

**ICANN Transcription  
Privacy and Proxy Services Accreditation Issues PDP WG  
Tuesday 11 March 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 March 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/gns0/gns0-ppsa-20140311-en.mp3>

Attendees:

Luc Seufer - RrSG  
Volker Greimann - RrSG  
Graeme Bunton – RrSG  
Tim Ruiz – RrSG  
Sarah Wyld – RrSG  
David Heasley - IPC  
James Bladel - RrSG  
Steve Metalitz - IPC  
Kathy Kleiman – RySGgr  
Darcy Southwell - RrSG  
Don Blumenthal - RySG  
Libby Baney - BC  
Phil Marano – IPC  
Jim Bikoff – IPC  
Griffin Barnett - IPC  
Valeriya Sherman – IPC  
Marie-Laure Lemineur – NPOC  
Jennifer Standiford – RrSG  
Carlton Samuels – ALAC  
Amr Elsadr – NCUC  
Tatiana Khramtsova – RrSG  
Osvaod Novoa – ISPCP  
Don Moody -IPC  
Todd Williams – IPC

Apologies:

Michele Neylon – RrSG

Roy Balleste – NCUC  
Holly Raiche – ALAC  
Susan Prosser – RrSG  
Kristina Rosette – IPC  
Stephanie Perrin- NCSG  
Joe Catapano - staff

ICANN staff:

Mary Wong  
Margie Milam  
Amy Bivins  
Mike Zupke  
Marika Konings  
Nathalie Peregrine

Nathalie Peregrine: Thank you. (Carol), could you please start the recordings and let me know when you're done. Thank you ever so much.

Coordinator: Record lines are in at this time.

Nathalie Peregrine: Thank you. Good morning, good afternoon, good evening everybody. This is the PPSAI Working Group call on the 11th of March, 2014. On the call today we have Tatiana Khramtsova, Volker Greimann, Phil Marano, Sarah Wyld, Valeriya Sherman, David Heasley, Darcy Southwell, James Bladel, Don Blumenthal, Luc Seufer, Jim Bikoff, Griffin Barnett, Steve Metalitz and Don Moody.

We have received apologies from Holly Raiche, Susan Prosser, Michele Neylon, Kristina Rosette, Roy Balleste and Joe Catapano.

And from staff we have Marika Konings, Margie Milam, Amy Bivens, Mike Zupke, Mary Wong and myself, Nathalie Peregrine. Osvaldo Novoa and Kathy Kleiman have also joined the call.

I would like to remind you all to please state your names for transcription purposes. Thank you very much, over to you, Don.

Don Blumenthal: Thanks, Nathalie. I'm going to just kind of use prerogative and flip the agenda just a little bit real quickly so we can get our bookkeeping things out of the way.

Still not sure how much more planning we can do for Singapore; we've got the time, 9:00-10:30 on Thursday; I think we've agreed, always subject to last minute changes, welcome to ICANN, an open - just an open meeting of the group but we'll also have time for public input and we're specifically interested in ccTLD contributions because they've - in some cases have the types of policies that we're looking to create.

We've done some outreach to center - European CCs the LatTLD, the Latin American group and some more one on one contacts with APTLD - or with members of APTLD and registry in Africa so hopefully get some interesting perspectives that way.

Another Singapore-related question though is please let us know, not looking for a poll on the call, but we're trying to get a handle on if enough folks will be available next Tuesday to go ahead. So if you could just let us know if you'll be available for a call. If we do, I mean, I'm not leaving for Singapore until Thursday. I'm not sure about - and if Steve is not going to be available beyond that - oh and Graeme will be. Beyond that I have no clue who's going to be around or not. So, you know, informal poll would be great.

Marika?

Marika Konings: Yeah, this is Marika. Maybe we can take a formal poll at least for those that are on the call by, you know, if you are going to be available for a call next week, you know, use your green tick mark which, you know, James and Phil have already done. And if you're not available use your red tick mark. I think that will give us a bit of an indication on whether we have a threshold to move on with the call next week or not.

