

**Privacy and Proxy Services Accreditation Issues PDP WG
TRANSCRIPTION
Tuesday 28 January 2014 at 1500 UTC**

Note: The following is the output of transcribing from an audio recording of the PPSAI PDP WG meeting on Tuesday 28 January 2014 at 1500 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-20140128-en.mp3>

On page:<http://gnso.icann.org/calendar#jan>

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Attendees:

Don Blumenthal - RySG

Luc Seufer - RrSG

Marie-Laure Lemineur - NPOC

Michele Neylon - RrSG

Volker Greimann - RrSG

Griffin Barnett – IPC

Justin Macy – CBUC

Kathy Kleiman – RySG

Jim Bikoff – IPC

Graeme Bunton – RrSG

Tatiana Khramstova - RrSG

Nic Steinbach – RrSG

David Heasley - IPC

James Bladel - RrSG

Susan Prosser – RrSG

Kiran Malancharuvil – IPC

David Cake - NCSG

Todd Williams – IPC

Valeriya Sherman – IPC

Alex Deacon – IPC

Steve Metalitz - IPC

Amr Elsadr - NCUC

Tobias Sattler – RrSG

Kristina Rosette - IPC

Gema Campillos – GAC

Carlton Samuels – ALAC

Paul McGrady – IPC

Darcy Southwell – RrSG
Ben Anderson – RrSG
Billy Watenpaugh – RrSG
Emily Emanuel - BC

Apologies:

Statton Hammock – RySG
Holly Raiche – ALAC
Osvaldo Novoa - ISPCP
Roy Balleste – NCUC
Stephanie Perrin – NCUC
Joe Catapano

ICANN staff:

Marika Konings
Mary Wong
Amy Bivins
Mike Zupke
Nathalie Peregrine

Don Blumenthal: As a reminder, please introduce your - or state your name and speaking for the record. I've not been good about either reminding people or even doing that myself. Here we go.

Welcome to the call on Tuesday, January - what is it? 28th. Should we do the roll call?

Nathalie Peregrine: Don, this is Nathalie. I'll go ahead into the roll call for you. So good morning, good afternoon, good evening everybody. This is the (PPSAI) working group call on the 28th of January, 2014.

On the call today we have (Cachang Conserver), (Amy Vivians), Tobias Sattler, (Graham Duntan), Justin Macy, Kathy Kleinman, Todd Williams, Steve Metalitz, Emily Emanuel, (Billy Watonpull), (McKailey Nalem) James Bladel, Alex Deacon, Don Blumenthal, Ben Anderson, (Dorothy Sockwell), Jim Bikoff, (unintelligible), (Milo Leminar), (unintelligible), (unintelligible) and (unintelligible). Susan Crawford has informed us that she'll be joining the call a few minutes late today.

We have apologies from (Stephanie Perhan), (unintelligible), Statton Hammock, (unintelligible), Holly Raiche and (Joe Cutofano).

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

Don Blumenthal: Okay, appreciate it. I'm sure we'll have a few more people join us as we go along here. I apologize in advance. I see a chat conversation about the weather. And I'm not going to get into comparisons. My voice is not doing well in what's happening here in Michigan.

I wanted to today really kind of focus on moving forward. We've got I think the last version of the charter questions and the subgroups. I think there are real - I think there are very good frameworks to start from in the mind map will be of necessity moving targets as we move forward.

Will find some things that after all don't make sense to look at. For example the, as has already been noted, the status of the 2013 RAA. We may find as we move along that there's some issues we've missed.

So I want at this point, on the assumption that the document we sent out last week is essentially final, just to ask if there is any major issues that we really do need to revisit.

I'd like to closely limit this discussion to 10 or 15 minutes. But we'll see how it goes, Kathy.

Kathy Kleinman: Hi Don. Can you hear me?

Don Blumenthal: Yes.

Kathy Kleinman: Great. Hi everybody. This is Kathy Kleinman with a cold. I feel a lot better than I sound. Don, I understand - you know, I'm definitely in favor of moving forward. And with the letters out, we're moving forward.

And now as I understand it, the charter questions grouping that were working with as well as the mind map equivalent is our internal questions were going forward. Is that right? And if so then I have a follow-up.

Don Blumenthal: It's the basis for our moving forward.

