

**WHOIS Study Group
Teleconference
TRANSCRIPTION
Tuesday 22 April 2008 15:00 UTC**

Note: The following is the output of transcribing from an audio recording of the WHOIS Study Group teleconference on April 22, 2008, 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-whois-20080722.mp3>
<http://gnso.icann.org/calendar/#jul>

Meeting recap by Chuck Gomes

<http://forum.icann.org/lists/gnso-whois-study/msg00102.html>

Participants present:

Chuck Gomes - GNSO Council vice chair -gTLD Registry C
David Maher - gTLD Registry C
Ken Stubbs - gTLD Registry C
Jordi Iparraguirre - Registry C
Adam Palmer - PIR gTLD Registry C
Steve Metalitz - IPC
Steve DelBianco - CBUC
Tony Harris - ISP
Tim Ruiz - Registrar
James Bladel - Registrar
Alan Greenberg - ALAC Liaison on the GNSO Council

ICANN Staff:

Liz Gasster
Glen de Saint Géry

Absent apologies

Wendy Seltzer - ALAC Liaison on the ICANN Board
Olga Cavalli - NomCom appointee to Council
Eric Brunner-Williams -Registrar

Coordinator: (Unintelligible) recordings are now started.

(Chuck): Okay thank you very much. Thanks to Steve and (James) for working on the hypotheses the remaining hypotheses for Area 2. And we already have Steve DelBianco's for Area 3 and Tim Ruiz's is our now in the wiki 4 - Area 4.

Let me let everybody know that unless somebody has done it in the last few minutes, that the Area 2 Hypothesis including (Patrick)'s

questions that he raised there, are not in the wiki so you have may have to look at the - the distributed Word document in that regard.

I did not - because of other obligations this morning that I've been tied up on, I didn't have time to enter them into the wiki - so. So, we'll look at those from the Word document.

And (Liz) you've copied those over into your Word document for creating your Word version is that correct?

(Liz): Yes, I'm in the process of doing that.

(Chuck): Okay - well, okay I don't think we need another roll call. Any - I think the agenda is pretty straight forward any questions or comments on that?

All right then, our first action item then is to - first of all follow up on the two hypotheses, 16 and 22 from the - from last week. I didn't see any (unintelligible) during the week. Are there any comments now on either 16 or 22 and the changes we made last week?

You'll see in the wiki they still have the old ones in there, at least for Number 16. Any further discussion on those, can we accept those as done for now?

Hearing nothing, I will assume that those are okay, and so (Liz) we can go ahead and remove the old language on 16. I don't think the old language is in 22.

So that brings us then to the remaining hypothesis in Area 2, and I had kind of lumped 23, 12, 13 GAC 14, and GAC 15 in there. Now, I did put - I see that I did put (James)'s and Steve's work in here, but I didn't put (Patrick)'s comment. So hopefully that will be a little bit easier to follow and I can refer to (Patrick)'s comments.

So, as I read these it did seem to me that they are all very closely related. Starting with Study 23, it says ICANN who its policy should reflect national data protection laws particularly in areas determine to have an impact on human rights issues.

And if I look over at (Patrick)'s comment...

Steve Metalitz: But that was the - that was the old language.

(Chuck): Excuse me - (Steve)?

Steve Metalitz: Yes, you're not looking at the new stuff, you're looking at the old language - you just read the old...

(Chuck): Is that old language?

Steve Metalitz: Yes.

(Chuck): Okay, so that wiki does have the new language.

Steve Metalitz: Okay.

(Chuck): Okay, then I misunderstood in what I got. Okay, (Patrick)'s comment is - what is the new language, would somebody read the new language to me please.

Steve Metalitz: Yes, the new language is, "Some national data protection laws explicitly apply or have been adjudicated to apply to information submitted by (gTLD) registrants and made available via Who Is."

(Chuck): Got it, yes - I have that in front of me in the Word document, thanks Steve.

And then (Patrick)'s comment was, "What is the intention of the words 'or have been adjudicated to apply.'" So in other words he's questioning the intention of those words, or have been adjudicated to imply.

Is it intended to mean only in those cases where a national government data protection authority - court has set data protection laws apply? Now (James) do you want to comment first on that, or do you want to open it up? Or, should I open it up for anyone?

(James): I can comment, or Steve if you'd like to comment, that was part of your addition.

Steve Metalitz: Yes, I'd be glad too. I'm not - is (Patrick) is not on this call right?

(Chuck): No, he had a conflict. He's on a (unintelligible) call.

Steve Metalitz: Was he on our last call?

(Chuck): No, I don't think so.

Steve Metalitz: I don't think so either, and I think all of his questions really apply to something that we talked about last time. Which was, are we looking for subjective legal analysis here, are we looking for something closer to an objective factual investigation.

And this, Number 23 actually you know, I mean it's obviously originally conceived as someone giving a legal opinion. And if we're trying to avoid that at this stage then I try to clarify that we're really just asking people to see is there something in a National Protection Law that says something about who is.

Or, have there been decisions by courts or data protection authorities or others that have rendered this decision pretty definitely in any country.

So, I think the answer to (Patrick)'s question is yes, it is intended to mean only in those cases where a national government and a protection authority or court has said data protection laws apply.

That was the purpose of recasting the hypothesis so that it would be something objective and factual rather than subjective.