Don Blumenthal: Good idea. And thanks for - I was looking and wondering what are those green things for? You know, based on what I'm seeing here I don't see a reason not to go ahead. Oh, there we go. Okay so we'll plan on go ahead next week at 1500 UTC, however that translates to wherever you are. Yeah, why don't we take - take the marks down.

And let's go ahead and get into the - into the substance. We - the sampling of the terms of service and continue our discussion on Category B, Question 2. Marika, could you bring up the - yeah, thank you.

Marika Konings: Yeah, and this is Marika. I have to apologize in advance for the format as it's a large Excel sheet it's rather hard to actually display it in Adobe Connect so you need to, you know, zoom in a lot to the individual cells and it's actually broken into two pages. So if you really want to have a close look it's better to open it on your local screen probably.

Don Blumenthal: Oh. It was hardly even a point in suggesting it from up on the screen because this is a - yeah.

Marika Konings: If you zoom in to 400% you're able to read it.

Don Blumenthal: Okay. I appreciate it. I keep seeing these icons and think people have their hands up but, you know, we are a little short on the number of responses so we'll make another attempt - or Marika and Mary will make another attempt to try to get more responses through contacts and then ultimately decide if it's worth - where we're missing going ahead and looking at terms of service that are posted. Everybody's got to post them but it's a decent amount of work to go hunt them up if it becomes necessary.

So this is what we have now. Just a second. Okay I'm going to be going on mute fairly often here. Welcome to Michigan weather. Marika.

Marika Konings: Yeah, this is Marika. I'm wondering if it's just helpful if I just, you know, briefly walk through the background of the document and maybe flag, as well, some issues that, you know, we came across in pulling this information together?

Don Blumenthal: I was about to suggest that when I realized mute was a better - was the better avenue at least for a second. Yeah, if you could please.

Marika Konings: Okay. Thanks Don. So basically staff reached out to I think - like around 20 registrars looking basically at, you know, the forms that registrars on the 2013 RAA have filled out in which they've indicated whether or not they have affiliated privacy proxy services to their accreditation and asking them to provide a link or a reference to the information that is now required to be posted in relation to the terms and conditions of those services.

In taking that sample we tried to look at, you know, geographic diversity and as well registrar size. As I've already indicated, you know, we weren't overwhelmingly successful in actually getting feedback but, you know, also have to know we actually just sent out an email request and we haven't done any follow up through calls or anything like that.

Nevertheless I think, you know, what we have here does provide a, you know, already a probably good overview also in combination with what some of the registrars I think shared with you on last week's call.

And I think also taking into account that the EWG survey that went out a little while back also, you know, gathering information on the current conditions and terms that are provided by privacy proxy services I think generated 58 responses and is likely going to be published sometime later this week. And at that point would also be shared with the working group.

So hopefully, you know, those three elements in combination will provide a - or paint a useful picture of what the current state of affairs is and, you know, what services are applicable or are operating in the market.

So basically looking at these different ones, you may have already noticed that actually only one of them is an actual privacy service per the 2013 RAA. Some of the other ones do refer to their service as a privacy service however if you actually look at the information that is being displayed these are actually proxy services, you know, if you look at the terms as these are defined in the 2013 RAA.

Two out of the services we found have a specific eligibility criteria. One requires noncommercial names and the other one excludes brand service customers. For all the others we didn't find any specific eligibility criteria.

I think it's worth pointing out as well that for some of these, you know, the terms and conditions were very separate documents while in other cases these were more annexes or part of registration agreements so I think that may explain as well that, you know, some of the information appears blank. You know, but for example disabling control presumably all of them have somewhere in their agreement how you can actually cancel your service.

I think most of the cases you see as well very similar provisions in many of these areas, you know, talking about the liability and responsibilities, you know, of customers remain liable and responsible for providing and maintaining accurate contact data.

And the relay you see some different new instances in how information and with what timeframe information is relayed also in relation to what information is relayed. In certain cases the service actually already filters out spam; in others it actually specifically says that they won't be doing that and it's the responsibility of the end user.

And there are also some differences in, indeed, the timeframe in which information is related or often which is it actually no longer available to the customer.

