

ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 11 November 2014 at 1500 UTC

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

The audio is also available at:

<http://audio.icann.org/gnso/gnso-ppsa-20141111-en.mp3>

Attendees:

Steve Metalitz - IPC
Graeme Bunton – RrSG
Frank Michlick – Individual
Don Blumenthal – RySG
David Heasley-IPC
Chris Pelling – RrSG
Justin Macy - BC
Susan Kawaguchi – BC
Kristina Rosette – IPC
Sarah Wyld – RrSG
Val Sherman – IPC
Volker Greimann - RrSG
Holly Raiche – ALAC
Theo Geurts - RrSG
Stephanie Perrin - NCSG
David Cake - NCSG
Susan Prosser – RrSG
Libby Baney – BC
Luc Seufer – RrSG
Michele Neylon – RrSG
James Bladel – RrSG
Keith Kupferschmid-IPC
Christian Dawson-ISPCP
Tatiana Khramtsova – RrSG
Phil Marano – IPC
Griffin Barnett – IPC
Osvaldo Novoa - ISPCP

Apologies :

Darcy Southwell - RrSG
Phil Corwin – BC
Lindsay Hamilton-Reid-RrSG
Kiran Malancharuvil-IPC
Dick Leaning – no soi
Eric Brunner-Williams- Not Applicable

ICANN staff:

Mary Wong
Amy Bivins
Danielle Andela
Terri Agnew

Terri Agnew: Good morning, good afternoon and good evening. This is the PPSAI working group call on the 11th of November, 2014. On the call today we have Steve Metalitz, Graeme Bunton, Tatyana Khramtsova, Chris Pelling, Theo Geurts, Holly Raiche, Justin Macy, Volker Greimann, Frank Michlick, Don Blumenthal, Sarah Wyld, David Heasley, Val Sherman, James Bladel, Christian Dawson, Michele Neylon, Keith Kupferschmid and Luc Seufer.

We have apologies from Darcy Southwell, Phil Corwin, Lindsay Hamilton-Reid, Kiran Malancharuvil and Dick Leaning. From staff we have Mary Wong, Amy Bivins 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 Don.

Don Blumenthal: Sorry about the delay there. It's more of the list than usual and I wanted to (unintelligible) to somebody with the meeting. That's not nice. Okay any - at any rate we'll get started regardless. As usual please update your SOIs if you're participating and don't have an SOI submitted. Please do so. I'm not quite sure how that works but I was looking at the roster the other day and noticed a couple of people and there was no SOI listed. So I'm saying this just in case there's still a way to participate in the call. My text didn't go through up here.

We talked - well to begin with we've done some I don't know if reshuffling is the right term but just wanted to bring up a couple of things. We originally talked about and even scheduled presentations by protection authority representatives and law enforcement. That was because I think we all had agreed that - not all but there wasn't any argument when it was suggested that since we had not had consistent law enforcement representation and there were critical - a part of this discussion we would have a presentation from law enforcement.

After that (Dick) he did sign on and agreed to take a look at our preliminary conclusions and do something to kind of carry the ball forward for law enforcement. So suddenly there really was - it didn't look like there was a need for this group presentation we had talked about because we do have the representation now and we had it on and off with (Gemma Appeos) and Dan Burke. And Dan formally was through yesterday. (Gemma) is still with us in name perhaps but now that she's a Vice Chair of the GAC I really don't expect to see her again. She thought she had a lot of work before. It's going to be worse now.

So we - the need I think for as I say the counter that we discussed through protection authority having easy U.S. term the whole time wasn't quite as clear. On top of that I got very short to be able to schedule something. So we're - we won't be doing the formal DPA for law enforcement presentations which showed up - the way they appeared on the schedule about two weeks ago.

That does not mean that we're not interested in the protection - data protection side of things. I mean anybody who's worked on the few - well I'm not going to belabor that. It doesn't mean we're not interested in data protection side. It's just a question of the initial reason for it kind of evaporated and we ran into just some issues about feasibility that we won't be doing that.

The good news is that's going to - we'll wind up with more time to discuss the substantive issues and get things squared away as much as we can before we start the circle back through and begin to write. The (unintelligible) issue is about to change in process. Okay let's move forward.

We talked a lot last week as part of our discussion of G I think two things. Number one, how much we were talking about de-accreditation for lack of a better term of a proxy privacy registrant as opposed to de-accreditation of a service.