(Chuck): Any other comments on that?

David Maher: This is (David), I'm not entirely sure that our studies are limited to the factual. I understand the argument but, is there something in our charter that says that it's not improper to analyze the legal situation.

It would seem to me this could be very useful, I'm thinking of a current set of emails going back and forth to (Sutter) on the mailing list in which a number of country codes discussed the way they deal with their you know, protection authority.

And there are - seems to be fairly clear that there are a very limited judicial determination but, there is a great deal of corporation going on, in which the (unintelligible) and some other nations has dealt with the (unintelligible) LDs, and worked out a reasonable approach to data protection.

It seems to me that's a useful subject for study and that we don't need to limit ourselves to the pure factual aspect of judicial determinations.

Tim Ruiz: This is Tim. Can I get in the queue?

Ken Stubbs: And it's Ken Stubbs. Can I get in as well?

Steve Metalitz: And (Steve) please.

(Chuck): Okay and...

Man: Or do you want me to just answer the question?

(Chuck): Tim and Ken and then (Steve) - Steve Metalitz. Okay, Ken.

Ken Stubbs: Yes I guess you know I hear what (David) is saying, but I don't think that's what the proposed report for the proposed study is proposing. It sounds more like the proposed study is trying to make a determination about what is applicable law or something of that nature.

And, we've had - we've had several opinions centered about in one who is working group or task force or another, and they conflict. So we could get one legal opinion and we could get another and they may not even agree.

So I think that was the point of you know, that they had been a adjudication or some decision that had been made that a certain law or regulation actually applies.

Man: Right.

Ken Stubbs: And just based on what the study is proposing, so if there is a separate study being proposed of something different, then that would be a different issue.

But, I don't believe that - this would (unintelligible).

(Chuck): (David) do you want to respond to that?

David Maher: Yes I'd like to respond to that.

(Chuck): Go ahead.

David Maher: The - I'd certainly be willing to consider a amendment to this, that makes it not limited to judicial decisions, or adjudication. I think a factual study could be made of the things that are going on that are being discussed for example in the center (unintelligible) or the data factual study, that some data protection authorities have worked out agreements, or policies with other registries.

(Chuck): But is that - shouldn't the hypothesis be based on what the study is proposing, that's my point, I'm not disagreeing with you...

David Maher: Yes.

(Chuck): ...(David), I'm just saying that...

David Maher: Yes, well...

(Chuck): ...studies need to indicate something different, (unintelligible) from (Cathy). Because you know to determine legal requirements, well that's different - that's a different proposal that what your - your hypothesis doesn't really - might have some suggested study, but it doesn't match (Cathy)'s suggested study here in Number 23, that's all I'm saying. Would that make sense to add?

David Maher: Well yes - why don't you go ahead and...

(Chuck): Okay, all right, we - we'll continue this - Ken.

Ken Stubbs: Yes, I guess (Chuck) what'd like to do is - I'd like to - I know (Liz) is on the call, I like to hope this may not be the venue to propose this, but at least this is a venue we could surface it in. It'd be nice if we could work on an arrangement somewhere down the road in one of the next ICANN Meetings to get together with the CDC TLDs with the specific purpose of discussing the management of data protection activities in the TLD space.

We give it some lip service but we really don't talk about dealing with these issues. And I think it's something that's going to be more and more important as we move in to a new TLDs and we continue to see the evolution in various countries of more enhanced data protection application towards the domain name space. So at least I'd like to hope people might consider surfacing this.

(Chuck): And Ken did you have a suggestion with regard to this hypothesis?

Ken Stubbs: Well I'm actually I'm leaning more towards supporting (David) in this case. I really believe that there is nothing wrong with surfacing this at this point and time. But you know, if we're going to get a huge amount of pushback then I can - I guess I just have to live with it and hope we can move it forward in another venue.

(Chuck): Okay, Steve Metalitz.

Steve Metalitz: Yes, three points, first in response to (David)'s initial comment, I think I'd agree with what Tim said, we were asked - this group was asked to help develop the hypothesis for key - for helping - for studies that would resolve key factual issues.

And that's kind of the basis of which we discussed last week, trying to make these as objective as possible and keeping away from subject legal determination.

Second, with regard to CCT LDs that was the focus of one of the hypothesis that we talked about last week, and I'm now kind of flaying around trying to find it. But it was one of the earlier hypothesis in this

area, talked about what are CC TLDs doing, and are they doing it because of data protection rules.

And I think that actually covers some of least of what (David) and Ken were suggesting that we get into. So, I guess I'd maybe ask (Liz) if she has a better handle of this than I do to direct us to the...

(Liz): I think it's 22 Steve.

Steve Metalitz: ...okay it's 22. And finally in response to (David)'s possible amendment, I think you know, we could take (Patrick)'s comments and make it clear we're talking - we're not just talking about court decisions here. He says is it intended to mean only in those cases where a national government/data protection authority/court has said data protection laws apply.

And I think that's an appropriate definition, it's not just a court, and if a data protection authority has told the CC TLDs that it applies that's obviously relevant information. And if it's not captured by Item 22 then it could be - I supposed it could be captured here.

(Chuck): Is there a suggestion - now (David) is it helpful to go back to 22 which you can find if you go back to Number 22 in the table in the wiki, it actually what we agreed on was that a) - there is actually three points of it.