((Crosstalk))

Don Blumenthal: And if that wasn't clear enough, you know, we've used the charter questions as our core because that's what we've been assigned to do by the GNSO. But as we move forward, we're going to have to do a lot more in the way of the sub heads, or the sub points or the bullet points, whatever you want to say or call them.

And then as we move forward I suspect that those bullets will get their own sub bullets or be taken out.

Kathy Kleinman: That makes sense. In that case may I propose a follow-up?

Don Blumenthal: Sure.

Kathy Kleinman: There's one area under registration where I think - first of all, you know, I like the document that out. It combines a lot of questions and issues that have been raised by me, by others in the working group.

And the new bullets underneath the charter questions are very detailed and balance. It's interesting. I think it will help raise great discussions. But under registration, which is Roman Numeral III, I think we're still missing a baseline

question that I had proposed in my documents and I wanted to propose for all.

Before we jump into, you know, commercial versus noncommercial versus communal, personal purposes, do we want to ask an initial baseline question that says do we, for the purposes of the proxy privacy accreditation working group, do we even want to be looking at classes or categories of proxy privacy users at all?

Let me follow up with the finding of the Whois review team at users of every category we know, commercial, noncommercial and individual all had reasons that they wanted and used proxy privacy services on a regular basis. Whether it was holding back a brand name until the marketing campaign could be developed, or political group that just didn't want to be organized and didn't want it known where they were organizing physically and of course individuals.

So anyway, that proposal for a baseline question and registration, do we need categories at all? Thank you.

Don Blumenthal: Fair enough. Let me just toss in there before we open it up that I think it was a misunderstanding question that have been raised - that Kathy had raised before.

My introductory note last week, for example, was because I had misunderstood. And what I was reading is wondering whether there should be privacy proxy at all. That's why I suggested that decision is done.

But with what Kathy just raised is something significantly different from how I and at least a few other people read the question. I'll throw it open, Steve.

Steve Metalitz: Yes thanks. This is Steve Metalitz. I think the baseline question is already in there. I think if you look at three, the first question is should ICANN accredited

privacy proxy service providers distinguish between domain names used for commercial versus personal purposes?

If the answer to that question is no, then most of the rest of one is moot. And I'm in - just frankly I'm inclined to, you know, my vote would probably be no. And that would make the rest of that moot.

Similarly on two, should there be a difference in the data fields to be displayed as a domain name is registered or used for a commercial purpose by a commercial entity instead of a natural person? That's a yes or no question.

If the answer is no, there should be no difference then again a lot of those sub bullets fall out. And similarly with Number 3. So I think we have the baseline questions in there. Those were the ones we were given.

And our answer could be no. Our answer could be we don't need to delve, you know, to come up with a distinguished commercial versus personal versus trading, you know, and some of these other fine points if we think that that's probably not something that needs to be in the accreditation standard.

Now if we do think there needs to be that distinction then I agree. We have to get into these some questions. But I think what Kathy is asking for is already in there. And, you know, there may be some other examples in this document of questions that if they're answered one way, it makes it less necessary to get into some of the other questions. But I think this is a good example of that. Thank you.

Don Blumenthal: Appreciate it, James.

James Bladel: Thanks Don. James Bladel speaking for the transcript. And up until about maybe 10 minutes ago I agreed exactly with Steve's assessment that that was already captured in Roman Numeral III, Item Number 1.

Kathy's - while Kathy was speaking it just kind of cosmic to go back and look a little more carefully. And maybe I'm splitting hairs here, but it looks as though in Roman Numeral III, Question 1 it's talking about the content or the nature of the content of any, you know, services. Probably web page, but other types of services that are associated with a domain name.

And Roman Numeral III, Question Number 3 is it's different in that it's discussing the nature of the registrant. So I guess it was only after Kathy raised this and I went back and read it that I see that I think what she is aiming at. I don't want to presume to know what she means or speak for her.

But it looks like she's aiming at there is a distinction between the first and the third question. And one is aimed at content of services and the other one is aimed at the registrant or the domain name.

Don Blumenthal: All right. Thanks, (McKailey).

(McKailey Nalem): I'm sorry for the background noise. My building is currently being power washed. (McKailey Nalem) for the record. I'm a little confused. I thought we had already sent out this questionnaire. So are we talking now about addressing those questions within the group or what exactly? Because I mean as far as I'm aware, all SOs and ACs have already been sent the questionnaire.

Don Blumenthal: No, this is the document that's for our internal use.