Topic G initially was set up with the latter in mind. You know, but very early in our discussions somebody, I think it was James, brought up the topic of what would be required to cancel a proxy privacy registration itself. We did discuss that to some extent in the past but only in the case of disclosure. And there are other reasons to terminate a proxy privacy registration. Well conceivably. I guess that's for the group to decide. But on our chairs call yesterday we came up with a few possibilities.

All of this is to explain why we want to focus I think on G today and look at the staff summary of what proxy - staff summary of what registrar de-accreditation looks like and see how we can apply it. But it's the reason we - it's the reason that I asked Mary to send out some of the provisions we talked about in F because I think some of those discussions will help frame as we go forward what needs to be involved in terminating a registration. Michele

Michele Neylon: Hi Don it's Michele. I think you're confusing two things here because I mean the registrar de-accreditation thing I think was being used as a parallel for how one might de-accredit a proxy privacy service provider. There is absolutely no way on this earth the proxy privacy service providers are going to go through this entire convoluted mess just to disable the service on a single domain. Thanks.

Don Blumenthal: Well I agree with you. So I don't know where we missed connections. I was suggesting that this - what's on this...

Michele Neylon: I don't think you did Don. I think this is crossed wire. I think this was meant to be an example of de-accreditation from a contract with ICANN. And that - so that this would be - that this was meant to be something to start a discussion around how one would de-accredit the proxy privacy provider not the specific domain name. Thanks.

Don Blumenthal: Okay Michele I'm going to respond to your point and I would appreciate if this time if you didn't interrupt. What I intended to say and I'm sorry if it wasn't clear that the - what is on the screen now is to guide our discussion of de-accreditation of proxy privacy provider service, whatever you want to call it. We're resurrecting some of the things we talked about in F plus other reasons to guide us when we do start discussing what might be involved in pulling a specific proxy privacy registration. (James):

James Bladel: Hi Don thanks. (James) speaking for the transcript and maybe I have - because I have missed a couple of weeks maybe I've missed something with the terminology but when we talked about de-accrediting a registrant which I think was said earlier I just - I'm not comfortable with that term. I would prefer cancellation of service or publication or whatever some of the things we discussed earlier because the phrase de-accreditation of a registrant implies not only that a particular privacy proxy customer would lose their service but also that they would be prohibited from using the service in the future at that provider and other providers which then implies some sort of a shared blacklist or something like that. So you see where it starts to have a ripple effect down the road by using the term de-accreditation. I think cancellation might be more descriptive of what we're looking for.

Don Blumenthal: Okay. We'll use cancellation. I was not being literal when I said de-accreditation but got to be careful with terms with this group. Okay why don't we start looking at the summary that - Holly?

Holly Raiche: Also just a question. The heading here is registrar determination. Are we assuming that a privacy proxy provider is a registrar or again is it just - can we clarify and say we're actually talking about the termination of a privacy proxy service provider? Just a question on that one.

Don Blumenthal: Holly this is a summary of the registrar termination de-accreditation process. So we can look at it and see how we will apply it to proxy privacy services...

Holly Raiche: Okay. All right thank you.

Don Blumenthal: Mary?

Mary Wong: Don actually that was what I was going to say. Essentially this was also to refresh folks' memories as well as for those who weren't on the call last week. The question is not so much, you know, the actual process or the steps themselves for PP providers or matching those at least not at this point.

But the questions had arisen about, you know, what happens to registrants. What happens to their domain names when their registrar is de-accredited? So hopefully this descriptive document will be a starting point to help the working group work through those specific questions. Thanks.

Don Blumenthal: Right. Yes I appreciate that. It's - yes it's not only that the circumstances for termination and de-accreditation but it's the process ASA will have to fall into place once that's done and that'll - we do a lot of looping back and that's going to take us back to some early discussions concerning moving privacy or proxy registration in that short time theoretically that the details - the registration details will be exposed to the public.

Okay. Yes off the top I think that this is a for the most part we could adopt the registrar process obviously changing some words and pulling out reference -

certain references. To me the big difference though is this issue of answer of the proxy registration. Any - Stephane? Stephane?

Stephane: Yes hi sorry. I think it's really helpful to have this but there are huge differences from the perspective of the end user in transferring a domain registration and transferring the who represents you on the who is and to any legal pursuers or whatever. In other words there is a lot more at stake for the end user here than in your average domain registration because of the nature of the service provider. And I'm not a registrar but I would suggest that possibly registrars can tell us how much money's at stake too from a profit and loss perspective.

