maybe next time I'll connect that just for visual purposes.

((Crosstalk))

Don Blumenthal: Completely.

Marika Konings: Oh so I just wanted to note that Gema also provided a comment in Footnote 6 which I think we didn't cover because you mentioned a duplication that you removed but there was also a comment in Note 6 that I just wanted to flag. And as well as to note as we move onto the next - to the work plan - and I don't know if it's more helpful to have this

document up as presumably we will first talk as well about order of charter groupings or if you prefer the work plan itself?

Don Blumenthal: Good point. Let's leave this here for now because I've got a threshold question to toss out. We've settled on the questions but something we need to think about is the order. The work plan as it's been sent around is nice and orderly going from main issues down through the other headings.

At least a couple of people have suggested that it would be better to work on the subheads and then circle back. That's got the advantage of maybe fleshing out items that we will consider in - under the main issues. I think it's got the disadvantage of getting us potentially distracted.

You know, the title of our group is - well something, you know, Proxy Privacy Accreditation issues. Sorry, I've got three other phones going here, it's quite distracting. Excuse me.

The title of our group is Accreditation and the issue is if we jump into the details to what extent might we get distracted from just the basic concept of what's involved in accreditation. I'm not suggesting we'll have to do this step by step processes that crosses into the eternal policy versus implementation quandary. But are there some basic points we need to cover up front before we get into details; that's the dichotomy and I'd love to - your opinion. Steve.

Steve Metalitz: Yeah, thanks. This is Steve. I think that approach has a lot to recommend. I think if you look at the main issues here the first two questions, "What, if any, are the types of standard service practices

that should be adopted?" Well most of the rest of the question areas deal with, you know, with possible standard service practices.

So rather than come up with some list based on what's on the surface of the questions and then have to go back later and change it maybe it makes sense to start with one of the specific areas and see is that an area where there should be a standard service practice?

The second question about distinguishing between privacy and proxy services rather than answer that question in the abstract it may be easier to look at specific issues so if you looked, you know, for example in Section 2, got some specific questions about how registrations by privacy proxy services should appear in Whois, about verification of customer contact information.

And as we discuss those we can decide whether the rules, you know, the accreditation standards would be different for privacy or proxy. But, again, it's easier to answer that question I think in a concrete setting rather than in an abstract setting.

So I'm - I find a lot to like in the idea of jumping in to start off with Section 2 or one of the other sections and then circling back at a later point to the main issues questions because by then we will have some perhaps some agreements on, you know, what should be in standard service practices and what should - whether there should be different treatment for privacy or proxy. Thank you.

Don Blumenthal: Appreciate it. Kind of a case study approach almost. James.

James Bladel: Hi, thanks. James speaking. And I just wanted to say I agree with
                  Steve's approach or suggested approach here. I think that we can start
                  to then take a closer look at some of these items probably beginning
                  with Item Number 2.

                  I don't know if it's buried in here and I am still kind of trying to get my
                  zoom controls to work. But I wonder if there should be additional items
                  or some examination or discussion of what types of organizations or
                  entities would qualify for accreditation and what sort of criteria would
                  have to be met.

                  And I'm thinking here, not to overburden this, along the lines of, you
                  know, for example the new gTLD program where, you know, you had
                  to give a pint of blood and all kinds of stuff like that.

                  I'm thinking more the model of what we have for current registrar
                  accreditation where you have to be a, you know, an incorporated entity
                  or, you know, certain qualifications, you know, just to be eligible for
                  accreditation I think is another starting point. And maybe it's captured
                  in here, I'm just not seeing it. But I think that that's also worth
                  discussing in addition to just practices and operations.

Don Blumenthal: But you don't think privacy proxy folks should have to come up with
                  100 - was it 65 or 85 thousand dollars?

James Bladel: Yeah, - no hopefully nothing quite so burdensome along those lines.

Don Blumenthal: Okay.

James Bladel: But something along the lines of, you know, that, you know, they should be a relatively professional organization.

Don Blumenthal: Yeah, I think we will have to get into that. I know at least one person, and I think she's on the call, has raised the issue before about how law firms will play into this whole routine. So, yeah, that'll have to be something to look at some point. Tim.

Tim Ruiz: Yeah, so are we - just a question and then based on your answer a comment. So are we trying to decide right now which of these main issues we want to start with? Is that the question or...

