ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 04 August 2015 at 1400 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 04 August 2015 at 14:00 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-04aug15-en.mp3

Attendees:
Graeme Bunton RrSG
Val Sherman IPC
Kathy Kleiman NCSG
Stephanie Perrin NCSG
Phil Corwin BC
Terri Stumme BC
Todd Williams IPC
Vicky Sheckler IPC
Volker Greimann - RrSG
Lindsay Hamilton-Reid RrSG
Griffin Barnett- IPC
David Cake - NCSG
Sara Bockey RrSG
Don Blumenthal RySG
Roger Carney - RrSG
Frank Michlick Individual
Michele Neylon RrSG
Holly Raiche ALAC
Steve Metalitz – IPC
James Gannon NCUC
Sarah Wyld – RrSG
David Heasley - IPC
Osvaldo Novoa – ISPCP
Darcy Southwell – RrSG
Rudi Vansnick – NPOC
Luc Seufer – RrSG

Carlton Samuels – ALAC
Chris Pelling – RrSG
Susan Kawaguchi – BC

Apologies :
Alex Deacon IPC
Susan Prosser – RrSG
James Bladel RrSG
Dick Leaning – Individual
Paul McGrady IPC
Kiran Malancharuvil- IPC
Marika Konings -Staff

ICANN staff:
Mary Wong
Amy Bivins
Terri Agnew

Terri Agnew: Good morning, good afternoon and good evening. This is the PPSAI Working Group call on the 4th of August, 2015.

On the call today we have Holly Raiche, Steve Metalitz, Val Sherman, Volker Greimann, Graeme Bunton, Frank Michlick, Sara Bockey, Don Blumenthal, Sara Wyld, Stephanie Perrin, Terri Stumme, Todd Williams, Susan Kawaguchi, David Heasley, Osvaldo Novoa, Roger Carney, Griffin Barnett, Michele Neylon and Darcy Southwell.

I show apologies from Alex Deacon, Susan Prosser, James Gannon, James Bladel, Dick Leaning, Paul McGrady and Marika Konings. From staff we have Amy Bivins, Mary Wong and myself, Terri Agnew.

I would like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you, Steve.

Steve Metalitz: Thanks and welcome, everyone. We do have a number of apologies today but we have a good core group here so hopefully we can make some progress. Let me just first ask if anyone wishes to update their Statement of Interest.

Okay, hearing none we - starting to get some echo here I think. Okay, it's gone. We have an agenda - excuse me - that Mary circulated yesterday. I don't see it on the screen at the moment but it starts with status updates from the subteams then we have some discussion about the - for the whole working group on the public comment review tool Part 1. And then administration issues about the face to face meeting - possible face to face meeting and about the duration of our calls.

So why don't we - unless there's other agenda items people wish to raise I'm not seeing the agenda in the right hand pod but maybe that's just me. But I've got it here anyway so I think I've accurately stated it.

So we'll start with reports from the subteams. I think last call, although I was not able to be on the call, I think we had a report from Subteam 1.3.2. I see Lindsay is on the call and I don't know - I know Alex is not - was not able to join so Lindsay, I don't know if you had anything else that you wish to report in terms of the status on 1.3.2 subteam?

Okay, if not then why don't we go on to 1.3.3 which I think was scheduled to report here. We've got a few members of that subteam. And I think we have a document here so who is going to present this document that's on the screen now - the - from Subteam - for Section 1.3.3?

I know Terri's on the call, (unintelligible) on the call....

Mary Wong: This is Mary. There's two documents from this subteam because this first report is divided into two parts because of the number of comments. I think Terri is going to go first followed by Lindsay if I'm not mistaken.

Lindsay Hamilton-Reid: Yeah, hi. This is Lindsay. I think that's right, Mary.

Steve Metalitz: Okay, great. And, Terri, good ahead.

Terri Stumme: Okay, this is Terri, can you hear me?

Steve Metalitz: Yes we can.

Terri Stumme: Okay, great. So I wasn't sure about the formatting on this so I hope it's acceptable. I just went through and - the first 39 responses and broke them out into basically affirmative or negative response. Eleven of the responses were in support of prohibiting domain names associated with commercial activities. And 27 were not in support. So basically the majority is not in support of the proposal.

I put in comments that I thought that the working group should look at and discuss. Many of the comments ask questions about what type of website would be included in this definition when we came to a definition. Basically there were concerns about advertising sites or those sites that would provide affiliate links, would they be included in this.

Some recommended putting in possibly financial information basically if the site so if X number of dollars that they would be excluded if they went over that, you know, they have to be included and excluded from privacy and proxy. So these are, you know, and I listed them all there but these are the types of comments that were received.

Then in the, you know, Question 2 kind of, you know, bled into 1 where, you know, should we put together a definition do we need to do that. And I started to go through that's all so because, you know, some of the responses there said, you know, I don't agree with this so we don't need a definition or I do agree with this and I think that we should consider XYZ.