And I think then as well one of the things I noticed was that I think there's only one that actually provides a 24 hour notice before information is revealed and as well looking at, you know, reasons for suspension and reveal I think you see as well a lot of similarities into, you know, what some of the reasons are for which a service is suspended and the underlying information is revealed.

So I don't know if at this stage there are any specific questions or parts people would like to focus on. As said, you know, we hope that in combination with the information that was provided I think by Volker and James on last week's call and looking ahead to the EWG survey this will hopefully provide a good idea of, you know, what is out there and what the different, you know, what the differences are between some of these services that will hopefully help inform the working group deliberations on this topic as well.

Don Blumenthal: Thanks. Sorry about that. Yeah, is there any reaction or thoughts or - I guess partly on the extent to which we need to be digging for more information or people seeing what they think is - what we have is sufficient here. You know, we're looking for a sampling. But we'd like to get a full, you know, the idea is to get an idea of what current terms are.

Welcome, Amr.

Marika Konings: And this is Marika...

((Crosstalk))

Don Blumenthal: Or reaction to anything you see - any reaction to anything you specifically see here. Marika.

Marika Konings: Yeah, and this is Marika. And maybe this is something as well where working group members may want to go back to as we go into some of the, you know,

the different charter questions because I guess by the time we mainly get to reveal, you know, the working group may want to go back to, you know, this sampling as well as, you know, whatever comes out of the EWG survey or, you know, information provided by registrars to specifically look at those sections as, you know, at that stage will hopefully help inform the conversations around that topic.

Don Blumenthal: Yeah. No thoughts, reactions, questions, concerns? Again, as Marika suggested I think this will be largely a reference sheet and hopefully we'll have more reference points when we get some contributions from the CCs in Singapore or side conversations, whatever else.

Can anybody answer - is it Valeriya or Valeriya? Just - I know I might be fouling up so I'm covering. Val, okay, much easier, thank you. Can anybody answer Val's question on if there are any counts of how many providers there are out there? I'm skeptical but I'm...

Marika Konings: Yeah, this is Marika.

((Crosstalk))

Marika Konings: Not an answer to the question but just at least from ICANN's perspective of course as there, you know, currently is no definition of what - of a privacy proxy service it's hard to make that count. I think where we can, at some point, promises indeed under the 2013 RAA there is obligation for registrars that have affiliated services to report that so at one point we can take a number from that.

But again you only then cover those that are affiliated with 2013 RAA-accredited registrars so you only would have part of the picture. And I see that James has his hand up so he may have a better number just to throw out.



James Bladel: Just to add - sorry, this is James speaking for the transcript. Just to add that because we don't have any definitions, because this is, you know - lives outside of the ICANN ecosystem I don't think there is any way to truly know - get a firm count on these.

For example, you know, you could have individual Web designers who are registering domain names on behalf of their clients. You could have law firms registering domain names on behalf of their clients. You could have other sorts of service providers that are providing domain names as an ancillary service.

So I think it's kind of like asking, you know, to categorize other different types of online businesses. I think that the universe or the potential universe for these types of service providers is, you know, is undefined.

I think that that's one of the reasons why, both in the Whois Review Team and during the discussions for the new Registrar Accreditation Agreement, why we tried to focus on those that are affiliated with accredited registrars and it's one way to draw some boundaries around all the different flavors of service providers that are out there. And I think then put some onus on the registrars to enforce those boundaries when they encounter some, you know, one of the other categories I think we describe.

Don Blumenthal: Excellent. Appreciate that. But again though even when we might - our one avenue to get concrete numbers which is through the 2013 that's going to - that could take a while. I think that I just said is true.

James Bladel: Don, this is James.

Don Blumenthal: James.

James Bladel: Just a question. I mean, I think that would give us a count of service providers that are affiliated with registrars. But I would suspect that the number of unaffiliated service providers is actually much larger and unknown.

Don Blumenthal: Oh yeah, no I was just referring to the universe of what we will have; even that's not going to necessarily come together quickly.

James Bladel: Okay, yeah. Okay. I agree.

