

**ICANN Transcription**  
**Privacy and Proxy Services Accreditation Issues PDP WG**  
**Tuesday 18 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 18 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/gnso/gnso-pps-a-20140318-en.mp3>

On page:

<http://gnso.icann.org/calendar/#mar>

Attendees:

Luc Seufer - RrSG  
Volker Greimann - RrSG  
Graeme Bunton – RrSG  
Tim Ruiz – RrSG  
Sarah Wyld – RrSG  
Steve Metalitz - IPC  
Kathy Kleiman – RySGgr  
Darcy Southwell - RrSG  
Don Blumenthal - RySG  
Libby Baney - BC  
Phil Marano – IPC  
Griffin Barnett - IPC  
Valeriya Sherman – IPC  
Tatiana Khramtsova – RrSG  
Todd Williams – IPC  
Roy Balleste – NCUC  
Holly Raiche – ALAC  
Susan Prosser – RrSG  
Kristina Rosette – IPC  
Paul McGrady – IPC  
Justin Macy – BC  
Maria Farrell – NCUC  
Ben Anderson – RrSG  
Jim Bikoff – IPC  
David Heasley – IPC  
David Cake – NCSG  
Amr Elsadr - NCUC

Apologies:

Michele Neylon – RrSG  
Stephanie Perrin- NCSG

Carlton Samuels – ALAC  
Don Moody –IPC  
Marie-Laure Lemineur – NPOC  
Statton Hammock –RySG  
Tobias Sattler - RrSG  
Marika Konings - Staff

ICANN staff:

Mary Wong  
Amy Bivins  
Joe Catapano  
Mike Zupke  
Terri Agnew

Coordinator: This conference call is now being recorded.

Terri Agnew: Thank you, (Tim). Good morning, good afternoon and good evening. This is the PPSAI Working Group call on the 18th of March, 2014.

On the call today we have Steve Metalitz, Graeme Bunton, Don Blumenthal, Phil Marano, Val Sherman, Holly Raiche, Sarah Wyld, Paul McGrady, Tatiana Khramtsova, Volker Greimann, Paul McGrady, Darcy Southwell, Todd Williams, Griffin Barnett, Justin Macy, Kathy Kleiman, Libby Baney, Roy Balleste, Tim Ruiz.

We have apologies from Marie-Laure Lemineur, Statton Hammock, Don Moody, Carlton Samuels, Michele Neylon, Stephanie Perrin and Markia Konings.

From staff we have Joe Catapano, Mary Wong, Mike Zupke, Amy Bivens and myself, Terri Agnew.

I'd like to remind participants to please state your name before speaking for transcription purposes. Thank you very much.

Don Blumenthal: Okay, appreciate it. Yeah, we had some echo there so I'll just repeat please keep yourself on mute if you're not speaking. Oh, yeah, just saw Volker's comment about the echo. Hopefully that's resolved for the call.

As I said before we're on recording and I know we had a bunch of apologies and I think there are some people that weren't listed there. But we've got a good crew to enjoy the call today.

I even had a message from one person who complimented us on meeting the week that ICANN starts. Is somebody not on mute? Thanks.

I think, judging from the - well, no let me start with the administrative things like we did last week. We were still on target for the - well nothing has changed in terms of the timing for the meeting in Singapore. We still have it in mind to have an open meeting of the group to provide an opportunity for participants our outside participants to speak.

We are still working on getting ccTLD representatives to be there to discuss how they address some of the issues that we're looking at. And we don't have any commitments yet but that's - I think that's quite typical. People hold to commit on things until they get to wherever the ICANN meeting is and they'll go their must-attends versus their optional items. And I'm pretty sure we'll get at least some participation.

We have reached out to A - directed APTLD center, LACTLD and one member from one registry from Africa so we've done a pretty wide bit of outreach and hopefully we'll get some results. Any - let me just see, any questions about - oh, yes, and we've got GNSO - presentation to the GNSO. I think right now it's scheduled from 5:15 to 5:45 on Saturday. And that's the only other formal work group session in Singapore.

Mary, do we have that confirmed on that time slot?

Mary Wong: Yeah, that's currently the one that's scheduled, Don.

Don Blumenthal: Okay great. Okay let's move on to the substance, unless there are any questions about Singapore. We pause a second to see if there are. No hands. Okay let's get into the substance. Judging from the discussion list this week - I was on vacation for part it, it was interesting trying to catch up when I got home last night.