Number - Part A, is more restrictive Who Is policies in the general ICANN who has requirements have been adopted by some of the 30 top CC TLDs.

The CC TLD operator report that Who Is policies have been adopted in order to become compliant with the data protection laws of the territory. And C, CC TLDs are moving towards more restrictive Who Is policies and motivated by National Data Protection Laws.

Man: Yes.

(Chuck): Does that kind of cover what you're getting at (David)?

David Maher: Yes it does.

(Chuck): Okay, good, okay, so, maybe no amendment is necessary on the Number 23, is that an accurate conclusion on my part? Anybody have a suggested change to the proposed hypothesis which I'll read one more time from National Data Protection Laws, explicitly apply or have been adjudicated to apply to information submitted by gTLD registrants and made available via Who Is .

Steve Metalitz did you have a suggested - a suggestion based on (Patrick)'s comment of any edits there?

Steve Metalitz: No I think - I mean I don't know how detailed we need to get adjudicated to me would cover the Data Protection Authority you said - so.

(Chuck): Okay, so you're not - you didn't intend it to mean court, so that's okay.

Steve Metalitz: No.

(Chuck): Any problems with that?

Steve Metalitz: No problem.

(Chuck): Okay, is that a comment from someone?

Steve Metalitz: No problem.

(Chuck): Okay, all right, good, good. All right then, then we'll go to what I'm going to do is go through all of these that are kind of very closely related, and then we'll decide how to handle them in terms of grouping.

Number - Study 24 which was to obtain a representative example of registrar's terms and conditions to determine what percentage of the sample registrars is appropriately attaining agreement to all of the terms required, in Section 377 of the RAA.

And the proposed hypothesis here is - and there is two choices there, many or some registrars are not obtaining agreement to terms required under Section 377 of the RAA.

And, any - any discussion on that hypothesis...

(James): (Chuck) this is (Jim).

(Chuck): Okay Tim.

(James): (Jim) actually - (James).

(Chuck): Oh (Jim), I'm sorry.

(James): Just wanted to point out that the absence of obtaining in the first go around was a typo, so...

(Chuck): Okay.

(James): That was not inserted to change the hypothesis at all.

(Chuck): Okay, and what - what's the preference, anybody have any preference, the word many or some?

Man: What about not all?

(Chuck): Not all registrars are obtaining agreements and terms required, is that better?

Man: Well I was just saying that some are not - so.

(Chuck): Yes.

Man: I guess (unintelligible) is my preference.

(Alan): It's (Alan) I just came in after waiting five minutes for an operator, can you tell me where we are?

(Chuck): We're on Study Submission Number 24 - and (Alan) you really need to be looking on what James sent around, because it's not in the wiki.

(Alan): Oh, okay.

(Chuck): So we're in Area 2 we just finished Number - Study Number 23 Hypothesis, and...

(Alan): Okay.

(Chuck): ...you can come on that one later if you have comments after this meeting. And then Study 24 is what we're on right now.

(Alan): Okay, thank you.

(Chuck): You're welcome.

Man: (Chuck) as I recall at the end of last week we had with (unintelligible) we had a long discussion about many or some or majority, and I think we ended up...

(Chuck): Right.

Man: ...with some on that one that we had been talking about. So that's why I was just suggesting some there.

(Chuck): Yes and...

Man: I don't feel strongly one way or another.

(Chuck): No, and I don't think there is too much difference between some, or not all. So, I'm okay with - anybody opposed to some there, anybody have any other comments on this particular hypothesis?

Okay, let's go on to GAC Recommendation Number 12, I'll read it first of all, since gTLD registries and registrars conduct business globally, which laws in which jurisdiction are appropriately applied to their transactions, and in particular to there Who Is contractual obligations.

And the proposal here for the hypothesis is, as reported by gTLD registries and registrars, as reflected in their contractual document, or as adjudicated in relevant tribunals, to who is contractual obligations of gTLD registries and registrars are governed by, A, the laws of their local jurisdiction; or B, the laws of the jurisdictions of their registrants; or C, the laws of ICANN (unintelligible) California USA; or D, some other jurisdiction.

That's probably as good a crack as any at coming up with a hypothesis on that one it's kind of a tough one I think. (Patrick)'s comment was, I don't understand the intention of the words here, is it only as decided by a National Government Data Protection Authority or a court. What about instances where our data protection law exist, but a data protection authority has not issued a formal opinion.

Again, I don't know that we need to discuss that too much, isn't very similar to what we talked about in Number 23?

Steve Metalitz: It is - this is (Steve), it is and perhaps we want to say, take out the word tribunals there and put in for a - or something like that, because it doesn't have to be a court.

(Chuck): Yes, that's a good suggestion, anybody disagree with that suggestion? The relevant for a you got that (Liz).

(Liz): Yes, I do.

(Chuck): Good, thanks. Okay, any discussion on this hypothesis?

Steve DelBianco: This is Steve DelBianco just a question, and this is very challenging to turn a GAC question into a hypothesis.

And I'm wondering if the A, B, C and D, are all intended to stay in the hypothesis or are those choices that we would pick one on this call.

(Chuck): And what was - what was the intent Steve and (James) on that?

Man: The first four were really in (James) original proposal, it seems to me that - I think he's trying to cover the waterfront, and the answer is probably one of those - it's got to be one of those.