This is an enhanced service that they're providing and most of them are charging for it, right. And in any case once it gets accredited they're sure as heck going to want to charge for it because of the additional burden. So I think like I'm not quibbling about. This clearly is a model that we could start from but we're going to have to do quite a bit of work on it I would expect. That's just all the point I wanted to make.

Don Blumenthal: Thanks. Steve?

Steve Metalitz: Thanks Steve Metalitz here. I guess one question I would have about this. I would agree with you Don that this is a good model and it might be, you know, the basis for how this would be handled with respect to accredited proxy providers. But I wonder because in all of the registrars that have been de-accredited and this does a good job of explaining that process and what happens with the registrations. Surely some of those registrations have been proxy registrations.

And so I just wonder if the scenario that Stephane is talking about has already occurred because when the registrar has its contract - when the registrar is de-accredited and its registrations are transferred to another registrar that includes registrations for which there is not accurate data in who

is but instead there is proxy data. So I'm not sure where - whether a problem has arisen in that circumstance or not but it would be worth asking compliance and, you know, the people who drew up this report whether any of these terminations of accredited registrars have involved proxy registration. Thank you.

Don Blumenthal: Excellent point. It would make our lives a lot easier if it was - it stayed constructive. Volker?

Volker Greimann: Hello (unintelligible) speaking. Just one comment to what Steve just said. Steve characterized privacy proxy data as not being correct data. I would take objection to that. That is correct data.

Don Blumenthal: Okay. Well let me ask this. Does anybody see anything in the summary we have here in the links that have followed that suggest we could not pretty much adopt the provisions of registrar termination and de-accreditation and that the work waiting for - the only work really left to us is this issue involving the extra important issues involved with potential however temporary reveal of data of information? I think there are going to be some practical issues we'll run into. No I'm thinking ahead of myself. Never mind. Okay. Why don't we move to chart - follow Stephane what do you mean? Oh okay. Now I understand.

All right. I think what I'm hearing or not hearing is that we can pretty well go with the registrar provisions adapting them to existing registrar provisions, adapting them to proxy privacy. But now we do need to talk about any other safeguards we need to recommend in terms of protecting proxy privacy registrants in the termination and de-accreditation process. Can I have somebody lead that off? Stephane?

Stephane: Sorry Don just an old hand.

Don Blumenthal: Oh no I was - your hand's not up. I was trying to drag you in here. No, you know, I'd like to really start building out discussion of the issues, the proxy privacy de-accreditation that have been raised that don't exist with those registrar de-accreditation. And I just wanted to - each wanted to start building that out a bit because early on I remember you had some thoughts on that and when the issue came up in the first - probably the first couple of months we were at work here.

Stephane: So your specific question is the de - I'm sorry we've been going back and forth on the chat because proof of transmission of the message has to make sure that it doesn't include the IP address or any other identifiers. Some of it adds whether an IP address was considered for install information from the perspective of at least the European Data Commissioners and the answer to that is yes.

I believe that would be the answer in Canada as well. There's a lot of recent Supreme Court decision that's been pretty well shored up. But your - what you're really asking is questions about the transfer in cases of de-accreditation of the registrar. Yes?

Don Blumenthal: In cases of de-accreditation of the registry of the proxy privacy service. And what...

Stephane: Yes to me...

Don Blumenthal: They start to rebuilding in.

Stephane: Well and it's not clear although this was really helpful in understanding what's going on. I think it's a hugely different process because my relationship with my proxy is quite different and depending on where the recommendations of the EWG report go and one has to kind of try to have a helicopter view of what's going on at ICANN (unintelligible).

That relationship is critical. And so there are questions that I as a registrant would like answered. What jurisdiction are they in? You know, what roles are they taking on and how do they manage those roles? So if they are going to be my legal representative, you know, jurisdiction matters a lot.

You know, these are the kinds of questions that I think we need to kind of keep out and maybe they can just be plunked into the transfer process and in this respect I don't think you can just select from a group of pre-accredited proxy service providers because of the range of services.

I mean possibly you could spec out all of the services and then have a list of the guys who provide this, this, this, this and this service and have a sub-list. But I think it's probably more like a tendering proposition. And then again the registrant will probably be, depending on how complex this gets selecting different tiers of service. So it's just a lot harder than a straight transfer between registrars.

Don Blumenthal: Agreed. What do you mean by tiers of service?