I suspect there's going to be a lot of conversation today on B2. Some of the people who are - I know are quite interested in this topic are not on the call because they're already on their way to Singapore. But we thought it was worthwhile to I think spend a good portion of the call just discussing the issues, discussing points that were raised in email.

We will reserve some time to move on to the next topic to at least set the stage. But I suspect we won't have any trouble filling a good portion of the call with the first topic there with B2.

If I can generalize here, I think what I saw, and again this is a catch up that started about 10 o'clock last night, there's the core issues that we've got some differences on is just whether there should be additional checks or more checks in the privacy proxy world than there are under the 2013 agreement.

I remember I think seeing Todd in particular suggested the reason for that is that there - we'll take longer to get the information. And I just point that out because it was the one message that I recall where a specific reason was suggested for the different treatment.

And obviously other people - some people support it; some suggested that it was not necessary or that it was burdensome to have additional requirements. If I can lay those points out as a starting point first I'd like to request any corrections or additions to what I've said there.

And then just start the discussion with - from those two sides and see how much we can hash out and maybe come to some - well the beginning of consensus. I doubt that we'll get consensus today, like I said, if only because a lot of people aren't on the call who were interested.

I appreciate - Todd, at least I was not so fried that I couldn't at least get some of the stuff straight. In any event let me toss it out for comments, questions, discussion. Steve. Steve?

Tim Ruiz: Might be on mute.

Don Blumenthal: Yeah.

Steve Metalitz: Yeah, this is Steve. Can you hear me?

Don Blumenthal: Got you now. Yeah, thanks.

Steve Metalitz: Okay thank you. Yeah, I think you've characterized it right. I think there might be two reasons - or more than two - but at least two reasons for this. One is, as you said, there's inherently going to be some delay in actually obtaining access to this information when compared to a non proxy registration. But the second is that because it's a proxy registration there are going to be some other occurrences or other behaviors that we probably need to account for also.

And just to give an example, we will probably have some provision for relay of a request or a demand made by third party to the customer of the privacy service or proxy service. We don't know the details of that yet; we haven't gotten to that yet.

But part of it's going to be sending - presumably will be sending - will be the service provider sending an email to the customer. If that email bounces what

happens? Does that trigger some reverification requirement? There's not something directly analogous in the registrar's setting as there is in service provider setting. So I think there are going to have to be some modifications.

I mean, I think in general the idea that the RAA verification provisions are a starting point is a good one. But I think they're going to have to be some variations or additions to this because service providers occupy a different role than registrars do. Thank you. I'll mute again here.

Don Blumenthal: Okay, thanks. Tim.

Tim Ruiz: Yeah, I think that - I just want to come in with one aspect of what Steve said because I've tried to comment on it before but maybe has never been really clear and that is this idea that there's a delay in getting to, you know, information.

I mean, the purpose of Whois is a database for contacts. And, you know, the idea that there's some delay in getting to a contact for a privacy registration or a proxy registration is really a misnomer because there is no delay. You can get contact information just as quickly for that registration as you can another.

What the issue is is this underlying or veteran official user aspect. So in reality with a proxied or privacy registration, especially once our accreditation is in place, there ought to be, you know, a much (unintelligible) with responsible parties on those registrations and potentially with non-proxied or privacy registrations.

Because there will be a service provider that can be immediately contactable. So you can start processes of whatever needs to be done with a domain name before you even get that underlying data. And if something's going on that's, you know, clearly illegal or whatever with the domain name you may not even need to get to that underlying data before you can take action. You'll

still want it, perhaps, and get it eventually but, you know, action can be taken before that actually happens.

So besides the fact that, yeah, there's a little - it takes some time to get the underlying data, there's also a lot of benefits that I think come into play as well. So to - at this point to try to go, you know, beyond what's in the 2013 RAA I just think is, you know, we're just trotting down a road we don't even understand yet.

I mean, even what's in the 2013 RAA hasn't really been fully tested. We don't understand how it's going to work, if it's going to work very well and if it's going to actually get to the end goal that we're looking for.

So I think, you know, some time needs to be given to that. So if we want to build in something that says, you know, there's going to be, you know, some kind of review down the road and, you know, the 2013 RAA, you know, progresses down this aspect of verification of elevation, that should somehow filter back into the service providers, you know, that's all fine.