Don Blumenthal: Well I think that'll be a logical next step if we decide that we're not, you know, starting with the main section. And certainly that seems - that seems the consensus that I'm hearing - shouldn't be too precise I wanted to say on the phone. We'll call it a phone generically.

Tim Ruiz: Yeah, okay.

Don Blumenthal: What I'm hearing through VoIP.

Tim Ruiz: Yeah, I think that the question like - some of the questions Steve and James raised are kind of the key to most of these other issues. And they seem to be all kind of encompassed in Issue Number 2 because it's not just a matter of distinguishing between privacy and proxy services but there's all kinds of other questions in there.

                You know, if you accredit for one are you accredited for the other? You know, those kinds of things. James raised the issue about particular entities, questions about, you know, how lawyers might fit into that. So

it seems like all of that's kind of wrapped up into Issue 2 or could be and those are all - seem like questions that need to be answered before a lot of these other issues can really be delved into very deeply. Just my thought.

Don Blumenthal: Thanks. Any other - okay well going back in what I said I'm hearing consensus that we do need to - we should start with something other than main issues. The logical question after that is do we need to come up with an order or at this point do we just choose - decide what we'll start with and then be flexible on what will we go to next.

And the reason I raise that is just starting with say like I call it a case study approach almost sometimes that does lend itself to following logical threads rather than being rigid up front.

Okay Steve, thank you.

Steve Metalitz: Yeah, this is Steve. Yeah, I think while, you know, it's obviously - it could just - it's a somewhat arbitrary question of which we start with but it might make sense to start with Roman Numeral 2 which deals with questions like how a proxy registration or a privacy registration would appear in Whois and then as a somewhat related matter, you know, what verification validation etcetera should be done of the ultimate registrant, the customer of the privacy proxy service.

And then it gets into the rights and responsibilities. That's a broad question but the first two are a bit narrower anyway and maybe that's a good place to start. I'm certainly open to other suggestions on this but just to throw that out as a possibility. Thank you. Don, are you with us?

Don Blumenthal: I'm sorry, I just asked Holly if she's on mute. I was on mute.

Holly Raiche: You were on mute. I didn't hear you.

Don Blumenthal: Yes.

Holly Raiche: No, I'm not on mute. Yeah, I like starting with...

Don Blumenthal: Never mind.

Holly Raiche: I like starting with the point that I think James raised which is we're talking about a specification that is going to - it should say who is in or out in terms of being accredited, what are the tests we're going to do which is, I'm assuming our main job, to define who should or shouldn't be. So part of that is, yes, there - is there a difference between privacy proxy what is it?

And then what boundaries are we going to put around? It may be there, you know, are they a company? Are they an organization? And some of the report saying yes well, you know, people like lots of banks, etcetera, etcetera, use these.

So, you know, what are the kind of boundaries we're going to put around both different sorts of terms like privacy and proxy? And maybe that's even where you start since that's actually the task that we've been assigned. Thanks.

Don Blumenthal: Yeah. I see your point. Okay thanks. Michele.

Michele Neylon: Hi, good afternoon. Michele speaking. I'm a bit confused, why would we want to be precluding anybody at this juncture apart from the kind of obvious - the obvious ones, I mean, in very simple terms, you wouldn't want to accredit a criminal. I mean, that's kind of a no brainer.

The issue around the legal status of the entity could be problematic because we're going to have to accept the fact that whether you like it, love it, hate it or otherwise lawyers will act as proxies for their clients.

I cannot speak to US, Australian, Canadian or any other jurisdiction's laws but under Irish law a solicitor, in other words a lawyer, cannot be a limited company for some bizarre reason, which means they have all sorts of fun and games getting insurance though I don't feel much sympathy towards lawyers in general. So...

Don Blumenthal: Watch it.

Michele Neylon: Hey, I knew I was going to upset at least one lawyer on this call. I would look at, I mean, I think I suggested this in a previous email, I mean, looking at the accreditation criteria for registrars as a baseline but obviously taking into consideration that if, for example, proxy services are going to be offered by lawyers and in some jurisdictions lawyers cannot be body corporate it has to be worded in some way.