Stephane: What I mean by tiers of service is if you read the EWG report the way to avoid having your personal data appear in the directory is to hire a privacy proxy service. And you might select different contact points available in the RDF and I realize the recommendations haven't been brought in yet but it's the most complete analysis to date of how these particular contact forms (unintelligible) would be to use those.

So I'm referring to them. If this comes past then, you know, I might only use them for technical. I might only use them for legal. Or I might use them for every single contact, every single thing that someone would want to reach me for. I might pay them to filter out annoying attempts to buy my domain name. So all of those are different and somebody else going to the same proxy service provider might want to handle their own technical stuff and just only

want them for legal. Do you see what I mean? Allow different tiers of service. One function, three functions, two.

Don Blumenthal: Okay. Let me toss this out generally. And this discussion can be about proxy privacy models that don't exist yet. Holly?

Holly Raiche: Just a thought. Stephane I thought the road we were going down here is to describe simply the basics. So what we're talking about is a required one level and then individual providers can provide I suppose add-ons or whatever rather than us trying to mandate different so-called levels of service.

But we don't have a - we have a description of what has to happen for accreditation and then leave it up to individual providers to add those layers rather than trying to take into account what individual layers might be. It may make it easier but I'm not sure. Thank you.

Don Blumenthal: Stephane?

Stephane: I agree Holly. In terms of us accrediting we just accredit and they offer the services they want. The problem becomes if the who is changed and certain data becomes available and the user has to select which particular services they've selected then the transfer becomes extremely important.

If the first guy on the list of accredited privacy proxy service providers does not offer the service that I went to I don't know Volker for then as a customer I'm not happy. In other words it's a much more complex thing. You have to figure out what the registrant was purchasing and make sure that the guy you're handing them over to provides the same level of service. Sorry to keep feeding this but.

Don Blumenthal: Okay let me just again I'm not sure that these levels of service you're talking about generally exist now and they're not in the clear models of privacy proxy. And we also as Steve pointed out in the chat we have a specific

definition in our terms of reference. And it sounds like what we're talking about here might be a bit different from that. Holly?

Holly Raiche: Just a response to Stephane. I absolutely agree with you. We haven't resolved the transfer issue at all but I think transfer is something separate to presuming that we're going to mandate levels of service as opposed to some basic requirements which have to be met and then additional aspects to it can be added or not depending on the wishes of the individual provider. Thank you.

Don Blumenthal: Thanks. Michele?

Michele Neylon: Thanks Don. Trying to follow this kind of train of thought from Stephane. So I think (Stephanie's) concern is if a proxy privacy provider or the registrar or both become de-accredited then that could cause issues for the user of their services if I've understood her correctly. And I kind of see this being a kind of a non-issue in some respects. I mean it is an issue that needs to be addressed but if you're to use the same kind of de-accreditation process for a proxy privacy provider as there is for a registrar then, you know, the - it's not like you do accreditation like it happens magically from one day to the next.

So if for example let's say that, you know, company X is going to lose their accreditation I mean normally there's breach notices and everything things else to begin with.

So I assume that for proxy privacy the same thing would happen. And if you're aware of these proxy, these breach notices and everything then maybe move provider before they lose their accreditation.

But then when there is an entire kind of process around the migration of the domain names, in that case a registrar to another registrar who has various other options there.

So maybe simply a matter of having of covering that off in any de-accreditation process that might exist for a proxy privacy provider, thanks.

Don: Thanks, I'm going to go on mute for a second here while this phone is ringing, Mary.

Mary Wong: Thanks Don, hi everybody this is Mary from ICANN staff again. So listening to everybody and trying to figure out a potential way forward, you know.

One of the things that we probably need to bear in mind besides what Michele said earlier about, you know, domain names and their transfers being very different from a PP registration in and of itself and the accreditation, de-accreditation of a registrar and a PP provider not necessarily being the same entity or the same thing.

I think the road that we're going down now may be helpful and it may be additionally helpful if the group is thinking through this particular issue was to identify, you know, the specific problem.

And it seems to me for example that what we're talking about now is, you know, ensuring protection for the registrants in the event of a transfer of their PP registrations for example.

The issue there though is that one huge difference with the registrar de-accreditation process among several is that the de-accreditation process for registrars is governed by a consensus policy, which is the IRTP or the various IRTP's.

So at this point it's hard to envisage (unintelligible) transfer happening in the same way. As Roberto said earlier, you know, it is not within the remit of this working group to, you know, alter or suggest alterations to the IRTP.