But to just jump out now and go beyond that I don't see if that makes a lot of sense and, you know, we're just setting things up for a potential failure. And I think we should just kind of hold the line here with the 2013 RAA aspects and tie that in with it.

Don Blumenthal: Okay. Appreciate it. Got to be some other - some other thoughts here. Graeme.

Graeme Bunton: Thanks, Don. Perhaps I'm being a bit obtuse here but I'd be curious to hear how someone thinks that additional verification requirements are going to ameliorate the problem of potential delay, if delay is the issue. I guess I'm missing the connection so if someone could explain that, that'd be great.

Don Blumenthal: Sorry, I was on mute. Yeah, Todd, great. Appreciate your stepping in there.

Todd Williams: I think my point was just if there is, you know, some element of hoops you have to jump through to get to the underlying beneficial owner, which I think is, you know, a good way to phrase it, the additional verification and/or validation would kind of confirm that the data that you ultimately get is more likely to be usable so it's not necessarily that it would address the delay it's that if you're dealing with delay you can offset that by some sort of guarantee that the information on the back end is more likely - like I said, to be usable.

Does that answer it, Graeme?

Graeme Bunton: Sorry, I'll just respond quickly. I guess it, I mean, it isn't guaranteed that that information is going to be anymore reliable. And as I think Volker pointed out on the thread it, you know, for a bad actor it just may guarantee that, you know, fully verifiable but incorrect information is in there. And it's also possible that, you know, data is switched in between these periodic checks too. So I guess I don't see that it solves a lot of problems.

Don Blumenthal: Okay. Steve.

Steve Metalitz: Yeah, this is Steve. Well, a couple of things. One, let me just give an example here. If someone registers a domain name using a proxy service, and let's assume the accredited service only has to do the verification that a registrar has to do, then the registrar has 15 days after registration to validate anything.

And does that mean that someone could register and then 15 days later they could go to a proxy service, an accredited proxy service, sign up and in effect they'd have - if the same timeframe applies to the service provider then there's really 30 days during which time there's no way to reach the beneficial owner.



I mean, I think Tim is correct that it's helpful - it may be helpful to reach somebody rather than nobody if that is the service provider. But the service provider isn't in a position often to rectify the problem that's led to the request for contact anyway because they don't have any control over not managing the site to which the domain name resolved, they're just maintaining this contact list.

So it's not really the case that we can necessarily rely on the service provider to fix the problem and because we can reach the service provider easily that takes care of the problem. This is another instance, by the way, where, you know, this is a little bit of a jig saw puzzle here. And it - we haven't really talked about what the responsibilities of the service provider would be with respect to, for example, malicious behavior that was taking place using the domain name that's in the proxy service.

You know, if they have greater responsibility and greater authority to do something about it then perhaps it takes some of the pressure off the verification requirement. But I think it's hard to fit all these together, you know, in advance.

Obviously we have to start somewhere and I - I understand we're starting with this verification question. And I want to say from my perspective I think that the tentative conclusion is fine as far as it goes but I think there may be - certainly be aspects in which we would need faster verification, faster - we need clarification on what happens when, for example, there's a relay and it bounces back, what happens when the contact data cannot be verified, what is the service provider's obligation then?

Do they suspend the service or do they have some other option? So I think those things need to be teased out before we can say, well just do what registrars would do in the same situation. Thank you.

Don Blumenthal: Thanks. Yeah, a few issues in there lurking I'm going to follow up on in a couple minutes. But, Volker.

Volker Greimann: Sorry, I was muted there. Hi. Volker Greimann speaking. Steve raises an interesting point there. I don't think the current policy and the current RAA actually take care of this issue of updating the registrant data every 15 days. It's an interesting question. I would have to look into how we're doing that - would be doing that in the special circumstances.

With our own privacy service provider obviously the underlying data does not change and we would still be verifying the underlying data, not that of the privacy service provider. But for an external provider, certainly, where we would have no knowledge of what's under there the verification might be triggered again. I would have to look into that, that's an interesting question.

One thing I was thinking about, though, is that this problem would likely be solved by the results of the IRTP-C, if I'm not mistaken, which places limits on the owner changes which therefore would - could not be processed every 15 days and therefore this chaining of new registration information and therefore retriggering of validation requirements would not be possible anymore.