Don Blumenthal: And then, Tim, I was not being serious with my question there. I know what you meant. Just a self-deprecating cheap shot at myself and other people who want to be categorized as lawyers here.

Okay should we move on to discussing Category B, Question 2? Okay, again, Marika, can you pick this up from what we have and where we left off?

Marika Konings: Yeah, this is Marika. So basically what you see in red is what has been added following not our last call but the call before that as I understand that last week's call you actually didn't get to discuss this.

So just to know what we added the information on the Nominet study. As I think I shared with the list as well the study itself actually hasn't been publicly posted but what we incorporated here is, you know, the reference that was provided as part I think of a public comment submission from Nominet to the Whois Review Team that, you know, references in the study and its finding.

I have gone back to Leslie Cowley to see if it would be possible to obtain some further information and she said she would, you know, work - get me in touch with one of the - her team members in the policy team and see, you know, what if anything they would be able to provide as, you know, it was a decision from higher up to not make the study publicly available.

And then we - I also aimed to capture some of the comments and conversations we had as part of the working group discussion on the specific question as well as adding in the IPC comments that related to the specific question in response as a result of the statement that they submitted yesterday.

So beyond that I didn't have a chance yet to look at the BC comments and see whether there are any specific points that need to be included here but that basically captures what has been added compared to the last version of this document.

Don Blumenthal: Yeah, appreciate it. Yeah, thanks for mentioning that. I wanted to say something. We've - as people should have noticed on the list we have started to see a trickle of responses to our formal letters come in.

I hope we get a few more and as we go along we'll be putting those responses into our - into the relevant places as we discuss things and then obviously they'll be included in our deliberations but we'll also come up with some formal responses to those commenters just because that's required by the PDP rules. It's a little different from public comment periods where we could do more of a generic - a generic response - generalized response.

And I think there were some issues still pending last week concerning how we were proceeding. Marika, is that new or old?

Marika Konings: Yeah, this is Marika. I put my hand back up because you may have seen what I've done because basically as well when we send out the revised template after the last call there were actually some questions that were raised due to conversations that may serve as a guide, you know, for continuing the conversations or, you know, some of the sub elements that we probably should try to come up, you know, find answers to as that will, you know, guide the overall response to this question.

And I've posted those on the right hand side of the pod. Those were also circulated in the email with a specific request for input and feedback so maybe that's a possible starting point for picking this up again.

Don Blumenthal: Sorry, yeah, that's where I was going with - it struck me that from the last call there were some questions and concerns about what we had here so I wanted to reopen those to any - and also see what other - what else we should discuss here before moving on to our next question. Not saying we'll do it today but want to make sure we cover this thoroughly. Steve.

Steve Metalitz: Yeah, this is Steve. I guess I wanted to ask something following up on the third bullet which I think is supposed to say, "In case of affiliation between the PP Service and the Registrar."

We had some discussion on the list and I think on previous calls about the fact that in some cases - and I'm not sure in which, I mean, I know - I don't know exactly how we would define this. But in some cases the verification and re-verification that the registrar does for registrants would also cover the verification and re-verification - or some of the verification and re-verification for customers of a privacy proxy service.

Obviously this would only be in a situation where they're not only so - not only affiliated but actually are sharing the database. So I think that's helpful. And it's something that the accreditation standards certainly should reflect that if something has already been done by the registrar and the results of that are reflected in the contact information for the service provider customer then it wouldn't have to be done again.

But my concern is that some of what the registrars have to do might not apply even to those affiliated service providers. So for example the registrar has to send out a Whois data reminder policy notice. I don't know if the registrar - the circumstances under which the registrar would be sending those to the service provider customer.

That's significant because if you - if the registrar sends out a notice to the registrant under the Whois Data Reminder Policy and it bounces back then there's - that triggers an obligation to verify or to re-verify an email address. So I would not - I don't think that - in other words, it's on an annual basis, you have to test whether that's still an accurate email address.

I don't think that - I'm trying to understand how that type of requirement would be applied to privacy and proxy services. I mean, we could say they have to do the same type of thing but I'm trying to understand if somehow what the registrar does already covers that.