(McKailey Nalem): Okay so in other words if we all we're to say that we categorically believe there should be no difference between commercial and uncommercial, then as Steve says, a lot of those - a lot of the other questions related to that become moot.

Don Blumenthal: Well yes, if that's the decision. But I don't see us making decisions until we get the returns on the questionnaire. To be honest in a perfect world if we had the time, I would suggest we kind of just step back until we get all the responses to our letters. But that's just not feasible.

So right now I see this document is letting us move forward on our work. There's nothing wrong with coming up with some of our own thoughts. But they are going to be subject to what we see in the response (unintelligible).

(McKailey Nalem): Okay.

Don Blumenthal: I'm looking at - did that address it? I guess so. Okay. I was going to say something, but Kathy.

Kathy Kleinman: Don I can certainly wait. Go ahead.

Don Blumenthal: No, no.

Kathy Kleinman: Okay. Is there any downside to talking about - I just wanted to throw it out to the group, any downside to talking about categories of, you know, a baseline question? Because once we start into the other questions in the registration, I've noticed everyone devolves into definitions. What are the definitions, commercial, noncommercial, purposes, entities?

So again a baseline question may just save us a lot of time right there. Do we want to start pursuing categories or classes of users of proxy privacy services? If we say no, it's going to save us a lot of time. Thanks.

Don Blumenthal: Should we just say no now and go home?

((Crosstalk))

Kathy Kleinman: Well no. Then we get to go on to lots of other good questions. Sorry Don.
You're not off the hook. You're a great chair. Thank you.

Don Blumenthal: (Unintelligible).

Man: Hi. So I think may be building on what Kathy was saying. Perhaps rather than, you know, changing up the ordering or the grouping of the questions, we can take a look at or identify dependencies between the questions.

So for example if you answer Question Roman Numeral III, Item 1 a certain way, then that's sort of presumes that you're not going to answer a different question a different way because you kind of box yourself out a little bit.

So maybe that would be a different way of going through this document rather than grouping them up to say okay, this question is related to this other question that comes later on. And your answer will be determined by something.

You know, it seems like some of these questions are handcuffed together. And it would be perhaps a good idea to identify what those handcuffs are.

Don Blumenthal: Yes, good point. And then I just want to suggest we keep that in mind for a later discussion on (the value) or - keep that in mind for later discussion when we talk about whether we should break into subgroups.

Or do this work as kind of maybe it's the whole operation. And then, you know, the whole question in (crust) dependencies. (McKailey).

(McKailey Nalem): Yes just briefly, I mean I think asking that fundamental question of the people within this group probably wouldn't be a bad idea. I mean if we all agree that the category comes up is a bad idea, there's still plenty of other things for us to discuss.

I mean there's things where - which touch on a whole range of other issues which are important. And I mean ultimately from my understanding at least, I mean this group's remit is in relation to accrediting privacy proxy providers. You know, that really should be the focus or the goal. Thanks.

Don Blumenthal: Good point. And we are jump - and I think we need to do this. We need to frame our questions to get a response kind of the roadmap before we get started. But we have to wonder, it may be a while before we get (unintelligible) under the main issues they seem as the questions that weren't do point more toward the title of the working group, which is the accreditation.

Just taking a quick look at the chat here. What I was going to suggest when I said I was going to say something and then saw a hand up is I initially agree with Steve's reading. Let me just throw the question out.

Does the second sentence there specifically (use the use of)? And to what extent does that limit the first sentence. Instead of really saying no, the first sentence isn't as broad as it looks at first glance, a therefore really should be adding a special question, Steve.

Steve Metalitz: Yes thanks, Steve Metalitz. Well, you know, if you answer the first question no, then you don't really need to get to the second question I guess. But really to get back to what (McKailey) said, our job here is to try to - is to propose and accreditation system.

And would the accreditation system include something that says you can't be an accredited provider if you allow people who have commercial purposes to use your service?

You know, if we answered that question, the first question yes, then that would be the result of that. If we answered the first question no, then it would not be an element of accreditation for the service provider to have to distinguish between commercial purposes in a noncommercial purposes. Or

perhaps going to Question 3 to distinguish between natural persons and, you know, legal entities and so forth.

So I still think that the threshold question that Kathy is seeking is already in there. But I would be interested to know what her exact proposal is for the threshold question that could be added because, you know, if that would clarify it, we should look at that. Thanks.

Don Blumenthal: Okay, Kathy you're on.