So that's something that we would look - should also look for. If the implications of IRTP-C would actually take care of this problem.

Don Blumenthal: Great. Tim. Tim.

Tim Ruiz: Sorry, I just couldn't lower my hand and...

Don Blumenthal: Okay.

Tim Ruiz: ...I applauded instead but either way I agree with Volker.

Don Blumenthal: Oh okay that was quick. Kathy.

Kathy Kleiman: Hi, Don. Hi, everyone. I wanted to follow up on the issue that was raised about action being taken immediately by the proxy privacy service provider even as the contact data is being investigated for disclosure for reveal.

I think that's a really important point that if there's something that's a really - that's an emergency taking place in real time of fast flux, botnets, malware, that is - that's - that seems to be something that both the registrar and the proxy privacy service provider could act on very quickly. Even as the procedures are taking place for revealing the contact information.

And as we know with some of these problems it's not even the registrant that's responsible, someone's planted something on their Websites. So I think the idea of the proxy privacy service provider is being contactable, being available for discussion, for investigation is actually, you know, a real benefit to the proxy privacy service.

So I think we should be putting this all onto the balance as others have mentioned. Thanks a lot.

Don Blumenthal: Great. Appreciate it. Volker.

Volker Greimann: Yeah, just following up on this action to be taken by the privacy proxy service provider, again depends on if it's affiliated with the registrar or not. Our privacy service provider has most of the same accesses that we have so they can - they can, if they wanted to, disable the domain or lock it down, place a dispute lock, remove the name servers because part of it is handled by the same team and they of course have the registrar access.

But we also see a lot of privacy service providers being put in place by our resellers. Now they might have their own accesses which allow them to do some of the work but in some cases the privacy service provider is not registered - not directly affiliated with any party providing the registration

service but instead just - they just had that as being used on the license or on the permission of the privacy service provider by a certain registrant and therefore no accesses any way in the registrations - in the registration scheme by the privacy provider to the locking of a domain name.

And they might not even have the option to remove themselves from the registration technically. Legally might be a different question. But so we would have to look at who is providing the service and what abilities do they have.

In some cases I've seen where a privacy service provider has written us an email as a registrar and asked us to do a certain task to remove them and replace their data with certain other data. In other cases we haven't even seen that. So they may have the access to remove themselves but they may not depending on how the service is structured and set up.

Don Blumenthal: Okay. Appreciate that. Good point. Kathy, is that a...

Kathy Kleiman: Sorry, old hand.

Don Blumenthal: ...new or old hand?

Kathy Kleiman: Coming down.

Don Blumenthal: That's fine. Oh, Steve, okay.

Steve Metalitz: Yeah, this is Steve. Just to follow up on Kathy and Volker's statements, yeah, I think - at least I'm trying to figure out where in our list of questions we get to this issue of action that the service provider could take that's not relay or reveal but is, you know, fix the problem or isolate the problem.

So I don't know whether that comes under the next thing - or next category, which is the rights and responsibilities of customers and the obligations of service providers and managing them or whether it fits somewhere else. I

mean, think that - it obviously has an impact here but I also think Volker's point is right that if you think about a service provider is not itself a registrar it's hard to see that the kinds of actions that Kathy seems to be talking about could be taken by that service provider.

It - and that means, you know, you still need to try to contact the customer. So - and that's where the delay that Todd talks about comes into play. Thank you.

Don Blumenthal: Thanks. No I'm just reading Mary's comment there. And I just closed the Chat window, I shouldn't have. Okay I wanted to toss out a couple of things just for consideration although I think they may have been partly addressed in the last couple of comments.

The issue of, and, you know, my background, as I've said before on a lot of this stuff is law enforcement. And I guess there's a fundamental question as to how often quick information really is needed or not. Throwing that in the discussion just in terms of where we wind up on these issues.

And in my experience frequently it was nice to have but if I had to go back to the work I was doing then I'd take a closer look at what was nice and what was essential. The other thing is I'm going to mention, and this may be jumping ahead to reveal issues a relay, some of the information I've been getting in just talking with CC representatives is something that was touched on briefly which is responsibility of the proxy or privacy service providers.