So that's where I got at this point so if, you know, anyone has any questions or, you know, thinks this should be done different way please let me know that that's just how I (unintelligible).

Steve Metalitz: Great thank you, Terri. That's a very good summary. I have one question and let me just see if there's anybody else that has a question here about Terri's presentation. Okay, my question -- and this is Steve, is just where these just the first 39 comments that were in the - that were sent to the subgroup or was it 1-39 - was it ordered in some other way? And I'm just trying to understand what was the slice that you were looking at?

Terri Stumme: Well in the sorted document that Mary sent out that put together all the comments, I did the first 39 responses and then Lindsay did 40 do I think it was 85 responses.

Steve Metalitz: Okay. Okay great. So this was just the order in which they appeared in that document?

Terri Stumme: Yes, sir.

Steve Metalitz: Okay. Great. Thank you. Again any questions for Terri at this point? Okay if not, Lindsay, we're ready for your (unintelligible).

Lindsay Hamilton-Reid: Okay thanks. Hi, this is Lindsay. So I took the Question 1 for 1.3.3. I took the remaining comments from 40 to 87 and just kind of went through those. I get it slightly differently, I put mine in a table and just condense the comments whether it was -- they were guests in favor or know they were not, gave the reason, who it was whether it was individual or company and if they had any sort of extra comments that didn't seem to fit with the question.

So my document is slightly longer I think Ben Terri's. But basically in summary, there were 47 comments I looked at. Only four of those comments

said that they were in favor, those registrants using financial transactions or commercial activity should be prohibited from using privacy and proxy services.

Most of the comments were actively against making any distinction between commercial and noncommercial and seemed to say that any sort of change would be like an erosion of privacy and a real lack of protection for those who have got home base for small businesses.

Many comments also said they felt that there was sufficient law and regulation in place to deal with obtaining disclosure if required through the courts and law-enforcement. Those who were in favor of prohibiting the use of privacy and proxy services by those with commercial or financial activities really based this on the sort of prevention and investigation of crime. There didn't seem to be any other reason that I could see.

And most of the comments were made by individuals, I think a bar one, certainly in this section I had. So that's kind of it at the moment. I do note that this section there are a few other questions to go with it but we haven't been able to do those yet so that would be something else that we would be reporting on that another time.

Does anyone have any questions?

Steve Metalitz: Any questions for Lindsay? I see Kathy has her hand up so go ahead. And by the way if people are not in the Adobe room, just speak up and will get you in the queue. Kathy, go ahead.

Kathy Kleiman: Can you hear me, Steve?

Steve Metalitz: Yes.

Kathy Kleiman: Perfect. (Unintelligible) Skype. Okay I had a question for Lindsay and it's exactly the same question I raised on the sub team list (unintelligible) which is whether all of these comments coming in from (unintelligible) privacy were included. We have about 11,000 and among them is the principle of the use of privacy services by all, you know, that they support (unintelligible) support the use of privacy services (unintelligible) purposes regardless of whether the Website is commercial. And that would seem to run to this Question 1.

You know, so I just wanted to check on that. You might - to my subteam (unintelligible) since they've been traveling so much. Thanks.

Lindsay Hamilton-Reid: No problem. As far as I know the way that's sort of the questions and the comments were set up they were split out this time so for Question 1 are the comments that related to that were put in one table and then those that related to Question 2 were put with Question 2. That's my understanding, that was done by staff. So I've taken it as read that all the comments that we have here are in relation to those questions and we haven't missed any out. But I couldn't...

((Crosstalk))

Kathy Kleiman: ...let me ask. That list goes from 85 then to 11,000 and we wouldn't be 85 commenters anymore, right, there would be 11,000 if we've included that...

((Crosstalk))

Lindsay Hamilton-Reid: Yes. But as far as I know this was set up by staff. And Mary, you can correct me if I'm wrong here. We were given this to look at as part of the group.

((Crosstalk))

Lindsay Hamilton-Reid:	...this is only Question 1. Question 2 and 3 I think had even more comments. But this was just in relation to 1.3.3, however many other comments there were in total with regard to the whole report, yeah, there may well have been 11,000 that we've only taken on board these ones at the moment. If there are others or any missing then we would have to look at those as well.

Kathy Kleiman:	Okay. I think we're going to do that because I don't think (unintelligible) to the other ones...

Lindsay Hamilton-Reid:	Okay.

((Crosstalk))

Steve Metalitz:	Okay, we have Mary in the queue and then Holly. Mary, go ahead.

Mary Wong:	Thanks, Steve. Thanks, Kathy and Lindsay and Terri. So, Kathy, I know this question came up in I think two of the sub teams and I think you probably haven't had a chance to see the response that I gave. But for the benefit of the rest of the working group who are on the call, just to repeat the presentation we made when we first presented the staff prepared template. We did not include any of the petition based submissions in any of these templates for a number of reasons.

	And one of those reasons is that it was -- we believe there was for the working group to determine how they wanted to deal with these template-based submissions. So we haven't included them.