Now at the same time obviously you don't want a situation where you're going to give accreditation to John Joe Murphy who probably doesn't have a fixed abode and is using a PO Box, but, you know. I'm always hard on lawyers, Maria because they cost me a bloody fortune and they send me spurious takedown notices all the bloody time. I'll shut up now. Thanks.

Don Blumenthal: Yeah, everybody's got to have his own entertainment. Tim.

Tim Ruiz: Yeah, I think - again I just wanted to state that it think personally we should start with main Issue Number 2 because to me it's kind of the threshold question.

I mean, if we're going to distinguish the two then we're going to have different - potentially different accreditation requirements or something slightly different - different - there's clearly going to be different - other policies that might apply to proxy services versus privacy. And so, you know, to me that's an important question in order to get in deeply to all the other things.

And then I think wrapped up in that could be some of these other questions that people have raised such as, you know, where do law firms come into this? I think someone made a comment about CentralNic, which I think is a very apropos question, who's licensing large huge numbers of domain names. What, if anything, do we do or consider about that at least going forward.

And then the question about who should or shouldn't be which I agree with Michele, I think what we should do is start with the, you know, what do we have in the current registrar accreditation program and RAA, you know, about, you know, who may or may not apply for that and kind of stick with that.

And I think if we want to go out - too far outside of that one of the things that we - I feel we need to be careful here is that, you know, this accreditation program is kind of creating a barrier of entry.

And where does the, you know, antitrust law come in here as far as how far we can discuss some of these things because clearly, you know, whether you're doing it for clients at a law firm or if you have a current service, you know, having deep discussions about who we should or shouldn't allow in here can get into some problematic issues for various parties that involved in this working group.

So that'd be another issue that I think we need to be careful with and why I think for some of these things looking at the existing accreditation program and RAA for registrars is a good place to start.

I like that comment. I used to be an antitrust lawyer; I could have a good time. Of course the fact that I'm not an antitrust lawyer anymore might tell you something.

I'm just glancing over here at the - oh okay, yeah, I was glancing over at the Chat and was about to ask Gema which current speaker but I guess that was what Tim was just saying. Okay. Any other - Steve.

Steve Metalitz: Yeah, this is Steve. I am - I'm hearing some groundswell of support for Tim's suggestion that we start with not Roman Numeral 2 but Arabic Numeral 2 under Roman Numeral 1.

Again, I - we could start there but I think we're going to quickly get into some of the specific questions about - what is it that these services would be required to do in order to be accredited? Not who they are but what are they supposed to do?

And we could start a priory and say, you know, we'll assume, for example, that they should have the same rules for privacy and proxy but we might have to adjust that later as we get into some of these specific questions.

I mean, I can give some examples but to me this is starting with a very general question that we would probably have to adjust and recalibrate farther down the line as we get into the specifics. But if that's the, you know, if the will of the group is to start there I'm happy to start there. Thank you.

Don Blumenthal: Okay. Any other comments on this? Well I think what we'll do is - probably the best thing to do because this is a fairly substantial change in our approach is send the work plan - oh no we haven't changed the work plan. Poll the group through email. I think we've got the consensus to go out of order, for lack of a better term, but ask for more input on what people see as priorities and how they might juggle the items.

I'm going to hang just a second here see what's coming in through the Chat. Oh okay all right appreciate that, Mary, good point on the EWG versus our group. It's too bad that we're working concurrently but welcome to the wonderful world of ICANN. Steve, is that new or old hand?

Steve Metalitz: This is new.

Don Blumenthal: Okay go ahead.

Steve Metalitz: This is Steve. I guess I would just suggest we do - we be a little more pointed about this. If there is - seems to be support for starting with that question about whether privacy and proxy services should have different accreditation standards why don't we ask people if they have any objection to starting there? And if not we can get started that much more quickly.

((Crosstalk))

Steve Metalitz: Rather than just - oh, making it an open ended question. Thanks.

Don Blumenthal: Okay, that's fair. Just - when I draft something up I'll run it by you and Graeme and staff because it'll be - because it'll be pivotal in how we move forward. Michele.

Michele Neylon: Hi, it's Michele again. Just with respect because this has come up in a couple of different places also it's, well, I mean, it comes up all over the place. As most of you know both myself and Stephanie are on the EWG. Obviously ICANN staff are well aware of that as well.