Kathy Kleinman: Hi all, with my crazy deep voice again. Steve, thanks for asking. What I had proposed was actually adding a question right at the beginning. In the draft I circulated last week, we're adding an initial question in Section 3 registration that just says and, you know, please feel free to make it better wording.

Should the working group create categories of proxy privacy customers, or continue to support the current system in which proxy privacy services are available to companies, noncommercial organizations and individuals?

So that's the proposal. I can copy that input that into the text chat as well.

Don Blumenthal: Kathy that would be useful. I was just looking for it to do the same thing. But you probably have it right in front of you.

Kathy Kleinman: Okay. It will take me just a second to cut and paste.

Don Blumenthal: Okay (unintelligible) me finding the document and then cutting and pasting is shorter than me finding and cutting and pasting.

You know, (unintelligible) getting bogged down too much here in looking at (for) purpose versus all the other qualification when the fact is the GNSO gave us the title that manually within the questions add (is) our scope. And then some interesting different directions beyond pure accreditation.

And I think one of our challenges to have in line is to figure out how to fit them all together, Mary.

Mary Wong: Thanks Don. This is Mary Wong from ICANN staff. And Don, in the interest of moving the work forward, and I see that Kathy has typed her question in the chat. One of the earlier chat discussions today was about how we capture this discussion, you know, Kathy's point, Steve's, James's and so forth.

And staff is wondering if it would be helpful if rather than create another question for further discussion, although we can do that if that's the rule of the group, is if we added a footnote to this particular Question 1 under category Roman III that captures the flavor of some of the discussion today as a threshold issue.

And as James says, flagging it for possible further discussion. And that further discussion could be a long what Steve is suggesting those lines as in these may be threshold questions. And so the dependencies and conditions can be worked out at that point, for example, if that is a subgroup. And we can have a footnote in this document to sort of remind us when we get there to have that discussion.

Don Blumenthal: Okay, fair enough. Yes. I'm sorry. I'm getting some strange sounds from my computer here. Yes, and let me stress here, what we're looking to do here is come up with our core documents (unintelligible).

As I said, there will be changes and additions and (factors) as we go along, just as there will be a mind map. (Jemma).

(Jemma): Thank you Don. I'm experiencing some problems in hearing you. Can you make sure you are close to the microphone?

Don Blumenthal: Yes. I'm looking at the chat. I see there - some people are hearing me fine and some aren't.

(Jemma): Sorry. Well and I wanted to make a procedure up with I'm new to this working group, GNSO working group. And letters have been sent out already. And I guess they contain the controversial question of whether proxy and privacy services should accept clients who are commercial entities.

I wonder what is the purpose of this paper, this question paper? Shouldn't we wait until we have the input we are requesting from other constituencies? And I mean I don't know if we are trying to structure our future work when we receive the (answers). What's the aim of...

((Crosstalk))

Carlton Samuels: First name is Carlton, last name is Samuels, S-A-M-U-E-L-S.

Don Blumenthal: Correct.

(Jemma): Some conversation in the middle I think. Have you heard my question?

Don Blumenthal: No, I did hear your question. I think there was - somebody was - I think Carlton was put through.

(Jemma): Yes.

Don Blumenthal: And the controller didn't realize it.

((Crosstalk))

(Jemma): I want to understand what the purpose of this paper?

Steve Metalitz: Don this is Steve. Could I try to respond to (Jemma)'s question?

Don Blumenthal: Sure. And while you're doing that, I'm going to switch microphones - switch headsets. See if it works better.

Steve Metalitz: Okay. Yes, I think there is some confusion about this. But my understanding is we, as a first step, the working group is supposed to seek the input on these questions from all of the stakeholder groups in the advisory committees and so forth. But I think it would be a big mistake to wait until we receive of those responses because based on past experience they'll probably trickle in over a period of time.

We obviously need to take that into account. But our, you know, what their responses are. But we've been tasked to do this. And I think the - if we can make some progress on some of these questions, get our work organize, get started on dealing with some of these questions we'll be able to integrate the inputs from the stakeholder groups and advisory committees and so forth as they come in.

But I think otherwise we would likely be, you know, we won't to make any progress between now and Singapore if we just wait for the responses. So I hope that helps to answer the questions. It - we will take that input into account of course. But I think it's important for us to get started and organize our work and get going on it. Thank you.