	And for the sub teams once they got going, once this question was raised, we made the suggestion that it may be best for each sub team to determine how they believe the group should deal with these comments.

So for example, as you pointed out, there are some comments that are directly specific to a topic taken on by a sub team. So it may be appropriate for that sub team to say, you know, 11,000 signatories or, you know, 500 e-mails were sent in on this point. But the staff did not believe that was a decision for us to make so it's probably timely that you brought this up.

So if that helps the rest of the working group to know what's included on these templates and what is not hopefully that will take the discussion forward. Thanks, Steve.

Steve Metalitz: Thank you, Mary. I've got Holly, Kathy, is that a new hand or an old hand? Well I'll put myself in the queue after Holly so Holly, go ahead.

Holly Raiche: Thanks, Steve. It's in response to Kathy too. Kathy, I've been -- I looked at the least that the individual submissions and there's only about, you know, 35 pages and that's 50 probably lots each. A lot of them are very repetitive. So what's important about them I suppose is to note that you could probably summarize, you could say look, probably what 30x50 or whatever, three quarters of those would be - (unintelligible) saying ever or only allow this if there is a legal process or something.

So I think it's worth taking note of the vast number of submissions that have been made. I think it's -- if you go through them it's easy to summarize. But I certainly agree with you we need to understand that that particular response he was a huge one. Thank you.

Steve Metalitz: Okay thank you, Holly. I guess - this is Steve, I put myself in the queue just to make two points. First, I think we need to recognize and remind ourselves that this is not a plebiscite, this is not an election, this is not voting, we are not vote counters.

We're trying to get comments on recommendations that we made. In this case this one probably comes closer to being a plebiscite because we didn't

have a unified recommendation, we had two views and we ask the public for what they thought. But vote counting is not what this exercise is about. So let me just -- I just wanted to put that on the table to begin with.

Second, I guess since Kathy is in the queue I'll direct to her the question of what it is in the - you stated there were 11,000 submissions. I think those were from respectourprivacy.com. And I don't see anything in there about this topic directly. There were a number of -- there was a petition signed by many others that was on savedomainprivacy.org most of whose sponsors on this call so they can probably answer this better.

But, there I do see a point that is relevant to 1.3.3 because one of the bullets in that petition (unintelligible) use of privacy services by all for all legal purposes regardless of whether the website is commercial. I, the undersigned support that.

So I see that but I don't see that in the other ones. So if we are -- to the extent we are counting maybe you can clarify what you see in the other one in the respectourprivacy.com machine generated comments that are relevant to 1.3.3 directly. Thanks.

I see Kathy - Kathy is next and then I have Michele, Stephanie and James.

Kathy Kleiman: Right. Thanks so much. My reference was to savedomainprivacy and the 564 pages of signatures which I believe counts - adds up to about 11,000 signatures on that. And (unintelligible) question 1 which has to be, you know, the differentiation of commercial versus noncommercial and then do further differentiation if you buy that differentiation (unintelligible) transaction. And I think we have to know the number of signatories.

And if you leave it out of the template then we leave it out of the summary. Once you leave it out of the template that staff is preparing which is done, you know, has been phenomenal, right, Mary, you've done an amazing job.

But once you leave that 11,000 signatures I don't think it's (unintelligible) submission from people.

And so I think it's important that they be in the template included. I don't think you have to do 11,000 lines but I think you have to say that 86 is 11,086 or whatever the number is people (unintelligible) they don't want this differentiation. It's got to be a critical factor in our evaluation now. Thanks so much.

Steve Metalitz: Kathy, can I just ask you to answer my question which is what is it in the respectourprivacy.com petition that relates to 1.3.3? Can you point me to that...

((Crosstalk))

Kathy Kleiman: Yeah, Steve, Steve, going back again I'm talking about the savedomainprivacy petition...

((Crosstalk))

Kathy Kleiman: ...respect our privacy is going to run a lot more to Annex - sub team 3 and Annex E. so you're right, I'm not sure I see a link between although I certainly haven't read all those individual submissions. My reference was directly to save domain privacy. Thanks so much.

((Crosstalk))

Steve Metalitz: Thanks for clarifying that. Okay, Michele go ahead.

Michele Neylon: Thanks, Steve. Michele for the record. I'll keep this very very brief, I have huge issues with the way that the comments that were submitted are being characterized as machine generated. Machine generated means that it was generated by a machine without human interaction like a boss. If anybody

submitted a comment during the comment period either manually or via any website regardless of which website it is, it cannot be considered to be machine generated. And referring to those comments as machine generated and offensive to use as when she took the time to submit a comment.

Also, referring to the comments, the submissions from - in excess of 20,000 people as if they should just be completely dismissed is also highly offensive. Thanks.

Steve Metalitz: Okay thank you, Michele. I'm sure you may be offended by people saying that 20,000 comments should not be considered but I don't think anybody on this working group has said that so that's kind of outside the scope of this working group.

Michele Neylon: Steve, with all due respect referring to them as being machine generated...