You know, the EWG is much, much, much broader than privacy and proxy. It's looking at anything and everything to do with all aspects of Whois past, present and potentially future oh and Carlton, sorry, forgot about Carlton. He's not here today which is why I forgot.

The, you know, the thing is that yes, the - several things are going on at the same time. As I said in the Chat this working group is not obliged to follow the EWG for obvious reasons because the EWG does not have any power, is not binding, is not anything.

The only thing that I can say about the EWG is that those of us who have been on it have probably spent a dis-ordinate amount of time looking at various aspects of Whois over the last year and a bit and what have you. But beyond that it's not binding at all.

And as I said on another mailing list this morning if there was - if the EWG was being used to sidetrack the GNSO I personally would have resigned by now.

I mean, the main thing that people need to understand with the EWG is that we're trying to get information about various things and we've put forward various theories, various thoughts, various ideas and we've tasked ICANN staff with getting us more data so that we can actually address some of the queries that the community has put to us.

I mean, this is in the broadest sense but just so that people are clear. I want to say this once and for all so I don't have to spend a part of every single call and every email thread explaining that. Thanks.

Don Blumenthal: I appreciate - yeah, and that's certainly been my impression since I've been following, well, been following the EWG since it started up. Yeah. I'll leave it there. No I think with the EWG...

((Crosstalk))

Michele Neylon: Sorry, Don, just one thing. I mean, if anybody has any queries about this or anything to do about it, you know, just ask. I mean, I'm not hard to find. Stephanie and the others aren't particularly hard to find but, I mean, anybody who claims they can't find me, well, they shouldn't be on an ICANN PDP or working group.

Don Blumenthal: So that somebody's accusation on another list of a cabal was not accurate?

Michele Neylon: That was a different list. Let's not confuse things.

Don Blumenthal: I know, I said another list. Details on that offline to use the term (unintelligible) who's interested.

Okay why don't we take some time here to talk about what we want to do in Singapore. What we have, an hour, hour and a half? Do you know yet, Mary? Marika?

Marika Konings: This is Marika. I think we've requested and hour and a half but we're still in the middle of the scheduling process so we don't know - we don't have confirmation yet on the - whether we get the slot at the time we've requested. But as soon as we do we'll of course let the working group know. But it's 90 minutes that we've requested.

Don Blumenthal: Okay so it'll be an hour and a half at most. Yeah, and I just saw some comments here in the Chat. I apologize if I cut the work plan a little too short there. I had thought we were going to, you know, put the questions where we've asked here out for the group's discussion and come back to the work plan.

((Crosstalk))

Marika Konings: ...Marika. Don, this is Marika.

Don Blumenthal: Yeah.

Marika Konings: Indeed for the work plan because I know we've started talking now about what should go first. But it may be helpful as well just thinking it through, you know, what may go next because that will definitely help us build the work plan if we can, you know, at least that's some thinking about which, you know, if there is a logical order to, you know, which questions to tackle or which categories to tackle first that will help us as well update the draft.

And then of course we can still have, as well, that out for review or comment by the full working group but maybe (unintelligible) to think it a bit further through may help that conversation along as well.

Don Blumenthal: So you're suggesting send out a revision now with, say, moving proxy privacy to the beginning or...

((Crosstalk))

Marika Konings: ...no actually now on the call just thinking through if, you know, I the suggestion is to start with - I think the latest as I understood is to start with Question 2 under Category 1, you know, what would come after that.

So I think just think through where we go from there so we can actually start building it up and make that as well a concrete proposal back on the mailing list saying - like haven't discussed on the call today, you know, those on the call suggested going in this order, you know, do people agree or disagree? Just a suggestion.

Don Blumenthal: Okay and the reason I did move on is it just strikes me that we might need agreement on where we start before we can build that out. You know, on the call I'm hearing some disagreement even on that point.

So any rate so we've got 90 minutes at most in Singapore. Been a few different thoughts, again, floating on the list on how we would use that time. So thoughts - thoughts welcome. Michele.

Michele Neylon: Hi, Don. It's me again. I would suggest, as we've done in other working groups, okay just to kind of explain this. With the public meetings you get people turning up who don't engage or interact with the - with ICANN in the community sense and PDPs and everything else on an ongoing basis.