(Jemma): Yes I understood. But you have to be open and flexibly just in case you receive input from constituency that you didn't expect. So you have to accommodate their responses afterwards. So this framework has to be - as to remain open.

Steve Metalitz: This is Steve. I would certainly agree with that.

Don Blumenthal: Yes, this is Don. Something this complex, it's - were going to be adjusting I think as well into the process. And let me ask, is this headset better? Do I trashed the old one?

Man: Sound good to me.

Man: Sounds better Don.

Don Blumenthal: Also we're having problems - oh, (McKailey) what was that?

(McKailey Nalem):It sounds better.

Don Blumenthal: Okay, and I see what James wrote. Okay. The old one goes away.

(McKailey Nalem):I'm actually dropping off this call. Sorry.

Don Blumenthal: Okay. I saw your hand up there. But all right, have fun. Okay is it done yet? I guess (McKailey) has a transitional hang up. Okay, I'm scrolling back - taking a minute to scroll back up here just to make sure we haven't missed, or I haven't missed anything on the - in the chat. Okay we'll - Marika, sorry.

Marika Konings: Yes this is Marika. (Unintelligible) but I typed as well in the chat to (Jemma)'s question. I think part of this exercise will hopefully help identify the working group as well whether there are any areas or specific questions that will require additional research or data. So we can already start working on that and gathering that.

And in addition, I think one of the main objectives as well is to - for the working group to, you know, decide how to tackle this workload. You know, by breaking up in charter questions? You know, hopefully next discussions we'll focus on as well. Like how are we actually going to deal with that? And, you know, is it the whole working group that's going to look at each of these categories? Do these need to be further broken down? Do they, you know, do

they need to be further broken down? Do they - you know, do they need to be done in a certain sequence or can they be handled in parallel?

And, I think all that discussion that we're having now is really I think relates back to one of the initial tasks that the working group has been assigned to, which is developing a work plan. I think all this discussion really is trying to frame that debate so that at the end we have something that we can translate into a work plan and identify how a working group can really get from A to B in a set timeframe that you identify based on this work, and as well you know some of the things we've already outlined in the mind maps that are taking place. So, putting them all together in an overall overview. And hopefully, that will help us all structure our workload going forward.

Don Blumenthal: Right. Thanks. That's direct.

Steve?

Steve Metalitz: Yes, Steve Metalitz.

Just getting back to Kathy's question, and Kathy, thank you for submitting that again. I - again, while I don't think this is - I think it's somewhat redundant, I don't have a problem with this question, with one caveat, and that is you know, when we say to support the current system, there's one aspect to the current system that we would - that this question poses a question about one aspect to the current system.

Under the current system, anybody can use a proxy or privacy service for any type of registration in a gTLD. You know, whether that - whether the registrant is a person or a company, or commercial/non-commercial, whatever. I think the question for us is do we want to maintain that aspect of the system?

Obviously, there's a lot of other aspects of the current system that the other questions and the other parts of this document address that would be significant changes to the current system, but I have no problem with asking if we want to retain that aspect to the current system that allows anybody to register a proxy or privacy service.

And then once we answer that question, we'll know whether we need to go into some of these other questions in Section 3 or not.

Thank you.

Don Blumenthal: Yes. Sorry about that. Yes, I agree there, as well as Kathy.

And then to borrow a term that the NCSG used a while back, or somebody did, I think there was - you know, there was a question as to whether the GNSO was looking at - whether we need to look at status quo or not, and status quo is that there are no distinctions.

Amr?

Amr Elsadr: All right, thanks Don. Yes, I had a question, but I think to an extent Steve answered it. My question was just that I'm a bit puzzled about what it is we're discussing regarding the first question under the category Roman Numeral 3? The text that Kathy suggested seems to me to be perfectly in line with the charter question that we're required to answer, and I'm just a bit confused to be honest about what it is we're debating regarding answering this question and whether it should be up there or not.

So - but I guess Steve just said that he's fine going ahead and deliberating on this point, unless I am still misunderstanding something.

Don Blumenthal: Well, I don't think there was really a debate, and I think to the extent there was, Steve just did resolve it. But you know, the question really in the phone

call was whether Question 1 in fact did include the understanding that we could look at whether there should be categories or not.

If you look at the first sentence in Question 1, it's - you can easily read it as saying that Kathy's question was redundant. If you add the qualification after that, well maybe not. Maybe it's not so clear cut. I think that's what you were - that's where the issue came up.