Steve Metalitz: Okay let me...

Michele Neylon: ...it's being done in a dismissive tone.

Steve Metalitz: Okay, Michele, let me get to that. I take your point that people who did click on those sites you could make the argument that those were not machine generated comments so I take that point. I have Stephanie and then James.

Stephanie Perrin: Thanks very much. Stephanie Perrin for the record. Can you hear me?

Steve Metalitz: I can.

Stephanie Perrin: Hello, hello. Good.

((Crosstalk))

Stephanie Perrin: Okay, I wanted to raise a couple of points. I think that actually saying that people who clicked on those sites is leading us down a very interesting path of whether any kind of consent through click through is worthwhile. So I'll keep that in mind for future discussions on consent.

But I just wanted to raise the point that when we talk about (unintelligible) with ICANN, for those who do not live and breathe ICANN, and that would be most of the world, the method of obtaining comments is not really any more adequate.

And I think it should be noted that an effort was made to reach out to the average user here and it came up with profoundly overwhelming response. This is a huge response by anybody's standards of people who actually cared enough to bother to comment.

So there should be two lessons drawn. Number one, ICANN should do what (unintelligible) organizations do when they have a public comment period and advertise in the appropriate areas to ensure that people who care are actually aware of what ICANN's doing. And number two, we need to take these things quite seriously. Thank you.

Steve Metalitz: Thank you, Stephanie. James, go ahead. James Gannon. James, you may be on mute. James. All right, well pending - we'll keep James in the queue. I think Kathy has her hand up also. Go ahead.

Kathy Kleiman: So Mary asked a question which - sorry, I had to come off mute. So Mary asked the question in the chat room, you know, that staff will include these comments in the template if the working group decides. So rather than fighting it out or discussing it at length or spending 100 emails in these subteams, can we just move forward and say yes, these belong in the appropriate sub team so save domain privacy clearly has a point (unintelligible) and respect domain privacy will have a clear point for Annex 3 - Annex E about court orders because that was part of their responses.

Can we just agree that this belongs in there, again, not 11,000 individual entries but certainly a full summary, you know, full blown summary and discussion of the number of people who responded and what they said. Thank you.

Steve Metalitz: Thanks Kathy. James, are you with us? Or can you make your comment now?

James Gannon: Yes, can you hear me now? I think you can.

Steve Metalitz: Yes, yeah. I can hear you. Go ahead, James.

James Gannon: Yes, so I just want to echo Michele's points on the - I just want to add the Michele's points on that characterization of the large volumes (unintelligible) comments. Just because we have large volumes of comments and it's not (unintelligible) it doesn't mean that we can dismiss them or treat them any differently than we would from say the comments from the New America Foundation or the Opening Technology Institute or the (EFF) or that Center for Democracy and Technology group also submitted (unintelligible).

Yes, they were solicited comments and they were comments that we (unintelligible) to give input to the working group on that they need to be treated as equal comments. Just because they are not coming from the traditional commenting groups within ICANN doesn't mean we can treat them in a different way.

So I think one of the first things I have to say is that I understand where Mary came from with not wanting staff to make the decision on whether we should be including those petition-based comments. We've seen the analysis on specific questions such as 1.3.3 which I think that we should be treating these comments the same way as we do any other comments the matter what group they're from.

So I would suggest that we do go back and we have staff add the volume of comments back into the question based subteams and obviously as part of the no question left behind (unintelligible) we'll be examining some of the underlying themes and possibly things that are not addressed under the existing subteams and the ethos and the meaning behind why we got so many comments and why this is so important to so many people.

Steve Metalitz: Thank you, James. Kathy, is that a new hand? I know you've intervened before but are you in the queue now? Old hand. Thank you. Val, go ahead.

Val Sherman: Hello, can you hear me?

Steve Metalitz: I can.

Val Sherman: Okay great. I just wanted to weigh in, you know, I agree that these comments, you know, obviously we are responding to a petition, I don't think that they were machine generated. But I do tend to agree that the (unintelligible) which solicited these comments were in my opinion rather one-sided and short -- misleading really summaries.

I'm not sure how many of these commenters actually read the report which, you know, at least in my view for the 1.5 years that we worked on it, was attempting to balance all the various interests. And I viewed it as doing it fairly well. So it's kind of a shame that it seemed that so many people were really relying on kind of a very short one-sided summary of what the report was, you know, representing and really focusing on one issue that was really a minority view rather than the substance of the overall report.

That's not to say that they should not be considered at all. I definitely think that we should consider all the comments and I agree with Kathy that perhaps a majority of those comments submitted should be probably less appropriate to the evaluation of Subgroup 3. Thanks.

Steve Metalitz: Thank you, Val. I've got Todd and then Don.

Todd Williams: Val just made a lot of the points I was going to make. I think -- well first off I think the decision of how to incorporate these comments is more properly addressed by the different subteams but since we're talking about it as a larger working group I think we ought to distinguish between a kind of binary do we consider them or not and a -- well how much weight do we give to different comments.