(James): Yes that's correct Steve I was just trying to box in all of the possible outcomes, I was trying to make something that was testable.

Steve DelBianco: And this is Steve DelBianco, I think all four for worth having in there, they will help the consultants that we hired to go - to go make these answers that'll help guide them to answer those questions, for some it'll be all of the above.

That - but let's not kid ourselves it's not really stated as a hypothesis, but that's okay, I mean if we can put it in a way that's usable by the consultants you would assign I don't think it necessarily has to be a strict hypothesis.

(Chuck): Okay, going on then to number, to GAC Recommendation 13 and what they said you know, what are the legal jurisdictional issues raised by gTLD registries and registrars that that adhere to local law applicable to domain named registrations and Who Is requirement.

But may then be in contravention to other legal jurisdictions where they conduct business.

And the proposed wording of the hypothesis here, and again I thank you guys for taking a stab at this because these are pretty hard to turn into hypothesis.

Those gTLD registries are registrars in Category A, I assume that's Category A above - right? Under GAC Number 12 provide a contractual mechanism or have had a mechanism opposed upon them by law or tribunal decision to resolve any conflicts between the law applicable to their Who Is requirements, and the law of any other jurisdiction.

Steve Metalitz: Yes -- this is (Steve) -- yes we - I read this GAC recommendation Number 13 is referring to the situation addressed by Part A of Number 12, where the law of the local jurisdiction of the registry or registrar that controls.

Because it says registrars - registries and registrars that adhere to local law applicable to domain name registrations, and Who Is requirements.

(Chuck): And that seems like a accurate conclusion, does anybody disagree with that?

Steve DelBianco: This is Steve DelBianco I agree with that, but I believe we should state that without referring back to Category A and just as you say, the registries or registrars that are governed by the laws of our local jurisdiction, as opposed to referring back to category A of GAC 12.

(Chuck): That's an easy - that's an easy - that's an easy adjustment, and I think that is a good idea if these things ever get separated in some sense or looked at independently it makes it a clear regard - without in reference to another document.

(Liz): So that means those gTLD registries or registrars that are governed by a local jurisdiction?

(Chuck): (Steve) was that (unintelligible).

Steve Metalitz: It was adjudicated, yes I mean, it's - I'm sorry I'll defer to Steve DelBianco

(Chuck): He...

Steve DelBianco: No, it's outside my area of expertise (Steve), how would you say so that this can stand alone, and not have to (unintelligible).

Steve Metalitz: Well you know, I think ultimately what we want to do and you'll see this when we get to the next one is kind of combine these three I think.

(Chuck): Yes I think a lot of these can be combined. So you know...

Steve Metalitz: And if we did that it would be - you know, then it would be one package and the (unintelligible) wouldn't be referring back.

(Chuck): Well should we hold off then maybe until we decide how to combine them?

Steve Metalitz: I think that would make sense.

Steve DelBianco: Good.

(Chuck): Okay that - anybody opposed to that, now should we change - is the tribunal decision in this one okay, as it stands now, now it maybe irrelevant in a minute but should we change that or, is there some other language, or is it okay there?

Again, (Patrick)'s comment, question is again I don't understand the inclusion of the words tribunal decision.

Man: We can say by law or binding decision or something like that.

(Chuck): Yes it has - why don't we do that, by law or binding decision. Again, it may become irrelevant if we combine some of these - but is that okay (Liz)?

(Liz): Yes, I've got it.

(Chuck): Okay, any other comments on GAC recommendation Number 13? And then GAC Recommendation 14 may a detailed domain named registrant who is a legal resident of one country applied for a domain

name in another, and claimed at the end of the legal jurisdiction of the later and not the former.

And I think that is probably is an accurate assessment that it comes under probably under 12, is there any disagreement with that?

And some of these things in my opinion really aren't studies in the hypothesis testing since so much as evaluation of laws and so forth out there, but we can deal with that later.

(Liz): You're suggesting that Study Number 14 is encompassed with Study Number 12.

(Chuck): Hypothesis is incorporated in Number 12 is that right (James) and (Steve)?

Man: Yes, I think they are asking you know can you - you as the registrant chose to be covered by the law of the registrars jurisdiction rather than your own jurisdiction. And that's really another way of asking is A or B under 12 the case.

Man: Well I agree with that.

Man: A says the laws of their local jurisdiction, B is laws of jurisdiction.

(Chuck): Somebody else wanted to comment.

David Maher: This is (David).

(Chuck): Go ahead (David).

David Maher: I agree with that, I - I think this is the - it duplicates 12.

(Chuck): Okay, now lets go on to 15 and then we'll talk about possibility of combining some or all of these. The GAC Recommendation 15 was how can conflicts of laws be resolved in a global domain space.

The - and then the hypothesis here is out of scope for proposed - it's not really a hypothesis excuse me. The statement is this is out of scope for proposed studies of key factual issues, anybody disagree with that? It seems accurate to me I mean, because it kind of even goes back to the - the Who Is policy on where there is conflicts of laws and so forth that's kind of already been dealt with in a policy. One that I don't know that has ever been implemented, but it's there. Nobody has any disagreement with that?

Then lets - lets take a look then at combining some of these on my first very preliminary effort I had once followed these things into the same category. That may have been too much to combine, but I had lumped studies, 23, 24 and then the four GAC recommendations 12 through 15 all in the same category.