What we can do like I said is identify the specific problem and suggest recommendations that might, you know, be relevant in the implementation process, like look at certain aspects of what happens under the IRPT would that be helpful.

More as a general principle rather than create a new policy although we can obviously also recommend that in, you know, future reviews of certain policies it may be a good thing to look at again assuming that the specific problems are identified and documented in our report.

Don: Okay. Appreciate that. So I've heard some specific - Steve.

Steve Metalitz: Yes this is Steve Metalitz. Maybe one way to approach this is to say, you know, we think that the existing termination processes and de-accreditation process for registrars provide a good (template).

But that in, you know, ICANN would need to identify whether any additional safeguards would be needed because of the differing nature of the services that are involved.

In one case registration services, in the other case privacy proxy services, you know, I'm not sure we could get to much deeper than that but simply to point that out.

This is a good model it may need some adaptation because of the different services involved.

Don: I was going in somewhat the same direction until I saw your hand up there. You know, I've got a couple specific things that we could add on that they need to be considered even if we can't be to specific. And I've heard suggestion that for added protection I think I've heard suggestions for added protection maybe proxy privacy registrants should be

notified when there's a breach notice so they can make advance arrangements.

Possibly suggest that and I'm not clear enough on the process by which registrations are transferred in the event of a termination but that there be provisions in place that give proxy privacy registrants some choice or that we require that ICANN be a little, ICANN develop some different guidelines to take the requirements of proxy privacy into consideration, Michele.

Michele Neylon: Thanks Don, Michele for the record. No just on this thing about the transfer of domains when a registrar is de-accredited. I'm sure some of the registrars on this call have already gone through this process, but I suspect the rest of you probably haven't.

I mean you're probably aware that it exists but you probably have never actually gone through the process. I mean at a high level the, this entire thing came about as a result of the registrar (fly) implosion several years ago.

Prior to registrar (fly) there had been no simple way to do a lot of these things plus there probably wasn't any real requirement. What happens now is that when a registrar is going to be de-accredited, ICANN will put out a call to other registrars saying, asking if anybody is interested in taking over the names.

Yes so you get a certain amount of information about, you know, which registrar question is being de-accredited, possibly some information about the kind of registrations, the TLD's and the volume of registrations involved.

So I mean as Frank is saying on the chat I mean typically you'd want the domains, the domains and the registrations and everything to go to a registrar who has a similar kind of business model.

So it wouldn't make a lot of sense say to move the domain registrations from a retail registrar to a reseller based registrar or from a retail registrar to a brand registrar, that wouldn't make much sense.

The as part of the process what's meant to happen is that the gaining registrar is given the data scroll, which would probably be with Iron Mountain so that would be the domain registrations.

Domain registration data so that you can populate your Whois and everything else and the registries would be informed that, you know, registrar X with IANA ID, why it's being de-accredited and registrars there just taking up the accreditations and will basically move all the domains across.

That's the idea in theory anyway. In terms of notification and everything else generally speaking there's plenty of notification. I mean there's usually a process during the de-accreditation of a registrar where the registrar who is losing their accreditation has the option to find their own solution as to find a registrar who will take on the name.

So with privacy proxy I can't see any reason where that would be different. In terms of information and everything all of this is published on the ICANN Web site under the - the gaining registrar would also have probably put up something on their site, a specific page with information for the affected clients.

Hopefully that kind of gives people some flavor, other people may have more details, thanks.

Don: I appreciate that, that's really helpful in filling in some of the blanks at least I had as of two minutes ago, Susan.

Susan: Michele I was just wondering how much notice goes to each registrant would you have any idea on that?

Michele Neylon: Susan, Michele speaking for the record. The ICANN doesn't contact registrants directly ever. So the, so that's really a matter of the gaining registrar doing their best to communicate as effectively as possible.

I mean when we - we did it - we've already done it once and that was involving a registrar whose primary market was Ireland. So in that case I mean we did press releases and everything else, you know, we've gained this blah, blah, blah.

So a lot, most people would have known fairly quickly. I mean the problem I suppose is, you know, if there is a serious issue with the service provider be that a registrar or a privacy proxy provider, whether or not - I think it's, how do I put this.

I'd say it's more down to the gaining company to look after those communications and ICANN rather than - excuse me, rather than the entity who is being de-accredited because then assuming that there's a serious issue with the entity being de-accredited, you know, they're probably going out of business.