Don Blumenthal: Any thoughts? Seeing some response in the Chat here.

Steve Metalitz: Again, this is Steve. I think Volker is really - you know, summarized what the - my concern is which is that if you're sending it to the service - if the registrar is sending it to the service provider that just tells you that the service provider's email is still good but it doesn't tell you whether you have a valid - whether the service provider has a still-valid email address for the customer. So in that sense the analogy kind of breaks down.

Don Blumenthal: Tim.

Tim Ruiz: Sorry, had to get off mute. Yeah, I think though that, you know, even in the - if it's non-affiliated that, you know, having - if we decide that we'd love to have some requirement that the beneficial user's information is verified, you know, or at least reminders sent out on an annual basis and then if there's any issue with that and that a verification would be done, I mean, that's the kind of thing where we're going to decide, you know, if we want to require that of the privacy proxy provider.

Given that, if some of that is already done because it's affiliated with the registrar, well that's fine. But if not then these things still need to be followed

through on. I don't see why we could not require that. And it may be a little more involved for ICANN to audit something of that nature but, you know, that's the path we're going down. So I just think that's something we just need to decide do we want to require that.

Don Blumenthal: Yeah. Yeah, I agree, it's still part of what we're - we've got to determine. The other issue will be whether we have separate - or whether we recommend separate approaches for companies that - for services that are affiliated or aren't affiliated with registrars? Are there other - I'm going to encourage people to take a look at the - what Marika has posted concerning questions from last week. Try to get some well not consensus or forgive me for using the word closure but get some discussion going.

Marika Konings: This is Marika. If I can maybe ask a question on trying to get to the heart of things where Steve was maybe heading off. Maybe I'm wrong but I think his question may be I think there seems to be some I don't want to say agreement maybe a big word but basically say that, you know, if information has already been verified by the registrar of the - on the line customer data of the project proxy services - service there may not be a need or may not be, you know, a wise actually request re-verification of that same information as it's a duplicate of effort and cost. But I guess the question goes more to, you know, probably the second bullet point as well, you know, what requirements are there for re- verification and what would trigger such re- verification and I think the example you provided is that, you know, for indication of registrars, you know, sending out a who is data reminder and having a bounce message would trigger re- verification.

But what will be that instance for privacy proxy services knowing that, you know, in those cases you actually wouldn't stumble upon, you know, underlying customer data that may be inaccurate because they would not receive, you know, the who is accuracy reminder because that basically goes to the registered name holder which is in the proxy service case the proxy service. So it wouldn't bounce all that would - it wouldn't be a trigger for a re-

verification. So I think that's, you know, maybe we can discuss that further and the second bullet point if, you know, assuming that there is some agreement over the fact that there shouldn't be a duplication if, you know, a registrar can demonstrate that or service that's affiliated they have already verified on the line privacy proxy customer data what are the instances for which the privacy proxy service would need to re-verify and, you know, what would trigger such re-verification,

Don Blumenthal: Okay. Tim is that new or old and? Tim?

Tim Ruiz: Sorry that's old. I'll take it down.

Don Blumenthal: Okay just assumed so but wanted to make sure here. I'm yes I need to stop reading the chat. I'll just catch up on that later. Let me just ask the one question we haven't I don't think touched on in any way and left over from last week which is whether we should be approaching privacy or proxy services differently. Kathy? I'm sorry I don't know if that was before or after I started talking?

Kathy Kleiman: Before.

Don Blumenthal: Okay. Well then forget what I just said.

Kathy Kleiman: Okay. Great. I had one question and one comment. My question was having to do with the relay. When I can't send out the who is reminder letters for the updated information and they're sent to the proxy privacy provider would they be relayed to the registrar - to the beneficial registrar? So would that reminder - so this is kind of a question for proxy privacy service providers. You know, would, you know, can we assume this would be relayed so that there would be notice and the encouragement to update the information? The other comment is in the text of the third - I'm looking at the table of this paper and the third column where we're - with the summary of the working group deliberations and I'd just love to see at the bottom of that -- I think it's there

but not quite as clearly perhaps as James said it -- but a summary that the RAA standards are, you know, that there is, you know, a group in the working group that's thinking that the RAA standards would probably work across the board both for the 2013 RAA standards. It's here in other texts but it doesn't say that expressly and I think it might be useful to say that. But that will, you know, there's a group that thinks that will solve the issue that's being raised of what needs to be verified and when it needs to be verified and that it could be applied to 2013 standards. It could be applied to the proxy privacy providers. Don't know if that makes sense but thanks Don.