Steve and (James) what's your thinking on this?

Steve Metalitz: Well I think 24 - this is Steve I think 24 is somewhat different, 24 is about contract compliance frankly it's not about...

Man: Yes.

Steve Metalitz: ...these issues that are in relation to the national loss.

(Chuck): Yes, it make sense, okay.

Steve Metalitz: You know the others 23 yes, I think there are certain - I mean 23 could be distinct also. But certainly the GAC recommendation is 12, 13, and 14 I think are really just all different ways of asking the same questions.

(James): And (Chuck) this is (James) I would agree with Steve that we can probably look at the three GAC recommendations as different scenarios or contingencies of one if we were to restate or add some language to number 12 it would probably eliminate the need for separate hypothesis for 13 and 14.

(Chuck): Does anybody disagree with that approach? And then my next question is, is how would you modify Number 12, to incorporate the others? Or does it need modification?

Tim Ruiz: Could we - this is Tim, could we, could we just add a note that explains are - our thinking on these three or do we need to somehow figure out how to combine them or - maybe they are left in a category of their own with a note.

(Chuck): By putting in a category of their own, each separate GAC recommendation or...

Tim Ruiz: No these three - no these three - these three or four GAC recommendations. And then someway just be - instead of trying to figure out how to lump them all together since they are four separate GAC recommendations that we just note in a - you know in the report

that our thoughts about 12, 13 and 14 you know, are actually being interdependent.

And so the hypothesis were constructed as interdependent. I don't know how...

Man: I think that maybe a good way to proceed.

Tim Ruiz: Yes.

Man: The simplest way to proceed.

Man: We won't spend a lot of time you know, trying to combine them some other way.

(Chuck): So what specifically then would we do - so we'd lift all three of them separately, 12, 13 and - GAC 12, 13 and 14. And what we'd say as a hypothesis for each.

Would 13 and 14 just refer back up to 12? Is that we're suggesting, I'm not clear Tim.

Tim Ruiz: No I'd say we'd just leave it as it is, and we just add a note that says that the group felt that GAC recommendation 12, 13 and 14 were interdependent, and so the hypotheses that are - that were constructed are also interdependent.

(Chuck): Oh, okay, and where would you put that note? I don't know...

Tim Ruiz: In the line, in this section perhaps, or put...

(Chuck): Why would it be in an Area 1 with the note that we put - that Steve and Steve DelBianco and who else, created you - and I think it was you Tim that created a note.

Tim Ruiz: Yes.

(Chuck): That would work wouldn't it?

Man: Mm-hm.

Tim Ruiz: Yes that's - yes.

(Chuck): Does that make sense (Liz)?

(Liz): Yes, right at the beginning of Area 2.

(Chuck): Yes.

(Liz): Because we have 16, and of course it's unrelated to that (unintelligible) contest I just (unintelligible).

(Chuck): 16 and 22 both right?

(Liz): Yes.

(Chuck): And 23 I guess and 24? What about 23 are we going to keep that separate, or do we lump it into that same group?

Man: Which one 23?

(Chuck): Yes, I heard people say when we started this discussion on this area that you know it could be independent, or it could be combined, what leaning of the group.

Man: Could you read 23 in it's present form, I'm getting lost in the documents here.

(Chuck): Sure, some national data protection laws explicitly apply, or have been adjudicated to apply to information submitted by gTLD registrants and made available via (unintelligible).

David Maher: That seems to be - this is (David) that seems to be separate.

(Chuck): Everybody okay, anybody not okay with that? So we'll leave 23 separate, we'll leave 24 separate and, we will combine GACs 12 through 14 and 15 will be not applicable, or the exercise. Is that correct?

And we have a comment up at the - up at the top that will - that will relate to the - the interdependence of 12, 13 and 14. (Liz) are you with us on this?

(Liz): Yes I am, and then 23 as a standalone, is that right?

(Chuck): Yes, correct, 23 and 24 will both be standalones.

(Liz): Got it, yes.

(Chuck): Okay, you're up to speed I don't want to go to fast for you.

(Liz): No, I'm good, I got it.

(Chuck): Okay, good, any other questions on Area 2? Okay, lets - and then what we'll do just like we're doing each week, we'll come back and there will be an opportunity certainly during the week to comment on these once (Liz) distributes them, and post them on the wiki.

And then we'll - we'll allow a brief amount of time at the beginning of our meeting next week to see if there is any other comments, and then we'll move on.

Let's go to Area 3, and Steve DeIBianco provided some hypothesis and put them right into the wiki for us here, for Area 3. And lets - lets go to that area now.

I need, I see I don't have the - I need to get the - another document up here.

Man: That's in the wiki.

(Chuck): Does anybody have the - the original hypothesis hand readily available? Or should I get - I can get those up as well. So, I'll just pull them up right now.

So, were in Area 2 - or excuse me Area 3, and the study submission Number 2 and maybe Steve DeIBianco since you proposed that one maybe I should just let you talk about what was originally intended there, and go ahead and talk about the hypothesis that you proposed, and is in the wiki now.

Steve DelBianco: Sure (Chuck), so Area 3 on availability products and services just to the supply side of privacy protection services. Later we'll talk about I guess it's Area 4 which is the demand side of privacy protection services.