And I'm finding in - what surprised me getting comments that some ccTLDs put absolute liability on the proxy provider. I don't know what that does to the numbers of proxy registrations that exist in those registry - under those registries. But some countries say if you are a proxy provider doesn't matter who's behind it, you're on the line legally.

Tim.

Tim Ruiz: I was just going to mention that - well first I agree with Steve. I think that, you know, we need to address these - the issues that he was concerned about. And I do think there'll be a place for that coming up. That's at least my feeling if, you know, that's not the case then maybe we need to change something so I'm not trying to skirt those issues.

One thing I do want to mention though is even if a service provider - a PP - proxy privacy service provider doesn't have - isn't a registrar themselves every registration that they service has a registrar. And so it has a registration agreement with a registrar under which, you know, the registrar is able to take certain actions based on, you know, misuse of that domain name.

So in some cases it may be, you know, the quickest way to get some action done if something just needs to be - just needed to come down now might be with the registrar always under the registration agreement.

And - but regardless that's going to be - the registrar is there whether the proxy provider or service privacy provider is a registrar or not so that the registrar doesn't come out of the equation.

But I again, I do think though that some of the issues that Steve raised are things that we should definitely cover as we go forward.

Don Blumenthal: Okay appreciate it. That's a good point. The (unintelligible) response is something I had raised there. Is it even necessary to get to the underlying information in emergency situations using emergency in a very broad sense obviously or even precise sense.

Any other comments or questions that we should focus on here before we move on to a couple of the - well before we move on first to how do we move forward and then on to the next question Steve?

Steve Metalitz: Yes this is Steve. You know, I think I heard some agreement that we can kind of park this and that, you know, what's down there in the - as the provision conclusion is, you know, we can hold that there with the expectation that we'll have further discussions about this both as we look at some of these other aspects of the accreditation.

And I think it also will be worthwhile for people to just take a close look at the 2013 RAA Whois accuracy specifications. And some of those things will translate to well from a registrar obligation to a service provider obligation, some might not. So it's worth looking carefully at that. I've raised a couple of these questions today.

But I think it might make sense to park that issue and move along to some of the others and then as we resolve those later issues we may need to go back and look again at the - at this issue. That's one to pursue it anyway.

Don Blumenthal: Yes we're hearing enough loopback on some of the comments here. Yes that's correct. I guess (Nina) we'll talk about how the best way to go ahead and do that. Mary?

Mary Wong: Yes thanks Don. So before we move on it's great that this discussion is going on. I thought since Volker is on the call if I could just try to clarify. Because obviously a staff we will take on board what the discussion what Steve just summarized is going to be very helpful is I think one of his emails today I think Volker you may have made distinction or maybe I'm just misreading it between the 20 - the 2009 and the 2013 RAA.

And I'm just wondering whether that was a point that you or anybody else wanted to bring up or whether, you know, all of these conclusions that we may reach even on a preliminary basis the understanding is that it would apply to all privacy and proxy service providers regardless of whether they were affiliated with a registrar under the '09 or 2013 RAA or not at all?

Volker Greimann: Yes Volker speaking. Thank you Mary. It's an interesting question. I've thought about this and I came out on the side that on - that basically the registration sponsoring registrar should determine on what all the obligations are. I mean otherwise you have a registration for a registrar that's well into 2009 with some obligations multi (unintelligible) provider suddenly being under the 2013 RAA.

So I was thinking about that and I thought that the most elegant way to solve this would be that the accreditation agreement of the sponsoring registrar should govern the obligations of the privacy service provider also registration new sponsors as well.

Of course the proxy service provider would be free to adopt higher ranking better standards of a high RAA. But at a minimum the standards for the government registration should - RAA should govern. Sorry for the sudden business here.

Don Blumenthal: No that's fine. Are these old or new hands here Steve and Volker.

Steve Metalitz: Steve is a new hand.

Don Blumenthal: Okay.

Steve Metalitz: I'm just not clear on how the - how the supplies to a - I mean the obligation for registrars is under the 2013 RAA is once there's an accreditation system in place they can only use the accredited service provider.

They can't knowingly use an unaccredited service provider. Obviously I'm paraphrasing here but I'm not sure what Mary's referring to in terms of the obligations for a registrar under the 2009 RAA because they don't have that obligation do they?

So I'm just confused about what the 2009 RAA has to do with this. Thanks.