I think James had raised the question why should we give more weight to comments made from the EFF, for example. And I think my response, to echo what Val just outlined, would be to the extent that there is substance in the comment that demonstrates this commenter read the report and is in teaching with what's included in the report I think it just makes sense to say that that deserves more weight.

If I'm looking for a recommendation on a movie to go see I cannot rather get it from somebody who has seen the movie. And I think that's not to say that you don't factor in comments that don't on their face include any indication that they didn't read the report, it's just the weight to be given them ought to vary accordingly. Thanks.

Steve Metalitz: Thank you, Todd. Don, welcome back. Glad to have you. Please go ahead if you have comment at this point.

Don Blumenthal: At least for this week. Appreciate it. In harkening back to my days on Capitol Hill when we got postcards, you know, particularly the response to Jeff's e-mail to its customers I kind of consider that an electronic postcard campaign. I think we need to note numbers, although we need to avoid use of the term minority or majority because then we get back into vote counts.

My initial reaction to it though is something along the lines of what Vicky and Val said, particularly Mark's characterization in his email was far from accurate, that concerns me in the sense of evaluating the responses.

On the other hand, I read some of the comments that were written out and some of them were based on premises that were far from accurate or clearly controlled by biases without regard to any balance that we put in our document.

So as a result I hesitate to get into a value judgment - oh and by the way, I think a lot of the commenters did not read the report. They may have read the executive summary comment they may have picked and chosen but my instinct from a number of the comments is that they didn't read everything.

So when my gut instinct is to say I have severe problems with the postcard campaign given the reality of even some of the more formal comments I think we're in trouble if we try to differentiate the value of the comments. We certainly don't want to read and comment on all 11,000 things that say the same but we need to give them the same weight or courtesy or whatever as we do any of the others. Thank you.

Steve Metalitz: Thank you, Don. That's very very thoughtful comments there. And I think in your last statement there's the question of weight and there's a question of courtesy. I think the question of courtesy is without question, we should be considering these.

Let me see, I've got - Val, is that an old hand or new hand? It's an old hand evidently. Okay, I'm going to see if we can close the queue here. I have Mary, Stephanie and Phil and then maybe we can try to sum up where we are on this and move on to anything from the other subteams as well as the public comment tool. So go ahead, Mary.

Mary Wong: Thanks, Steve. Really quickly I just feel the need to emphasize that staff did not mean to exclude any comment or anyone and that this discussion is precisely the reason why we did not include, for the time being, anything in the public comment tool.

Some of you may recall that when we first presented the tool we did have a section that we had not yet filled in that was for general comments or other statements about the report. And that is where we had intended that pending the working group's decision some of these comments could fit.

But as I said in the chat, where obviously dependent on the decision of this working group, and it seems that now we have the subteams to decide how to treat those comments when they're relevant.

The other point I wanted to make is that there is different ways that the contributions were solicited. At least two different initiatives did it quite differently and provided different information and that's another reason why we did not feel we could either distinguish or include or exclude based on staff decisions. So thanks very much for letting me say that.

Steve Metalitz: Thanks Mary. Okay Stephanie and, Phil. Stephanie, go ahead.

Stephanie Perrin: Thank you. Stephanie Perrin for the record. Just two points. I'll try to be quick. The first one is whether or not they actually read the report seems to me a relevant. We're not running a literature exam here where if I catch you with evidence you didn't read Bleak House I can mark you down. This is comments on the issues and if they only read the executive summary that's fine, it's a 100 page report.

I think that to weight these comments as if they don't know what they're talking about is very dismissive and I'm going to go through the 11,000 and see if I can find a few names like (Michael Plumkin), I dare you to say he doesn't know what he's talking about.

The second issue is that I think in terms of the allegations that the issue was presented in a biased way, we've already heard that, you know, when we present to our different stakeholder communities let's face it, we don't generally present the other guy's views, we present our own and the views are the stakeholder community. I think that's well understood in the multistakeholder realm.

I just like to say that the thing that still sticks in my throat is the way we've presented at the last minute a year-old report on the commercial use of domain names back in May, without saying war without positioning that legal analysis in any way. And in my view and to the view of many of my stakeholders, that is totally outside the remit of ICANN to comment on how governments regulate electronic commerce. Thanks.

Steve Metalitz: Thank you, Stephanie. Phil, go ahead.

Phil Corwin: Yeah thank you, Steve. Can you hear me okay?

Steve Metalitz: I can.

Phil Corwin: Okay. Phil Corwin for the record. I was trying to restrain myself from commenting but finally I broke down. I think to me and like Don, I once worked on Capitol Hill and I've been involved with issues that generated, you know, mass input on both sides of the issue, to Congress, various issues and there's always a debate about whether it's real grassroots or whether it's manufactured Astroturf.