Yes, I'm seeing some questions for wording distinctions - for wording changes. Please continue with those. As Marika suggested, we will take a look and ship out another document hopefully fairly soon so that people really do have a chance to review and consider and discuss - even on the list. The list has been quiet the last week, which is okay, but a lot of good discussion can go on apart from the call. So just want to encourage that.

James?

James Bladel: Thanks. James speaking for the transcript. And something that just sort of dawned on me through this - through our conversations here, and I don't know if it's non-sequiter or if it fits nicely into this Roman Numeral 3?

But certainly, the thought would be that if there is some understanding that certain types or categories of registrants or uses of a domain name are not to be allowed accessed to privacy or proxy services, then I guess then the secondary question to that would be how do we make that determination both for existing use cases and for use cases that maybe haven't been invented yet?

Or, categories that maybe seem like they're not a problem at the outset but later become one? I mean, how do you demonstrate there is a burden or a threshold of harm is occurring in order to draw a box around a category of user and say, you know, you have lost your access privileges to these services?

So I don't know if that's a question that we could insert somewhere in here in a way that's meaningful.

Don Blumenthal: Yes. I think that will be part of what we do as we go along. You know, raise - set the standards for whatever privacy proxy is, but then also what are the sanctions for not following what our criteria - no. Not our criteria for what we ultimately adopt the correct criteria are.

James Bladel: I'm sorry to interrupt, Don. It's actually a little different. And perhaps I'm not being very clear. I am fumbling through this a little bit. But saying for example if we were to say that you know, users with blue eyes for example, are not allowed to access this system, then we would have to have I think some objective way of demonstrating that allowing users with blue eyes is a problem.

Or later if we determine that people with green eyes have the same sort of issues, then how do we then propose new categories would be blocked access to this system in the future? Maybe something that didn't occur to us at the time of it?

So I just - I feel like if we're going to set up this structure for categories, that we need to make sure that we're not just arbitrarily saying these folks are okay and these folks are not okay, and what is the test? What's the standard to determine - to make those calls? And, I think that that's an important part of determining that uses are okay and some uses are not permitted.

Don Blumenthal: Okay. I'm sorry. Guys, I see where I misunderstood. Thanks for clarifying.

(Gemma)?

(Gemma): Yes. Thank you, Don.

I said on the chat I want to make some remarks on some other parts of the document. May I?

Don Blumenthal: Yes, definitely.

(Gemma): Okay.

Don Blumenthal: We've kind of blown past my 15 to 20 minutes, so sure, and I think (unintelligible)...

((Crosstalk))

(Gemma): I'll be quick. I'll be quick.

Don Blumenthal: No don't. What I'm just saying is yes, please. I mean it's time to look at some other issues.

(Gemma): On the section called Main Issues, there is a question on Number 3, and in italics it's written, "Consider a takedown of domain name as an option and consider consumer option for different methods and notification issues."

It's okay, but if the proxy and privacy servers receive a request to review the name and contact details of the registrant, it's - so the domain name can be taken down. The requestor may still have the right to have the data, because the registrant may have committed an offense or whatever and has to be prosecuted for what he has done in the past.

It's good that he is not continuing - he's not keeping on with the illicit activity. That's one to raise to raise this issue.

Then there are some questions for me are very closely connected. The ones in the section (unintelligible), and I suggest that the questions that begin with, "Does it matter where the inquiry originated? Should country where activity

was supposed to have occurred matter?" These questions in this bullet I think that they should be repeated for the question related to relay and to the question related with reveal, as well as to the question related to disclose - disclose by private parties. It's not very clear for me what's - what you are asking for in this last question.

I think that they should receive the same treatment. Not for wording the questions differently or asking different questions as regards to law enforcement and authority. It could be clear if the questions had the same for the three actions reveal, relay, and disclose.

Well, these are my general questions. I will go through the document more in depth, and I have more suggestions I will do it on the mailing list. Thank you.

Don Blumenthal: No, (Gemma), I appreciate the thoughts. I see what you mean there. To be honest, I think some of these questions may turn out to be problematic. We're going to have to distinguish as we go along on what our recommended policy is going to be with knowledge that local and national laws may conflict with our recommendations. But, there are important for us to address.

And, I see your point about addressing them in other sections. I appreciate it.

I just wanted to go back - I'm clipping windows here. I find it easier to read the document in Word rather than in the Adobe room there.