Don Blumenthal: Yes it definitely did make sense. Thanks. I see your point James.

James Bladel: Hey Don. James speaking. Just wanted to take a very rough attempt to answer (Kathy's) question. Is it possible depending upon how the proxy or privacy service is structured that those messages would be relayed from ICANN or actually from the registrar? If the privacy service provides a unique email address and for each domain name that it serves and if the relay settings or relay control panel are set such to relay important messages like that then it would seem to be the case that those types of messages would go through. I think the question is here however is then the follow up is we're asking the recipient of those messages to come in and verify their contact details and I think that's where it gets a little fuzzy at least for me because even receiving the message and then I go and look at the domain name and I see that it has the contact information of the service do I say yes that's accurate or do I say I don't know? I don't know if they changed their location or their telephone number or something like that. So I think just to address (Kathy's) question because I hadn't considered it before. I think it's a good point. The messages may go through. It's the follow up action may not be as reliable.

Don Blumenthal: Kathy is that new hand to respond or?

Kathy Kleiman: Sorry. Old hand Don. I'll take it down. And thanks to James for his response...



Don Blumenthal: That's fine.

Kathy Kleiman: I appreciate it. He makes a really good point.

Don Blumenthal: Marika?

Marika Konings: Yes this is Marika. I just wanted to - I put a suggestion in the chat and then I see people - some people respond to it because, you know, one question or something to consider may be that, you know, requirement would be built in that, you know, the privacy proxy service is obligated to pass on those who is data reminders and, you know, I think Volker points out that the information the registrar has is not the same as underlined customer data but it may be the trigger point for the privacy proxy service at that point to also verify again the information that they have and if there is a balance that they are then required to re-verify. So there is a specific trigger point in time where, you know, linked to those annual reminders where also the privacy proxy service then does the same thing for the underlying customer. So I don't know if that's an option as a kind of trigger point that, you know, would create a similar kind of obligation as registrars currently have or the 2013 RAA have for privacy and proxy services.

Don Blumenthal: Okay. Tim?

Tim Ruiz: Yes, you know, I don't - I can see where that would make some sense, you know, passing that through. The only concern I would have is just messaging because, you know, if the beneficial user sees this and says oh well this, you know, I'm a privacy here proxy customer so I don't have to worry about this. My provider will take care of it. So the messaging needs to be clear that, you know, these customers are agreeing to keep their data accurate and that, you know, they're required to, you know, keep it up to date with their service provider and so that that actually does apply to them and it applies in that way. So sometimes it's - so if you're just talking about a strict pass through of

the messaging of these reminders as they are now I'm not sure that that's going to be understood fully. So there might need to be some massaging of the message as those are passed through to the actual beneficial users.

Don Blumenthal: Okay seems to me. Thanks. I'm sorry. Yes sorry about that. Okay let me jump back to the question I tossed out prematurely to see if there's any reaction. What about this notion that we should or should not be suggesting that policies - the same policies apply to registry - to privacy and proxy? Or as I think was suggested and maybe it's premature until we have a better handle on yes marketers. Okay. Moving on. Let me ask Mary or Marika if there's some things that have come through the chat here that we should be addressing before we move onto the next question for people like me who just get moderate and follow them and for folks who are not in Adobe. Marika?

Mary Wong: Don this is Mary. There were a few questions that came in through the chat and some were being discussed and some, you know, were tracking the oral discussion but I think there were a couple of questions that were either slightly different or that asked about something fairly specifically. One was from Darcy and I think the other was from Luc and I don't know if you want me to read those out so that we can discuss it or we could take those offline and respond or have folks respond on the list if we compile them for everyone in a message.