So trying to encourage people to kind of turn up then, I mean, there might be people from - who, I don't know, who just aren't around normally. We've had some success with that in the past in other working groups where, you know, we've kind of gone through a few things explaining what we're doing, where we're at and then encouraging people in the audience to come up and share their thoughts.

I mean, it's kind of good for getting some kind of feedback. I mean, they might all turn around and go, you know, every single person here thinks the privacy and proxy should - is a fundamental right, for example. I can hear law enforcement already groaning.

Or you could, you know, people might kind of go well we think, you know, Whois should just disappear and don't understand why this is happening. So, I mean, there's lots of - you're going to get lots of

different kind of bits of input but I also think that if you've got a public meeting where people are face to face and there's people who are going to be there who aren't normally engaged take advantage of it if you can. Thanks.

Don Blumenthal: Appreciate it. Yeah, open forum has always been a part of public working group thing that I've worked on or public meeting of a working group, that's it. Marika.

Marika Konings: Yeah, this is Marika. To Michele's point I think the typical approach that most working groups these days take, you know, noting as well that of course face to face time is also very valuable to actually get work done is that I think they tend to start off with like a little 5-minute introduction as to, you know, what is the working group about, where is this at, you know, what are we trying to achieve.

Then actually just dive into, you know, normal working group business for, you know, the next hour or hour and 15 minutes and then allow the last 30 - 15-30 minutes for questions and comments and input from those that had a chance to observe the working group discussions.

And , again, there may be some flexibility there of course depending on how many, you know, external participants are there. So but I think it's, you know, just to give you some feedback on I think how most working group these days handle their open meetings recognizing that indeed it's partly intended as well to be open and encourage, you know, external input and views from those that are not members of the working group but at the same time taking advantage of the face to face time that is available to working group members that are present at an ICANN meeting.

Don Blumenthal: Okay appreciate that. I'm starting to have the feeling that there's some level of standardization to public - to the public sessions at ICANN meetings. Am I correct that we will have remote access for - or do we know if we'll have remote access for...

Marika Konings: Yes.

Don Blumenthal: ...members. Okay great.

Marika Konings: Yes.

Don Blumenthal: So at this point we should figure on a working meeting to some level. I think there was concern that we would devote a public meeting to reaching consensus on any of our specific steps. Correct me if I'm wrong here. Open it up to public and perhaps at the beginning just do a basic here's what we've done, here's where we're going report. Yes, no, indifferent?

Okay and when I say report just to clarify there are terms - that's a term of ours within ICANN. You know, what I'm talking about so general thing, you know, to present separate from the report that I think we're going to have to do for the GNSO. That wasn't definite the last time I talked to Jonathan Robinson who's the chair but that was a while ago.

Okay just noting Maria's suggestion that we have at least one hour of working time. I think that may have to depend on whether we get 90 minutes or not or if I can ask you to clarify, doe the working time include discussion with the public? Just waiting for Maria's answer for a second. Oh, Holly, sorry.

Holly Raiche: Yeah, just to say what I'm organizing for ALAC but it will be an open meeting and obviously I'm going to want many people there is one - it's a multi-stakeholder forum on Monday - on the Monday. One hour will just be for - talking about where we're up to with the specification on privacy and proxy and what people think. The other hour will be the EWG which is - they're so related topics even though they're really quite different for reasons Michele has mentioned.

And I'm looking for people to participate in that. I've already mentioned to Michele but there will be others. Carlton will also be probably dealing with the EWG session as well.

But that's going to be an opportunity not just for ALAC but it's an open meeting so it may be that we, as a working group, can spend more time actually progressing the issues. And we can use the Monday session. There will be at least an hour and it's not a working group. We can use it just to gauge what people are thinking because that's open to the public as well and really everybody will be welcome.

Don Blumenthal: What - do you know what day that's going to be, Holly?

Holly Raiche: That's Monday and the session is 4:00-5:00 will be the privacy proxy discussion and 5:00-6:00 will be the EWG session. They're distinct discussions but obviously related.

Don Blumenthal: Sure. Okay appreciate that. Just because I'm starting to fill in my own Singapore schedule so I'll do my best to block that out.

Holly Raiche: Everybody please put in the two hours on Monday, it's 4:00-6:00 will be on the topic and obviously everybody is welcome.