Back up under Main Question, your point about what you raised about Point 3. So you're suggesting that we should make it clear that if a service provider or registrar takes a domain down, the registration information would still be available to whoever was bringing action?

(Gemma): Yes. This is what I wanted to say.

Don Blumenthal: Okay.

Yes. We'll take a look about clarifying that. I think if I got a court order saying give me the information, I wouldn't care.

But, I'm just injecting my lawyerly background in the process. That's probably not appropriate.

But yes, we'll take a look at that. Thank you.

(Gemma): You're welcome.

Don Blumenthal: Okay. Addressing Amr, I'm not aware of any laws concerning privacy - oh, let me not address. I just saw Marika's hand up there.

Marika Konings: Yes, this is Marika. Just basically in addition to the points that (Gemma) made just to basically encourage everyone to look at this document and send any additional you know sub-bullets or edits to the sub-bullets, or additions to the sub-bullets, and - to the mailing list preferably in redline I think so that everyone can see what has been changed or added so we can use that (unintelligible) referred to before as a kind of living document where we start capturing what are some of the issues or items we need to address when going through these charter questions you know, when the time comes.

And, it makes it easier for us to keep track and making sure that everyone's - that it's very visible for everyone (where) - showing suggestions and edits are coming from, so that would be really, really helpful.

Don Blumenthal: Yes. Definitely appreciate your - you raising that - you know discussing it in my mind is - the phone call is great for back and forth, (but if they're not) in the document, it eliminates problems with making sure we got the point right. So, a combination is always good.

Steve?

Steve Metalitz: Yes, this is Steve. I - just following up on what Marika just said. You know, I don't think we should worry about getting every single question in here before we start, you know, discussing how they should be answered. You know, we're - I think we're going to do one of two things. We have to - and this is obviously something that the group has to decide. Either we're going to working our way through these questions as a group in some order, or we are going to divide up into subgroups, and those subgroups will work through questions in certain sections, or we might have a combination of those two.

But I think as we get into those discussions, inevitably, you know, other refinements of these questions will come up. So I'm not - I don't think we should worry about having absolutely every question put down here in black and white before we get started on answering them.

And again, I don't - you know, there are a lot of questions here, and I'll take the bullet under Roman Numeral 1, Number 3 about the take down. I think that's a good question. It's a good - something to be considered. I'm not sure what - I certainly don't know what the right answer should be, and there - obviously there will need to be refinements of that if it's a pursuit. But you know, I think the sooner we can get started discussing possible answers to these questions, whether in the full group or in subgroups, I think that will move our work along.

Thanks.

Don Blumenthal: Definitely. I appreciate that. It is easy to get bogged down, because as I said before, this is going to be a moving target right through our process. Aiming to the left here again.

Okay, I'm going to encourage more discussion on the list.

What I'd like to do is, as you said, documents to review, and we'd looked at the grouping of charter questions quite a bit. Marika, could you bring the mind map up?

Marika Konings: Yes, hang on.

Don Blumenthal: Whoa. I feel like I'm in one of those mirror things. Those things where it shows a mirror.

Marika Konings: Yes. I'm sorry. I shared the wrong screen. So I think I now know which one to share.

Don Blumenthal: Yes.

Marika Konings: Let me see if this works better.

Oh, no.

Don Blumenthal: No.

For those of you on Adobe, let me encourage you to go to full screen. That will mean you're losing the chat section there. That's the disadvantage. That'll let you see the whole thing.

Marika Konings: Yes, this is Marika. I think I'm having some issues in actually sharing it live so I'll have to pull up the PDF and share it in that way because I don't think you're able to see it now are you?

Don Blumenthal: No. I've got a...

Marika Konings: Let me give it one more try.

Don Blumenthal: ...a non-IBM blue screen.

I'm sorry. I'm reading (Luke)'s comment there.

Marika Konings: I'll just pull the (unintelligible) up. For some reason it's - Adobe Connect is not agreeing with me today.

Don Blumenthal: Okay.

All right, we've got this, and full control. I think we'll - okay. When I drag my pointer, is it blacking out for everybody or just me?

I guess just me. Okay.

Well, what I'd like to do maybe next week then, it's - going to practice a bit so we can bring up an active mind map because I wanted to kind of build out a little bit of our discussion today about - to continue work on the mind map, but also let people see how it flows. Based on some conversations over the last couple days, that's better than just a general - more useful than just the general description I sent last week.