There were two study submission, nine and then (unintelligible) 11 in Number 5, and then the GAC had two questions, questions 7 and 8 which we tried to apply hypotheses for.

The overall arching them of this section is this area, is that we think registrants already have options to effectively shield their personal information for who is mainly the proxy registration.

And, Study Submission Number 2, I had two parts when I prepared, I had two parts that were tested. I said the hypothesis that I just stated it could be falsified if the analysis shown that registrants don't have an effective affordable way to shield their personal information.

I said effective and affordable because I got the notion that it might be too expensive for some people.

And it said that that hypothesis out to be tested by our consultants for any of the top level domains that collect display of registrants from this data.

And I am positive the fact that if they found registrants have at least one affordable privacy protection available then the hypothesis you know, would be held true.

I have noted here a second sentence on the hypothesis, just sort of guide our consultant. Because I wanted - I wanted to dig deep that if they discover that a certain GTLB registry there are registrars offering proxy services, but people are not picking them, they are not selecting them as a significant or growing trend of their distress. Then either the cost don't justify the benefit, or people are not aware of them.

Some of this will require judgment on part of our consultants, to determine whether the proxy opportunities are presented to registrants at the time they buy a domain name.

My guess is that they are because the registrars earn - often earn money for providing this service, and so they would want to make that available to somebody that's (unintelligible).

So with your indulgence I was going to leave the second sentence in the hypothesis area, because it suggests a second hypothesis that should be tested.

(Chuck): Why don't you go ahead on number two and read the - both sentences there for everybody.

Steve DelBianco: Great, first one says registrants presently have options to effectively shield their personal information from public display (unintelligible). That is, the proxy services offered by registrars, and by third parties. And that's the original hypothesis I had submitted to Number 2.

I've added from the original a second sentence which says, in a significant number of registrants are area of the options that use proxy

services but do not select them, to conclude that the cost of proxy services do not justify the benefits of privacy protection.

And it's dated like a hypothesis for somebody to test.

(Chuck): Any discussion on those two sentences?

David Maher: This is (David).

(Chuck): Go ahead (David).

David Maher: I am uncomfortable with the second sentence, the - determining realistically how many registrants are aware of the option I think is enormously difficult. I don't mind the study, that determine the state of - and a sampling basis or whatever it is the availability and the use that is the number of registrants who take up the option to use a proxy.

But to group on to the conclusion, I don't think that's a either a factual or legal hypothesis that's an argument. And I think the - the argument part in that which is the second doesn't belong in a hypothesis to be studied.

(Chuck): Well isn't it a hypothesis that could be tested to be false as well, so it's...

David Maher: Well it yes, I mean it may be that it turns out that it turns out that 90% of registrars offer proxy only 2% of registrants use them. You can draw any number of conclusions from them. But, I think that the second sentence the way its worded is not a hypothesis it's an ultimate conclusion of that certainly would be argued by those that say that the

proxies aren't worth the money that they are being charged, and the public doesn't use them if that's what the facts show.

But I don't think that conclusion should be a part of the hypothesis that we're studying, that the hypothesis should be simply what's available and how much is used.

(Chuck): Well and what we if simplify that second sentence, like for example, the cost of proxy services does not justify the benefits of privacy protection.

Man: But that's the argument, what is the...

(Chuck): It's not a argument, it's a hypothesis to test, so the...

Steve DelBianco: We all sort of boxed in to try to state things of in terms of a hypothesis. When we put the work into submitting - study submission number two, it's two pages long and I included in there all the data capture that I was requesting.

And the data capture including getting the numbers that (David Moder) was just mentioning. Getting the numbers of people that picked this out of the number than had an opportunity to pick it.

But, the way this is preceding is that we sort of set aside all of our original data collection request, and we're left only with hypotheses that we can pass along to the consultant.

And that means we had to load these hypotheses with questions that beg the collection of the data we originally that we needed.

Tim Ruiz: Can I get in the queue?

(Chuck): Go ahead Tim jump right in.

Tim Ruiz: I wanted to make sure Steve was done, and I sound like I might have cut him off.

Steve DelBianco: No, go ahead.

(Chuck): We're you done Steve?

Steve DelBianco: Yes.

(Chuck): Okay, thanks.

Tim Ruiz: Okay. I understand (David)'s concern and I guess I have the same concern, and I don't - I mean this is actually Steve's proposal so I - I guess I'm not inclined to argue with him a lot about what his hypothesis is.

And I'll just say that - you know, as just thinking about deliberating this later on the council Steve I just wonder if the way that's worded won't do more harm than good in getting this study seriously considered.

And the reason I say that is because of the concerns that (Dave) had mentioned. You know, that a significant number of registrants, you know, aren't aware - are aware but don't select proxy services. I'm not sure I would assume them that that would automatically conclude. That

the reason is that costs of the service don't - are not justified by the benefits.

And I'm - it would seem to me that that would be a number of others might feel the same way and that could influence the decision on this. So just - I guess just give that some thought if there isn't (another) way to do it without -- because I think like (David) said there's a number of conclusions that could be drawn from that.

It doesn't necessarily mean that the only reason they're not selecting that is because the costs don't, you know, are not justified by the benefits.

(Chuck): And I see the problem with the logic there. And that's why I wonder if we can just simplify (this) because it does seem like it would be - it may be worth considering doing a study to see whether the cost of private (proxy) services is precluding some people from using them.