Don Blumenthal: Well as I hate to toss it back at you but I think that's worthwhile doing certainly, the second suggestion but do you see any other you really think we've given where our discussions have gone today that we should take the time now to address them?

Mary Wong: Not specifically because -- and this is just speaking personally -- it seems that the point that some several folks, Tim, Marika and others, were speaking to we seem to have reached a point where maybe we need to get some kind of sense or consensus or to use your word Don closure in the sense of the

verification or the re-verification. It seems that it's clear that if it's a proxy service as defined by ICANN the problem is that you're not going to be verifying the underlying customer data unless the proxy service does it. And then the - I guess the follow up question there that we hadn't quite talked about is if we go back to Marika's suggestion then and Tim's response or James' what happens if even if the proxy service has to verify. Does that proxy service then report back that yes it's verified and what are the consequences if it's not? I mean that wasn't a question that was asked but it seems to me that that might be the sort of next level for this general question. Would you like to take that on or move on?

Don Blumenthal: No I think that is a good question although it might be more appropriate for when we start to talk about reveal. You know, what happens if a service provider doesn't get an adequate response, doesn't get a response at all? And then what's considered although at that point we may be talking about more implementation then policy, what's considered adequate or not...

Mary Wong: Well one thing - right well one thing that occurred to me Don is that this may also go back to the earlier discussion about affiliation whether it's capital A or small A in the sense that there's a relationship between a registrar and a service provider then there may be a certain contractual type of consequence for example but that if there's no control affiliation, subsidiary or other contractual relationship whatsoever then that argues for a different consequence. I'm not trying to make, you know, further and finer distinctions but it may be that we'll have to go down that path.

Don Blumenthal: Agreed. Is there any test that we should explore on this item or should we move on? Can we bring up the next that we did once before, just get a sneak start on the next topic?

Marika Konings: Yes this is Marika. If you give me one second because I did start the template but it's actually haven't been completely finalized yet so there may be some other information we need to add. So if you just give me one second I'll bring

that one up. And then as Mary said we'll, you know, try to take from this conversation, you know, what we've heard and hopefully try to frame that into a preliminary conclusion that then hopefully we can go back to the next meeting to see if that indeed captures what was discussed and then see as well if there are any elements or parts that, you know, we still need to come back to or clarify to make this a recommendation that can stick.

Don Blumenthal: Okay. Appreciate it.

Marika Konings: So this is Marika. So the next question up is question three. What rights and responsibilities should domain name registrars used privacy and proxy services have? What obligations should ICANN credit private proxy service providers have in managing these rights and responsibilities and clarify how transfers, renewals and post expiration domain name requirement policies should apply. So some of the background information that's there is this here link to the specific policies and, you know, the one suggestion made I think as part of what we discussed at the charter questions that maybe it would be helpful for staff to just provide an overview of what these policies are actually about and then there's as well a specific section from the who is review team final report that speaks about this question. And then I've added in again the responses we received and response to the working group survey as well as the feedback from the ITC.

Don Blumenthal: Okay I appreciate the summary there. And again we didn't flag this as something we were going to talk about but. Oh distracted by the text there. You know, and I think to some extent some of the questions - some of the issues here and the last one we talked about are going to dovetail a little bit just in terms of moderating compliance with the rights and responsibilities and the extent to which that's an ICANN issue or registrar issue or how that's going to play out. If anybody can answer Marika.

Marika Konings: Yes this is Marika. I think this is something, you know, where maybe indeed the sample that we looked at, you know, may provide as well some food for

conversation. Just for example I think all of them spoke about, you know, the responsibility of, you know, domain and registrar to provide and maintain accurate information. I think that was one that came, you know, back across the board and I think then as well, you know, the group should peruse looking in as well in what are some of the obligations that would apply to private proxy service in managing these rights and responsibilities. And again it may link back as well to the conversation we just had for example the who is, you know, data accuracy reminders which may be as well one of the obligations and a privacy proxy service has in, you know, assisting registrars and making sure that they can manage as well their responsibility to provide that and maintain the accurate information.