But I think what we need to keep in mind here is that this, you know, massive concern that's evidenced by the 11,000 or 20,000 or however many comments, regardless of whether we think they were fully -- all of them were fully informed, is kind of irrelevant. It's a political fact for the future of this report. On one hand I don't think we should, you know, say okay that's it,

there's a lot of people opposed to anything we are recommending; we should just fold our tent and go home.

On the other hand, we've got a senior official of the Global Domains Division who was quoted in the press as saying that these people are stakeholders. We have the current CEO asked about this issue by several members at a congressional hearing and saying if there's no consensus they won't go forward.

So I think we just need to be sensitive that there's a lot of folks out there with strong concerns and be very careful about whatever our final recommendations are we can justify them to the board because the board is going to make the ultimate call in adopting this after the stakeholder groups. And we just have to deal with this as a political fact of life regardless of what any of us individually think of the merits of either side of the argument. So that's all I have to say.

Steve Metalitz: Thank you, Phil. Okay I was trying to close the queue. We have two other -- to hands up from two members of the sub team and I do not want to cut them off so I have Kathy and Lindsay. Please go ahead.

Kathy Kleiman: Hi. Great. Kathy. Just I put it in the chat room as well and I think this is really basic. I don't think the subteams should be spending this time arguing about whether (unintelligible) comment in the template. They (unintelligible) in the template. And it would be great if we could just agree on that, otherwise we'll spend 100 emails in sub teams. They belong in there; how we weight them is a different story, that's sub team, not whether to include them in the first place.

So I just add a new line to the template as different sub teams are already adding to things we left out (unintelligible) adding new lines (unintelligible). Thanks.

Steve Metalitz: Thank you, Kathy. Lindsay, go ahead.

Lindsay Hamilton-Reid: Thanks. Yeah, this is Lindsay. As a member of the sub team it's taken quite some time to go through the comments that we had, put them together like that. If we're talking about -- and I don't think we should leave anything out but if we're talking about adding in maybe another 11,000 comments I'm just wondering if we should have some more volunteers to help us with this because otherwise we're never going to finish this or have recommendations in time to fit the timescale that we've been given.

Where do you draw the line? I'm not suggesting that we shouldn't include comments but that's a lot to go through. Thanks very much.

Steve Metalitz: Yes, you've raised a good practical question, Lindsay. So let me try to draw this together. This is Steve. I think that we should ask the sub team to give its recommendation about how these other comments should be reflected. I want to thank the sub team for the work that they have done so far. And I think actually this really moves the ball quite a long ways.

And let me ask the sub team to think about two other things too. One is - this is not a plebiscite and it's not a vote but we do - in the 87 or so comments that are - better in these documents that we've looked at the trend is quite clear among those as to the answer to the question.

And no matter how you count these other mass comments that we've been talking about they don't come down on the other side. So we may have announced here to be able to see what the public thinks about this issue of whether commercial entities engaged in commercial transactions should be prevented from using privacy proxy services.

If that is the case I guess I would just ask the sub team to think about whether you even need to go into Questions 2 and 3 because those all depend on having an answer to 1 that is positive I think. The question is should the

commercial entities engaged in commercial transactions be barred from using these services. Then you have to get into -- if the answer is yes then you have to get into the question of what's the definition. And so it's possible that we don't need - if we detect a clear trend here we don't need to go to the next question.

I just want to and put those -- ask the sub team to think about those points as well as the point about how these mass comments should be reflected in the documentation here which I think is what we spent a lot of time talking about.

So with that let me think Terri and Lindsay and the other sub team members. I think you've really done a great job here of moving the ball forward. And let me just ask briefly, I know it is not time for a full report from either of the other sub teams but let me just ask Holly and Todd are here from the sub team 3, if you guys have anything that you would like to report on your status or your progress this would be the time to do that.

Todd Williams: Sure. This is Todd Williams for the transcript. Thanks, Steve. I'll go quickly. I sub team has divided the comments that we were reviewing into generally three categories, the accepted premise of Annex E, namely the disclosure can sometimes happen though with certain processes and then from there it went to what those processes ought to involve and require and what's outlined in the disclosure framework meets that.

And then the second being those comments that do not accept the basic premise that either disclosure or publication could ever happen absent a court order. And essentially we'll provide a summary next week of who argued for each of those, what their arguments were. And then in the first - like I said, what kind of changes if any they would recommend to the disclosure framework.

And then there's a third of just kind of general comments that we are not quite sure what to make of. But in any event we'll present a report next week that will go into more detail for each of those. Thanks.

Steve Metalitz: Thank you very much, Todd. Holly, if you have anything to add you're welcome to do so.

Holly Raiche: No. No.

Steve Metalitz: Okay. Thank you. We will look forward to that report. And then on sub team 4 I saw in Paul's apology note that it did not seem as though that sub team has gotten very far yet. I see Kathy is the co-convener and she is here. Kathy, is there anything you wanted to report on sub team 4 or shall we just await that for a future meeting?