Steve DelBianco: Absolutely. How do you state that in a hypothesis (unintelligible)?

(Chuck): Well what I'd say it could be a hypothesis. The cost of privacy services precludes some registrants from using them.

Jordi: It's Jordi.

Steve DelBianco: I'm agreeable to that.

Jordi: Sorry.

(Chuck): Jordi go ahead.

Jordi: Yeah gentlemen one point there. I think that I partially (agreement) with (David) and the last person who spoke. (The idea is following) - I mean - if we do that I mean beside cost there are other verticals that merge in the process on that division that may be how easy is to set that on the interface of the registrar if it's well explained, does the level of skills of the users.

So I don't think that just cost -- as it's written right now -- is (valuable) that has to prove (the hypothesis).

Maybe the question could be rephrased, say something like how much would you be paying for getting your privacy protected by a proxy service or whatever. Then we do have a measure of the cost. But of course that's going to be different in every part of the world because of the different levels (and salaries) and all that.

(Chuck): Thank you Jordi. Well it seems to me -- first of all -- (see) if I'm correct on this. It seems like these two sentences should first of all be listed as two separate hypotheses under number two rather than one paragraph. I don't know if that's useful or not.

But they don't necessarily have to be dependant I don't think.

Steve DelBianco: Agreed.

(Chuck): Do you agree with that Steve? Okay. So has anybody - does anybody have any problems with the first sentence being the first hypothesis? Okay so we're okay on that one. So the question is can we simplify the

second one as a separately listed hypothesis under number two. And does somebody have a better wording than what I propose?

Jordi: Excuse me just one question. Regarding the first sentence on area three - item number two or whatever. I mean the second there. I mean is the first sentence really a hypothesis or is it just describing a fact? (Unintelligible).

(Chuck): I mean it becomes - if it can be verified to be true then it becomes a fact, right? So I'm not sure I understand Jordi what you're asking.

Jordi: Well my idea is that (even written) the percentage (unintelligible) presently have options protective (unintelligible) I think that yes, they do. I mean more or less we know that there are (offers) in the markets who do so. And we know (of practices) that certain registrars do. The point is that we don't know if it's at 10% or 90%.

But my understanding is that well, this describes a fact. Yes there are registrars that (offer) that service. And so that - my question was in that direction.

Man: Steve DelBianco do you want to respond to that?

Steve DelBianco: Jordi if you were able to read the actual study that was submitted I included in there all the data that you requested -- survey of registrars and third party providers within each (unintelligible) as well as the cost per month, the number of people that (picked it), and the trend over the last 12 months.

But the (data) that you just spoke of is all in the study submission. But when one has to state it in terms of a hypothesis you don't usually put the data gather in the hypothesis.

Again the structure that we've proposed here is (causing us all to ignore) the data that we wanted because the conclusion here was that if we state a hypothesis the expert consultant will go out and determine what the data is that they (opt to gather).

(Chuck): And they won't have access to the details of the study that were proposed.

Steve DelBianco: Right. So Jordi...

(Chuck): Evaluate the cost of a study and then if we pursue it in developing the study itself.

Jordi: So then can we say that the answer to the first hypothesis -- that sentence -- is already on that study that was submitted because (the data)'s there?

(Chuck): No I don't think we can conclude the answer. We can - that's the idea of doing a study.

Steve DelBianco: Right and a yes/no answer is of no value at all at creating policy. A yes/no answer would be useless. What we really want is the actual statistics, (trending) over time that we can understand whether people are picking it when they can and what percentage, and is it growing?

(Chuck): And we talked about it last week that we shouldn't assume that a study is only going to produce yes/no answers, okay? That the data behind the response is every bit as important -- maybe more so -- as Steve just said in the study.

So I suggest that we leave the first one alone for now. Again if there are people that still want to revisit that during the week and at the beginning of our meeting next time we can do that.

Does anybody have an alternative suggestion for the second sentence other than what I proposed -- which was basically the cost of proxy services precludes some registrants from using them?

Steve DelBianco: That's fine by me (Chuck).

(Chuck): Any problems with that? Keep in mind -- and I'll probably have to say this each week but -- ultimately the counsel in consultation with the full (unintelligible) and so forth is going to have to decide what studies they want to pursue further. And the next step being they get (cost steps) for studies.

So we're not suggesting that all of these -- in fact we know that all of these probably won't be able to be done because it would be cost prohibitive. So any other comments on study number two?

Okay let's go to study number five and take a look at that one. So...

Steve DelBianco: Is (Alan) on the line? (Alan) (unintelligible)?

(Chuck): I don't think so.

Steve DelBianco: This (unintelligible) difficult to paraphrase. It went right back to (Alan)'s original suggestion number five. And you (his hypothesis).

(Chuck): Hold on a second. I'm trying to scroll around. Does anybody have that - the original handy?

Steve DelBianco: It says (at present) allows retailers and registrars to offer products and service -- which is an opportunity for these industry players to differentiate themselves on value rather than reputation only.

So again it's stated as a hypothesis and a yes/no answer would be useless to us. We actually want statistics on the differentiation amongst (offers called) proxy services.

Ideally it ties in with (the things I submitted) in number two because some registrars are differentiating themselves by featuring privacy protection for \$10 a year. That would be great to understand whether they're attracting a greater number of registrants who take it up. And it would help to answer the question that we proposed in the first (edition) here -- which (unintelligible).