Mary Wong: Yes and Steve this is Mary. Don if I can just explain I guess. And that was really the point of my question to Volker that to the extent that there is any sort of connection or none at all because it - I think the same question occurred to a few of us on reading some of the emails on the list. So I was just hoping that he could clarify.

Don Blumenthal: Okay I'll go a little out of order just in case Volker's hand is up to respond to what Steve's follow-up there.

Volker Greimann: Sorry that was old.

Don Blumenthal: Oh okay well I guess it wasn't then. Tim and I'm going to cut it here I think so that we can do some - a couple administrative things and then move on to the next questions. Tim?

Tim Ruiz: Yes I guess I don't fully - haven't fully thought through what Volker is suggesting so I do have concerns with it I'll be honest.

I mean the whole requirement of an accreditation program is based on 2013 RAA. So I guess that I'm not quite sure how I could see clear to an accredited proxy or privacy service that's not bound somehow under that particular requirement.

And so that would in effect to some degree bring them under the 2009 or the 2013 RAA requirements.

And my other question would be just how long are we left with the 2009 RAA? I don't think any RAA was longer than five years - had a longer than five year term.

So given, you know, we were doing this last year so we're talking maybe four more years tops I think that anyone could be under the 2009 RAA? And I

know that, you know, I'm talking years. That's a long time but we're probably talking at least another year before this is even completely final and in effect I would think minimum.

So then we're talking maybe, you know, just two or three more years. And then at that point how many will still be on the 2009 RAA?

So I just wonder if we need to really go down that road what - you know, how much utility there really is in trying to define a difference between the two especially since this whole accreditation process came up as a part of the 2013 RAA.

Don Blumenthal: Right. Let me wrap this up with three thoughts. One just came up. And it's just, you know, are we going to be looking at a potential need for two approaches depending on 2009 or 2013. Of course and we finish our work 2009 might be a moot point. Volker was that in response to what Tim said...

Volker Greimann: Yes it was. I was just thinking about those cases where a registrar office privacy services that is still under the 2009 RAA.

Therefore you would have implement different validation levels under the - or some domains that he registers that use Whois privacy would have to have some form of verification and validation and some that are still registered without would have to be registered without that.

And that seems to be to me to be a bit impractical and over the top to have - one entity having to perform two separate levels for verification and validation for the same product essentially. So that's where I was coming from so...

Don Blumenthal: I guess that assumes a whole list - I think that assumes that there's going to be a policy that says that regardless of which RAA you're under that you can only use accredited privacy proxy services.

And I guess I'm not seeing where that policy's at or where we actually even have the ability to make that policy.

But if that was the case now it would be true. But under the 2009 there's no requirement for that registrar to use an accredited privacy proxy service...

Volker Greimann: Actually there is...

((Crosstalk))

Don Blumenthal: (Unintelligible) but I don't, you know, I'm not sure it's exactly the way we think.

Volker Greimann: I think also under the 2009 RAA there is already a reference to the accreditation program if I'm not very much mistaken. And this had been strengthened in 2013 but there is already a reference to it and an obligation of registrars to use as providers but I have to check that.

Don Blumenthal: Okay yes why don't we suggest we go back and we in a royals sense, you know this was already suggested to look at 2013, also look at 2009 to see - and to see if we've got to be doing some alternate drags for now.

Again by the time we finish our work it may not even be an active issue.

Man: And...

((Crosstalk))

Tim Ruiz: Could staff then also provide an update on how many registrars are still under 2009 and how long that might - each one has to go if they want to make an early change but were to take the 2009 all the way out?

Mary Wong: Tim, Don this is Mary. I guess we can check with our colleagues as to whether we can provide that information. And I will take that back.

What I - what else I was going to say was that we can also look at the 2009 and 2013 RAA to address Tim's earlier point, you know, as to the differences for example.

And after that I guess, you know, one possible answer this is not to prescribe to the working group what it ought or ought not to do is obviously if the recommendation from any working group is often consensus policy then that becomes something that's binding on the contracted parties.

So that's just something for consideration as we get out to towards the end of the work. But it may be useful for maybe newer members of the working group to know that as well.

Don Blumenthal: Okay. Well I think we've got a - okay and I see Volker's already posted some clarification here.

We'll address these new issues. I think we've got agreement that we're going to have to double back, kind of put this piece on the shelf.