Kathy Kleiman: Most of - wait for future meetings but again, the - knowing what the settings are including and not including is going to be important for, you know, this catch all sub team 4. So after -- let me ask a question to sub team 3 whether (unintelligible) still be adding all of the individual comments that came through on lack of a court order, you know, not the petition in this case but the individual comments that did come through the website and we'll call it the template. Do you think you'll be including that sub team 4?

Todd Williams: So this is Todd. When you say including I mean certainly the report that we will present to the working group next week I said there would be a paragraph that discusses those comments that rejected the premise of Annex E and certainly the comments from that petition that you're describing will be included in that analysis. I'm not sure if that answers your question or not though.

Kathy Kleiman: Okay great. So Merry can go ahead and put them in the template then because they're not in there now.

Todd Williams: I don't - well I don't quite understand what adding them to the template or not...

Steve Metalitz: Why don't we leave that for the sub team?

Todd Williams: Yeah, and I don't...

((Crosstalk))

Steve Metalitz: ...member of the sub team also so hopefully you can engage in that discussion when there's a document to respond to. Don, is that an old hand or a new hand? Holly, is that a new hand?

Holly Raiche: New hand, yeah.

Steve Metalitz: Holly, go ahead and then we'll get back to Todd I guess.

Holly Raiche: Just to - this is Holly for the record. Just about to comment, Kathy, we're looking at grouping all of the comments that needs saying no reveal except through a court process or no reveal except through a subpoena or no reveal except through - with the indication that there must be some kind of legal process. And it's phrased it differently. Though we were thinking about just saying X number said we reject the Annex because really the only -- and then there's a sub process which we mean by law enforcement and how do we fit that in.

But the one category is just specifically no except for, and then there are several ways that people have phrased. But the way you'd summarize that would be except through say, you know, a court process whether that's a warrant, a subpoena, a court decision or whatever. But instead of listing each of those comments just saying -- just grouping them together so we have a feeling for how many people have that similar hue. Thank you.

Steve Metalitz: Okay thank you. That's going to wrap us up about the sub teams. Our next agenda item is on the public on a review tool version 1 which has been out for a couple weeks now. And we asked people explicitly on the call last week and since last week to flag any items that they've seen and there that they think need discussion within the working group.

So let me just -- obviously since we're short on time here we probably won't be able to have any of that substantial discussion but let me ask people for those issues if they have identified from the review tool version 1 part 1 that they think need to be addressed.

Are there any topics that people have flagged for the working group from this document? Okay, hearing none we'll - as I understand it, Mary, you're going to be putting out the next chunk of this document, the public comment review tool getting to the other questions that were posed in the draft report. Can we expect to see that this week or what would be the time frame for that?

Mary Wong: Thanks Steve. Yes, the intention is to get it out this week. And obviously I think it will be in a separate document because this one is already 85 pages. It would be in the same format and it would deal with our recommendations from Number 10 onward excluding those that already dealt with by the sub teams, so that will be a separate document with a separate date.

And I just wanted to raise one general note about this review tool. And as you noted, Steve, this has been out since 20 July so hopefully working group members are finding the time to at least go through it because we really do need to decide as a working group how you want to respond to these comments.

But the general comment I had for now is that going through this tool again after the formation of the sub teams it strikes me that some of the comments that contributors have put into certain sections, for example even in this definitions and labeling section, there were some comments that could be

relevant to one or more of the sub teams varied so I'm happy to assist the sub teams to go through this to see if there are things that maybe should be moved from this document to their document. But I didn't want to do this before the group had had a chance to review the tool as a whole. Thanks Steve.

Steve Metalitz: Thank you, Mary. Yeah, I would agree having -- in my review of this there are a number of comments here that may not be directly relevant to the questions that are posed and perhaps best addressed somewhere else. But in some cases it's kind of hard to figure out where they will need to be addressed.

All right so I'll just reiterate what Mary said, this has been out for two weeks. We need to look at these questions and bring forward any topics that need to be addressed. And we will have hopefully a complete document of that and excluding the things that are addressed by the sub teams by the time of our call next week.

The last few minutes here we need to turn to some administrative items in particular the possible face-to-face meeting and possible 90 minute calls. Now there's been a Doodle poll and as I see it for people who responded said that they thought a face-to-face meeting would be useful or necessary. Ten people said they weren't -- well that they checked the yes in parens box and I'm not quite sure what that signifies. Two said they did not think such a meeting would be necessary.

And I will say that the majority of people if there were such a meeting would try to participate in person or remotely, which is good. But on the question - I guess I can just open the floor for any other thoughts on this. I don't see this as a groundswell of support for having a face-to-face meeting but let me ask if anybody on the working group has any comments to offer on that.

Okay, hearing none -- I see James, James, I'm sorry. James, go ahead.

James Gannon: Hi, James Gannon. I would actually read the poll slightly differently personally. I think people are a bit tired and slightly burnt out already. And I think that yes if needed checks are okay if we have to. And I think as we get into analyzing the comments it's going to be more of a yeah we will probably have to.