I can't see looking after their former clients being to high up on their priority list. I mean it depends obviously but, you know, I wouldn't count on it, thanks.

Susan: Thank you.

Don: Very educational I appreciate it and given what Michele said, just said and what Frank put in the chat I'm wondering how much we would have to add specifically since it looks like there are already provisions for similar offerings.

I mean we would just have to maybe suggest some of the elements to take into consideration the different (unintelligible) privacy proxy from just a

privacy proxy registrant being transferred from just a registrant being transferred.

Privacy proxy registration being transferred that's what I wanted from a for lack of a better term, normal registration being transferred and I know what the holes are in say normal registration.

I would like to take a few minutes on the issue of registration cancellation but I want to offer the chance for any other points on this discussion? I mean I'm hoping when we put these into the template...

Michele Neylon: (Don) it's Michele just very quickly just one last thing on this. One of the potential reasons for a registrar being de-accredited would be for lack of them depositing data with the third party (scroll) regions.

I mean it's pretty high up in the kind of my God that's really serious reasons for breach. If that, so the quality of the data that the gaining company will have access to can vary a lot.

Just something to bear in mind I mean ultimately you can write the best policy in the world but if the data isn't there, if the underlying data isn't there or hasn't been backed up or you don't have access to it you're kind of snookered.

I'm not sure if that term travels across the Atlantic, it's a bit of a catch 22 to try and use a term that has traveled across the Atlantic, thanks.

Don: It transfers very well although I can think of some others that would probably pop to mind over here more quickly, but it wouldn't be appropriate on a conference call.

Okay, the chat is getting a little strange here. We did talk in the course of our discussion we had about cancellation of registration and it's kind of is it a de facto result of a publication?

But I think we should take some time describing other situations that might need to or that should, that we should say should we to cancellation or registration of a proxy privacy registration.

And then the other issue and this goes way back when in our conversations is to - we raised the question of whether a proxy privacy registrant who is faced with publication should have the option of terminating the registration entirely before that happens.

James Bladel: (Don) this is James sorry to interrupt but I'm having difficulty hearing you.

Don: All right is this any better?

James Bladel: Slightly and it may be just me I suppose but.

Don: Thanks for the qualification there Michele. Okay I'll fiddle with the mike position a little bit but it seems like other folks are - haven't raised issues. So again what else can we put I would imagine just as one idea if it's a - and again this goes back to earlier conversations.

If any kind of verification fails would that be cause for termination? Steve.

Steve Metalitz: Yes this is Steve Metalitz. I'm not quite clear on what, you used the term cancellation of registration do you really, are you talking about cancellation of privacy proxy service to an individual customer or are you talking about cancellation of their domain name registration?

Don: Well the privacy proxy wouldn't be in a - I'm sorry.

Steve Metalitz: Yes the latter can only be done by a registrar.

Don: Correct, so no I'm talking about cancellation of the privacy proxy registration.

Steve Metalitz: Okay yes so, I think when Mary sent around the agenda today she has four points of what we've already preliminarily concluded and some of them go this question, which is basically that the provider has to disclose to the customer the circumstances under which their proxy service or privacy service would be canceled.

I think that's kind of where we are now, so are you asking whether there would be other restrictions or other conditions on when the service could be canceled, that kind of the question you're imposing now?

Don: I think basically what I'm suggesting is should we have some baseline requirements or should we just leave it to terms of published terms of service and up to the privacy proxy provider to decide what will lead to cancellation of the privacy proxy registration, be very careful there.

I don't know if we would add anything specific but we'll be going into discussion apparently deeply in terms of we did deal even indirectly with the issues in detail during our discussion of that.

So I wanted to at least throw it out there to see if we should put similar amount of time into other possible things that would cause loss or privacy proxy protection and I'm deliberately raising it differently there.

Okay, maybe just the terms of service angle is sufficient, angle is not the right word, the terms of service approach is the right way to go and not being more specific.

Okay. I like the easy ones. I deliberately diverted the conversation so I made sure we covered these issues or covered what turned out not to be an issue I guess, Stephane, Stephane.

Stephane: I'm just wondering if there's some way that a registrant could have an opportunity when buying a privacy proxy service from an accredited registrar to put some kind of stipulation on the file as to what happens in the event of de-accreditation of the registrar.