As we go along I'm not sure need to do it now after today's discussion but as we go along I think we might even keep in mind setting up a subgroup to delve into B2 and then hash some of the issues out.

I was fairly certain that would be useful when before the conversation started but now I'm not quite so sure. So let's keep it in mind.

At this point I'd like to move on B3 so again we set the stage for further discussion assuming we need it later, waiting for it to come up here.

This is another one that I think is going to take some time. But this focus is on domain name registrants and their rights and responsibilities and how those would be managed by service providers.

There's been a little bit on the mailing list about it and obviously comments have come in. But again I'd like to provide the opportunity for direct discussion and not just limit the emails.

So let me throw the floor open. I know there was at least one fairly long message this morning to it. There you go. Kathy?

Kathy Kleiman: Greetings all. Yes there was a long message this morning. And thank Don for the intro on that.

What - I know we're going to be spending a lot of our time talking about registrant responsibilities. So I wanted to make sure that we had highlighted that NCSG has now submitted it's comments with apologies for being a little late to Don and this working group.

And those - and our responses echo the kind of rights that you've been hearing us mention throughout the discussion.

And a lot of these as Steve mentioned about a prior point, a lot of these probably relate more to issue to come rather than issues we're dealing with immediately.

But since this is a question about rates and responsibilities we thought we've put forward the rights that we were thinking about including a right of access that proxy privacy services as the Whois review team had found.

You know, we submit that they're, you know, that they're needed by a wide variety of non-commercial organizations, public interest groups, religious

groups as well as individuals, entrepreneurs and small businesses and large businesses.

Probably the issue here that we'd like everyone to begin thinking about is also one of due process, not that we want to superimpose a lot of obligations on the proxy privacy service providers but one thing we haven't talked about today -- at least I don't remember talking about is the idea of the right of response of a registrant or a beneficial registrant as Tim would call it to a query.

So if you have - and we've seen this on the NCSG side but I'm not sure how much you've seen it all on your side. But, you know, there are individuals, there are groups that are under protective orders, domestic violence orders, non-contact orders.

We're talking about shelters, girl schools in Pakistan, clinics, women's health clinics in Texas, you know, just to give a summary of some of the organizations that might be involved.

So the ability to respond before contact - before contact data is revealed, the right to have some kind of response to say no, this is intended for harassment or intimidation or in violation of a legal order that we have protecting us would be a really - is a valuable right and we want to put that forward as something to discuss as we go on.

So Don I think that kind of introduces the comment that we put out this morning and some of the issues for now and for later but kind of a real bullet point of that we would like to discuss domain name registrant rights and the rights of customers or proxy privacy service providers. Thanks so much.

Don Blumenthal: Okay appreciate it. To clarify you mentioned a number of specifics in the note this morning and the categories of just - so now from what you've said those were more examples than suggestions of - or to what extent were you looking

to get into issues concerning might or might not be eligible for privacy proxy registrations?

Kathy Kleiman: Well it's more...

((Crosstalk))

Don Blumenthal: (Unintelligible) to get you later but I was...

Kathy Kleiman: Sure.

Don Blumenthal: ...(unintelligible) curious.

Kathy Kleiman: It's more a bullet point. We now have a number of questions coming up that will deal with registration requirements.

So I think this is more something that we'll be dealing with a little later as to who goes in, you know, the number - I think we have a threshold question now, a new threshold question of do we want to create classes or categories in the gTLDs of proxy, privacy customers and then some specific questions does this make sense, and then some specific questions.

A number of our questions and our groupings talk about whether we're going to create categories or limit access.

Don Blumenthal: Right yes I - that's what I assume but wanted to make sure but - because of the specifics in your email -- appreciate it.

Kathy Kleiman: Okay. And then also the email...

Don Blumenthal: (Unintelligible).

((Crosstalk))

Kathy Kleiman: Thanks. Also the email referred to national laws. And that's something we have heard about. That's not new -- something we have heard about as proxy privacy service providers and registrars work under their national laws and support of that ability to function under your own national laws with your own law enforcement and respond. So thank you.

Don Blumenthal: Okay Steve?

Steve Metalitz: Yes thank you. This is Steve. Yes I think - these issues seem to fit better under when we get to relay and reveal and also to the question of who's eligible.