And if you actually look as well if you kind of come by not, as you said, with the fact that all to the people who said yes in parentheses, most of them also said yes they would plan to attend in person if it was held before the Dublin meeting. So I think my read of it anyway personally would be that we should go ahead with the planning for it unless we have some amazing groundswell of change where we all come to magical consensus by next week I think it would probably be a requirement by the time we get to October.

Steve Metalitz: Okay thank you - thank you James. Other comments on this? Yeah, my feeling is that, you know, if we're still debating these questions of what goes in the template by the time we get to Dublin then we have a bigger problem. Hopefully at that point we will have an actual draft report that we will be working -- going over.

Again I think the expectation is that if there is to be a face-to-face meeting it would be for that. But I agree with you, it's a little ambiguous because so many people said yes if needed. And, you know, you can either interpret that as they don't feel the need yet or, you know, they may think it's coming. So okay. Any other comments on this? Michele, go ahead.

Michele Neylon: Yeah, Michele for the record. Just very very quickly, when do we need to decide on whether we're going to have that Friday meeting or not? I mean, what are we looking at in terms of time frame to...

Steve Metalitz: Yeah, that's a good question and I would ask the staff if they have any input on that but I don't know the answer.

Michele Neylon: I'm not suggesting that you did, Steve, it was more just along the lines of if somebody could frame that because, you know, if we have to decide within the next week it's a very different proposition to being able to decide, you know, within three weeks or four weeks or whatever. I mean, personally obviously for me it's the only ICANN meeting that I probably ever attend where this isn't actually a major issue for me, it's a €25 train ticket return to Dublin.

Steve Metalitz: So you're well situated. Mary...

Michele Neylon: For once.

((Crosstalk))

Steve Metalitz: ...have anything to add here?

Mary Wong: Yes, and it's nothing new but just to confirm that we are looking at Friday, 16 October so before, not after the main ICANN meeting. Secondly, that the idea is that this would be a group face-to-face meeting like the one that was done in Los Angeles about a year ago. So unless the working group decides otherwise this would really be an intensive working session just for the working group.

Thirdly, that based on earlier conversations the idea is that if you do have one that it probably would not start until at least 11:00 am or maybe 11:30 or noon Dublin time to accommodate those who are coming in overnight. And lastly, as Graeme noted, yes, we would love for you to decide asap in part because for those who are going to be supported by ICANN for travel I believe the due date is either the end of this week or early next. Thank you.

Steve Metalitz: Okay thank you.

Michele Neylon: I have a new hand, Steve, sorry.

Steve Metalitz: Oh it's a new hand. Okay, Michele, go ahead.

Michele Neylon: Just very very briefly, two things. One, I believe there is a leadership training thing being held for at least part of the week preceding the ICANN meeting. I have no idea who is actually attending it from which groups. But I suspect that some people who are on this call probably will be.

Secondly, while I appreciate that if there's going to be a face-to-face meeting people would like to have it start later in the day, I'd actually counter that by saying that starting earlier in the day might be a bit better because if there is a face-to-face meeting in Dublin I would only be able to attend up until, you know, three o'clock in the afternoon or something. And I suspect others might be in a similar position because we have other commitments on the Friday afternoon. But having said that I found a face-to-face meeting in LA useful and very productive. Thanks.

Steve Metalitz: Thanks, Michele. Yeah, there's no - yeah, we know from experience there's no perfect timing in terms of scheduling a meeting at an ICANN event. Alright let me just -- we have one minute left, let me just say on the Doodle poll about extended calls, half of those who answered said they do not support this. As far as if we do have extended calls whether they should start earlier or go later that was pretty much evenly split, I guess a very slight preference to start earlier.

Yeah, I think at this point in the process we're probably better served by people taking that half-hour and using it to go over the public comment tool before the call and being able to service issues that we think the working group needs to address because we haven't surfaced any of those. And of course all of you are working on sub teams are very busy with that. I'm quite well aware of that. But that's where a lot of the work is being done at least at this stage.

So at least for next week I think we won't be having an extended call. We will keep that option open for future weeks subject to being corrected by my cochair, I think we can assume that the call on August 11 will be at our normal time.

Are there any other -- Holly has her hand and Holly, we will give you the last word.

Holly Raiche: It's just a plea. We need a decision. ICANN, for those of us who are being supported, ICANN once a decision yesterday that certainly by Monday we have to let them know that travel arrangements. Are we going to have a meeting or not? And, you know, it hasn't been -- the decision hasn't been made so is it going to be made before Monday?

Steve Metalitz: Well, yeah, Graeme and Mary and I will need to caucus here and see whether we can do that.

Holly Raiche: Yeah, just...

((Crosstalk))

Holly Raiche: ...you know, ICANN travel is down our necks for an answer so I need an answer.

Steve Metalitz: Got it very

Holly Raiche: Okay?

Steve Metalitz: Okay. We are now past our hour. I want to thank everybody for their participation. Thanks again particularly for the subgroups for the progress that you've made. And we will all be together again a week from today. Thank you.

Holly Raiche: Thank you.

END