And usually in all these arrangements they are lean on customer rights and pretty thick on company rights, right. But so for instance if I'm I don't know doing something, let's say I'm running a Web site that talks about Nazi's, which is legal in the United States and in Canada but definitely illegal in Germany right.

So I would have a caveat in there that in the case that my privacy proxy service providers say (unintelligible) goes belly up and I get transferred I am definitely not going to this or that jurisdiction.

The same would be true in any political Web site, you know, you don't want to get transferred over to the place you're fleeing. That's just an easy example but I'm not aware of any facts on the service provider contract and maybe that's outside our remit.

But I don't think it's covered on the four bits here, you know. If you happen to be away on a world cruise while your service provider goes down you could be in trouble by the time you get home.

Don: Yes, yes I see your (2002) (unintelligible) specifically wasn't getting me anything, James.

James Bladel: Hi Don, thanks James speaking for the record and just to respond to Stephane and some of her points. I mean normally I agree we should be looking out for the concerns of the registrant.

But I think that getting to granular into giving control over what is going to happen in those scenarios in handing that over to individual registrants becomes problematic when you have millions of them.

And hopefully we wouldn't see the providers of that size going belly up but it's something that we should, you know, we have to build a one size fits all program.

So I again favor guidelines that leave discretion for the service providers. However I think it is important for the service providers to make those available either to their terms of service or somewhere on their Web site.

So that the registrant can make an informed decision on which service provider they choose based on how they're going to be but I don't think the registrant should have, you know, that level of granular control of - because I mean let's be honest these services range from, you know, \$9 a year down to free.

You know, it would be very difficult to build a custom service plan for millions of individual users. I think that, you know, there are other options for folks who are that concerned about their privacy either by they can set up legal entities or they can hire attorneys or they can take other albeit more involved and more expensive routes.

You know, this is I would consider this what we're talking about here to be more of an entry level or basic service that is not going to guard against some of those extreme examples, thanks.

Don: Yes I see what you mean in terms of service but we suggested using those for a lot of the issues we've addressed. So we'll just toss this out, could the type of situations Stephane raised there just among the examples we write up in a report when we suggest that ICANN - when ICANN designs the processes for dealing with the accredited proxy privacy services.

Just the - would be one of the examples we're suggesting that there may be different considerations in that as opposed to just registrar failures. I hope that came out clearly because I got confused.

As an example of the different issues that will arise when a privacy proxy is de-accredited versus when a registrar is de-accredited, that's what I was trying to say, Michele.

Michele Neylon: Yes thank Don, Michele, for the record. You know, just backing up exactly what James was saying because I tend to agree with him, not all of the time but a lot of the time.

I mean things like, you know, the choice between which provider to use for a particular service, these really need to be issues that the market decides. You know, providers of Whois privacy proxy, whatever you want to call it, will vary in price to the consumer from zero all the way upwards to I'm not even sure what the upper end of the scale is but, you know, it's probably significantly higher.

It's like everything else I mean there's different companies out there that offer different levels of service, different terms of service. And while a proxy privacy accreditation process and policy could determine things that at a high level, you don't want to end up in a situation where ICANN is getting in the way of market forces and getting in the way of consumer choice.

I mean I thought ICANN's remit was to provide choice as opposed to forcing it. So I mean there's plenty of third-parties who look after, you know, doing reviews and comparisons of different companies and how well they operate them.

I saw with EFF we're doing some kind of transparency comparison thing there even last week. So I think just, you know, leave it up to the market to decide, thanks.

Don: I appreciate that, yes that's I think certainly the model we've taken for the most part by focusing on terms of service. I don't have the clock - well my cell phone says we're at 10:59.

So let me give anybody a chance who wants to weigh, a chance who wants to weigh in, wait a second for Holly to finish typing and I think we can close for today.

I think okay yes I've got it Holly, we just spoke about notice in a couple different contexts. I think once we get the notes put together on today I think we did - I think today was very productive on (unintelligible) and wrapping up the first pass on it.

Certainly subject to notes to the notes going out and letting people who weren't on the call weigh in because always follow-ups are welcome in email, keep the discussion going in between weeks.

I think that takes care of it for today, I appreciate your time and contributions.

Woman: Thank you.

Man: Thanks, Don.

Woman: Thanks.

Michele Neylon: Thanks bye.

Woman: Thank you, everyone.

Coordinator: Once again the meeting has concluded, please remember to disconnect all remaining lines, have a great rest of your day. (Andre), if you can please stop the recording.

END