I mean these are all mostly topics that Kathy's raised are addressed by questions in Part D I guess and E of our list and maybe elsewhere.

I guess what I'm trying to understand is what really we're looking for here in terms of question B3. And one thing we could say is well however we resolve the minimum standards for relay and reveal they should be part of a statement of rights and responsibilities and as far as eligibility is concerned.

I guess we had - we in the IPC had a much shorter responses which really focused on transparency and that people who sign up or registrants who sign up for one of these services should know what the rules are.

And, you know, they - sort of those should be not just an accredited if s- that the entities and a credit service provider which means it will have met some minimum standards but also just what are the particular rules that - and terms and conditions that apply?

So it - we kind of focus on the transparency here rather than - and making sure that everybody has - all the customers had a chance to see that before



they sign up rather than on the substance of it because I think a lot of the substance will be addressed by questions later on in the process. Thank you.

Don Blumenthal: Yes sorry. I wish the little blue light that tells me I'm on moot was a little more visible on this headset.

I'm glad you mentioned the IPC statements Steve. We had in our original work plan we had talked about, you know, summarizing input from the groups that responded to our questions. That kind of slipped because they came in piecemeal, not on the date.

I'd like to really encourage folks - I skimmed them but not read thoroughly. I mean that's on my reading list for my 16 hours in the air starting on Thursday.

Yes it's more than that but I don't want to think about it.

I'd really like to encourage people to go ahead and read those in CSIGIPC and I know we got at least one other that I'm going through right now to - and I understand we might be getting in even one more now because it is much as we discuss here and email there they're ECP - BC I'm sorry. That's the one I was forgetting. Thanks Mary.

The more formal approach is always more valuable for lack of a better term. Steve is that remaining hand? Okay thanks.

Well I think this teed up the issues pretty well. Again I think a lot of it is - a lot will - a lot of this question really needs to kind of like the last one. We're going to have to revisit it because a lot of the pieces will be covered in some of the later - in some of our later discussions. One of the difficulties with this project it get - kind of loops back on itself or a lot of the pieces loop back on themselves.

Any other comments to - or thoughts to raise here and then before we wrap up?

Kathy Kleiman: Yes Don I have a question. This is Kathy.

Don Blumenthal: Sure yes?

Kathy Kleiman: Okay here's a question. Would it be helpful to have information from other types of services and have it as reference because I don't think we have any data from our Whois studies and proxy privacy studies done by the GNSO per se on this.

But there are other analogies and they're not perfect analogies. But for example the process one has to go through to get a chat room identify in the United States is now a legal process. You can't just go to the ISP and ask for the identity. You actually have to go to court and make a showing.

And so having that information would that be useful for either private people or preferably staff to kind of prepare some analogies that provide some other models of how people are handling similar types of situations?

Don Blumenthal: The best I can tell you is that I'm looking for hands to go up in response. I think the best I could say off the top is that better to have a more thorough idea of the types of services you're talking about in terms of value. In terms of whether staff could do it or not I'm - I hesitate to commit without checking first. And I see Mary has her hand up.

Mary Wong: Yes thanks Don and, you know, again it's hard to say whether staff can gather the sort of empirical data that I guess the working group be looking for.

But it would certainly - I think the only way we can do it is if the working group were to give us a set of the analogies of specifically what those situations are and possibly even suggestions as to who and where to look.

And that's probably all I can say at the moment. And if that's something that the working group is interested in obviously we will do our best to get the data.

But it would be helpful to have some very specific requests and situations laid out.

Kathy Kleiman: That sounds fair enough.

Don Blumenthal: Okay yes see you next week (Paul) looking at the chat here. Yes if people think just a good idea and have ideas of services like that please send them around on the list. Some of us off the top may have answers and not have to rely on staff to do the research.

We're about 1 minute way from our hour if there's any other quick comments people want to suggest here.

Okay at the risk of being over ambitious my thought here is that we should keep B3 in mind as we move forward. But I'm not sure there's much more discussion to have at this point on it, got to really be a - come back to it once we address other items.

But let's think about that. We've got a few weeks to do it. So we'll see hopefully a lot of you in Singapore next week. If you can't make it please tune in and then we'll be back on the phone in what three weeks I guess -- appreciate your time.

Woman: Okay thank you Don. And operator...

Man: Thank you.

Woman: ...we can stop the recording. Thank you everybody.

END