Don Blumenthal: Okay. Yeah, thanks for reminding us of that.

Holly Raiche: Oh, Marika is saying it's - conflict with the joint GNSO - ccNSO - sorry about that. Can't do anything about it; there's only so many days.

Don Blumenthal: Yeah, particularly since meetings got shortened but...

Holly Raiche: Yeah.

Don Blumenthal: ...that's another issue. Okay. Any other comments on this?

((Crosstalk))

Don Blumenthal: Back to the issue of how much time we'll have. Do we know when we might find out?

Marika Konings: This is Marika. I think normally the time requested is not an issue, it's more when the meeting takes place that can change.

Don Blumenthal: Oh okay.

Marika Konings: So I think for 90% sure we'll have 90 minutes unless for some reason we need to change to a slot where the working group may decide that it needs to cut the time because of conflicts with other meetings or, you know, early morning slot but for now I would assume that we have 90 minutes.

Don Blumenthal: And hopefully not between 4:00 and 6:00 on Monday afternoon.

Holly Raiche: Exactly.

Marika Konings: Exactly.

Don Blumenthal: Okay. Fair enough. Any other comments here? Well the - I'll throw it out to the proverbial, OBO, any other business? - OOB, sorry about that. All right and I think our next steps at this point are to get the final draft to the work plan out - not the work plan - the charter questions. Ask people for their thoughts on how we move - what order we move ahead with the work plan.

And hopefully on next week's call be able to really - do a little bit more planning for Singapore but also - excuse me - make some - at least the beginnings of our final decisions on the work plan. Gema.

Gema Campillos Gonzalez: Thank you, Don. What about the grouping of charter questions? Are we going to consider that - the grouping is settled up to these conference call? Because I have some comments. One of them has been answered in this conference call but there are two others remaining. And I don't know if other members have comments as well. I just wanted to know when are we going to consider this agreed? Thank you.

Don Blumenthal: What issues are still - are still outstanding to you?

Gema Campillos Gonzalez: On the screen it is my version. The Footnote Number 6 I have a comment. Someone has written, "Note that having a public

point of contact may mean it will be used for both legitimate and spurious purposes."

Yes, I know but what is the alternative for receiving reveal requests, complaints and so on? I don't see the point of having this note here. This is just a question.

And a little bit down on Paragraph 5, Roman - relay of complaints to privacy and proxy customer. Two B there is a question, "Plus publication of email address of the complainant." And I don't really understand what the purpose of this question is. Should we publish complainants email address and where this email address going to be published.

And about the definitions I noted that staff is going to provide comprehensive list of definitions so my third concern is taken care of. Thank you.

Don Blumenthal: Okay. Mary.

Mary Wong: Thanks, Don. And, Gema, thanks for the comments. I'm not sure that I can answer them fully but just to explain that with respect to your comment in Footnote 6, there is a reason why that note was put in a footnote because that is not a charter question to be discussed by the group. It simply was an attempt to capture some comments that were made I think perhaps on the list by a couple of members.

The charter question really has to do with what sort of (unintelligible) responsiveness and what should a published point of contact look like.

And members had made the comment that it's possible that having a published point of contact could lead to (unintelligible).

Don Blumenthal: I'm sorry, Mary, you're dropping out...

((Crosstalk))

Mary Wong: ...as well. So this is not an additional question. I'm sorry about that. But maybe I'll just leave it there then because that seemed to me that perhaps needed further explanation.

Don Blumenthal: Okay. Yeah, we'll send something out in writing on that but that was my recollection too was more trying to address some points that didn't necessarily fit in the questions themselves. As far as the email, you know, these are implementation questions that we will address but they've been raised. So I guess we just figured they should at least remain in there as pointers.

You know, I don't think any answers to anything in this list of questions is set yet. Far from it. And some of them we may look at later and even wonder why was that there in the first place and we'll see some others that should have been there in the first place. So I think that's probably a quick explanation that works given that we're a 11 o'clock.

Be glad to take this back to the list, Gema, if that would be helpful or we can, you know, elaborate on what Mary and I just said to the list. So once again I appreciate your time. Look for more stuff from us in the next couple of days. I think we made good progress today at least getting the one major task out of the way. We will talk to you all next week.

END