I just want to remove skepticism that it's a (worthwhile) tool, which I know it's existed on some other workgroups until we actually got to see it in action.

Marika?

Marika Konings: Yes, this is Marika. I mean if the working group thinks it's helpful, what staff can try to start doing is actually take this information and start putting that into a kind of work plan that can either be in the form of a table in the Word document - for some other working groups we've actually put that in a kind of Excel sheet.

And, it may help visualize as well I think where we're currently at because I think - as I said, I think that on the basic requirements, I think you know

several of those things are already in progress and we have very clear timelines on when we expect feedback on those.

But, I think the next debate or discussion the working group probably needs to have is just how to start tackling these charter questions. And more - you know, not on what questions or issues do we need to address, but more to kind of how do we approach these? Are we going to approach these as a full working group? Are we going to divide ourselves into sub teams? You know, are there certain - like we discussed before, are there certain threshold questions or categories of questions that will need to be addressed before we can actually look at some of the other questions, because that will help basically define how to manage the remainder, or the next steps of the work and reflect that in the work plan.

And also, a discussion around, you know, by when would the working group like to achieve some of these results? Is there a certain target or a deadline you would like to set yourselves? And based on that, you know, we may need to review or reflect on - you know, is meeting once a week enough? Should we increase intensity? Or indeed, if working group says we actually are doing this on a more longer-term time scale, you know, can we meet bi-weekly and have for example sub team meetings in between?

So I think those are some of the questions we're hoping to get to probably at the next meeting and just suggesting we're seeing whether it would be helpful if we start a kind of skeleton work plan based on the information we have here that may help you know facilitate that conversation.

Don Blumenthal: Marika, thanks. It definitely would be.

I'm very much a stream of consciousness type person. I think I need to reign that in because time has escaped a little quicker than I expected it. So yes, that is something we need to start thinking about. A committee of a whole, subgroups, or a hybrid approach?

The other thing I'd like to ask folks to at least consider is for those of us - well no, because we'll have remote - we've got Singapore coming up, and we need to decide if we want - the work group wants to have a face-to-face meeting. I can't see any reason not to, but we - my goal would be yes.

But the other thing we might need to start thinking about is timing. If there are days or times of day that are going to be particularly bad for large groups of us, whether it's conflicts or if we say 6:00 in the morning we'll just get a collective, "Are you insane," response.

So again, we're interested in your contributions. If you're - Tuesdays generally are bad because it is constituency day. But if your groups have some critical meetings on other days you want to make sure we want to make sure we try to avoid, please let us know so we can factor that in.

Marika or Mary, is there any other pieces of that that we should be filling out in terms of planning a face-to-face?

Marika Konings: Yes. This is Marika. Mary and I will walk - work on putting a request together and getting it in. I think typically we look at you know work group face-to-face meetings either taking place on Wednesday morning or Thursday morning, as those are usually the slots where there are no other big GNSO meetings or other efforts going on.

As you already pointed out, there is of course the eternal debate on whether you know it works better early in the morning as it means there are less conflicts, or doing it during the day, which you know from a timing perspective may be more convenient, but more - other things going on. But, we can try to do our best to find a slot that has a little conflict as possible. And hopefully, will allow as well for remote participation for those working group members that are not able to travel to Singapore.

Don Blumenthal: Yes.

And I will just point out to Mary, we used Thursday morning for the first meeting in Buenos Aires and I couldn't attend, but that was before I had my current role. But I couldn't attend, and I won't be able to on Thursday at that. Thursday 8:00 to about 11:00 is big for security. Yes.

I don't have to be there, but it would be nice. So, just thought just toss that in.

Yes, and evenings are problematic for a lot of us; although, sometimes I think I'd love to have an excuse not to go to Music Night on Tuesday evening, but that's another issue.

For those of you who don't know, public interest registry is a prime slot for Music Night. For those who've never been there, it's karaoke, so maybe you understand now.

Tell you what, we're at 11:00. I will try to curb the stream of consciousness which I just got back into. I apologize. And, we'll move forward next week. Address these pending issues about our work plan hopefully on the - including traffic on the email list in between on that, questions, and send us your conflicts concerning a face-to-face and we'll take the process forward.

I appreciate your time.

Steve Metalitz: Thanks, Don.

Woman: Thank you, Don. Thanks everybody.

Man: Thanks everyone.

Man: Bye.

Woman: Thank you.

Woman: Thank you very much. You may now stop the recording.

END