Don Blumenthal: Right. Let me back up a second. I just saw (Libby's) question. Number one I was using the word closure like the way I use lawyer. I promise I will never use the word again. I don't know that I can say we have a consensus at this point. We certainly have a lot of - we have a lot of substance here to work with but I don't think we can say there's a consensus until we -- and I'm using we very liberally -- put everything down in a template or paragraph form or whatever and then let everybody have a crack at it. And I realize what kind of a dodge that was but does that work (Libby)? Ah perfect. Thanks.

Well again I'd like to throw it open. I think from now on what we will - I'd like to know too (Libby) and sometimes that's more feasible than at other times. So back to the conversation. I think from now on if nothing else we're going to start to maybe put out one question, you know, just in case we do move forward a little bit faster than we expected. So folks can look beforehand.  
Marika?

Marika Konings: Yes this is Marika. And this is not a question, you know, thrown out to the group, you know, talking about rights and responsibilities. I know that there's this document that is part of the RAA that talks as well about registrar's rights and obligations I believe, you know, drawing from what is in the RAA and would there be any use or purpose looking at that and see, you know, what

can be derived from that or do people feel that, you know, it's not related to this discussion. And, you know, again is there any other background information or, you know, relevant studies that we should be including here or incorporating here. I think we're trying to see, you know, what information do we have at the start to, you know, make sure we have some good conversations around this. Again, you know, it - is it necessary or useful to have some overviews of the IRTP and the ERRP as it's currently called. Will it be useful at this stage of the conversations or, you know, should Scott go through those and look at which provisions of those would need to be factored in or taken into account from a proxy and privacy service perspective? I'm still trying to see what would be the most helpful at this stage to, you know, frame up this question and make sure we can make some good progress on it at the next meeting.

Don Blumenthal: Right. Kathy? Hello? Kathy are you on mute?

Marika Konings: This is Marika. Kathy's line looks disconnected on the meeting team. So I guess she may be trying to get back in.

Don Blumenthal: Okay. Appreciate that. Yes I didn't notice that. Yes as Marika mentioned and this has come up before if anybody knows of studies on any of this that might be useful that we haven't seen please put them into the mix. Well it seems like everybody except maybe Kathy, Marika and I are running out of steam here and the people in chat. Unless Kathy comes back on fairly quickly why don't we just wrap a little early and give folks a chance to look at this before next meeting. And really I encourage - we get the documents out beforehand. So I really encourage folks in all of your spare time to take a look at it before the call because particularly with a document like the first one we put up there you may see something you can't quite catch on the screen that's worth contributing. Mary?

Mary Wong: Thanks Don and, you know, this is really more of a general statement for the record for all the working group members and it stems from the question that

I - Volker and I had exchanged about in the chat. And I also raise it because that was a question that the B.C. had raised with me and it's really two things. I guess that there is an assumption that when one talks about accreditation of privacy and proxy services or one or both that it is along the basis of the registrar accreditation process which means that there is a contract between ICANN and that privacy service or that proxy service. I just wanted to make sure that if - or that's what working group members are proceeding along the premise of and secondly that even after the establishment of a privacy and proxy accreditation program that obviously that there will still be unaccredited privacy and proxy services out there that would not be part of the program. You know, I'm not offering that as, you know, one thing that's good or not I'm simply stating those as they seem to be the premises that we are working on at least that most of the folks who have been speaking up are assuming. So I just wanted to put that out there in case that is not someone's understanding and it's something that someone wants to discuss.

Don Blumenthal: Good point. I appreciate that. I think the whole non-affiliated just going to - we're constantly going to have to focus and then make sure what context we're talking about, proxy or privacy if it is or making that distinction if it's an affiliated one or not - service or not. Okay. Just reacting to something in chat. Okay why don't we wrap up about five minutes early today and pick it up again next week. Thanks for your time.

Marika Konings: Thanks bye.

Mary Wong: Thanks Don. Thanks everybody. And Marika and I will work on a sort of synthesis of today's call and hopefully that will let everybody know where we are more or less.

Don Blumenthal: Excellent. Appreciate it.

Coordinator: Thank you very much. (Unintelligible) recordings.

END