(Chuck): Any discussion in that - on that?

Tim Ruiz: This is Tim. Just I can get in the queue.

(Chuck): Sure go ahead Tim.

Tim Ruiz: I wonder if just a slight edit to it might be better to the (who is) a present allows (resellers) and registrars to offer privacy services and is

used by them as an opportunity to differentiate themselves on value or (and is used) as an opportunity for these industry players to differentiate themselves on value.

Steve DelBianco: Well (and is used) these services to differentiate themselves (is ensured). Take out the opportunity.

Tim Ruiz: Yeah, yeah. Just to make more of a bit of a - little less subjective of that second part in more of a statement.

(Chuck): So run that by me again please?

Tim Ruiz: Those - I think Steve had a little bit better wording. But (who is) the present allows (resellers) and registrars to offer privacy services and is used to differentiate themselves on value.

(Chuck): Steve are you okay with that modification? Do you want to work...

Steve DelBianco: We could even make it shorter. We could say that they allow registrars (and registrars) to offer privacy services to differentiate themselves on value.

(Chuck): Does that work Tim?

Tim Ruiz: Sure.

(Chuck): Any discussion or objections to that? Okay (five) then we'll accept is okay with that modification. (Liz) do you have that?

(Liz): Yes I do.

(Chuck): Okay. Going to GAC seven then -- and I finally opened up another screen so that I can jump through these a little more readily. And GAC seven was what is the historical trend and current percentage of the registrars and their affiliate's proxy and privacy registration in relation to the total number of domain registrations (in TLD)?

Now - and Steve do you want to talk to what you did on that?

Steve DelBianco: Yes. I picked up the - I picked up on their (word) of trend and the percentages and said that a growing share of registrar are protecting the privacy of (who is) data by using proxy registrations and/or privacy services.

That's stating it as a hypothesis.

(Chuck): Any discussion on that? Any objections to that?

(James): Just a question -- this is (James).

(Chuck): Go ahead (James).

(James): Reading the original question it just mentions historical trend. And how did we translate that into a growing share?

Steve DelBianco: (Since I had to make) it a hypothesis (James) I have to say either a growing or a shrinking or a flat share so that it's a testable question. Are you with me on that?

(James): Yeah I guess -- yeah.

(Chuck): Again be careful not to look at these statements as conclusion. Okay? Steve isn't saying that there's a growing share. It just said in testing the hypothesis he's picked one of the three choices there so that it can be tested. The result could actually show a shrinking share, or it could show, you know, fairly stable situation? Does that make sense (James)?

(James): It does. And I see it's consistent with the hypothesis with GAC eight. So I'm fine with that.

(Chuck): Okay. Anybody else have a comment on seven - GAC seven? Okay let's go to GAC eight. What is the percentage of registrars and all affiliates that offer proxy or privacy registration? Obviously that's a pretty question to answer without a study -- it seems to me. But let's look at -- Steve do you want to what you did there?

Steve DelBianco: Again I implied growth by saying (hypothesis) (is at a) growing share registrars and affiliates are offering proxy registration and/or privacy service. And (Chuck) if I could add a clarification I had explored this extent (unintelligible) (of the two) that some of the questions that have to be asked to answer the hypothesis can be done by simply surveying what registrars are offering.

And that's a relatively easy matter with 800 total registrars and figuring out what they offer and what they don't. The separate work is to go out and ask questions of registrars and say what percentage of registrars who bought domain names in the last 12 months selected privacy services? And what is that percentage by month in compared to last year?

That's a lot more work to get but both questions are important.

(Chuck): Any comments, discussion on that? Any problems with what Steve did on GAC eight? Okay good. Let's go to area four. And Tim this is an area that you helped us on in drafting some hypotheses for consideration by the group.

So I'll look to you to kind of do - to respond. I'll go ahead and kick each one off. Let's start off with Study 17. And that one was submitted by (Claudio Degange) from (Inta). I'm sure I mispronounced that.

Survey proxy privacy service registrants to determine their reasons for using a proxy service. And Tim can you pick it up from there and talk about what you proposed?

Tim Ruiz: Right. The original hypothesis was at the (unintelligible) of proxy privacy service users shield their identity for improper purposes. So my concern with that was that how do we, you know, how would you find out what user's intent is, if it truly was for improper purposes they're not likely to respond much to any kind of survey or study.

So I revised it to focus on the way the domain names were being used -- which may be something that's testable and also try to define a little bit more distinctly improper purposes.

So the revised - the proposed revised hypothesis is the majority of domain names registered by proxy privacy services are used for abusive and/or illegal purposes.

(Chuck): Thanks. Any discussion on that? Questions? Any objections to wording it the way Tim worded it? Okay. Going on then and again I lumped several suggested studies together in this and may have been off-base in doing that. But anyway I did it. So we're working from that (start).

And - so 18, 19 GAC nine and GAC ten I had all kind of lumped together because they seem related. We can decide whether that's the right way - the right thing to do or not as we move forward on this.

Study submission 18 was submitted by (Claudio) again. Sample proxy service registrants and review their sites to determine what percentage are likely individual registrants concerned about their privacy? And I think his hypothesis was that the majority of registrants by proxy are used commercially in order to profit from domain registrations, not by individuals concerned about privacy.

So I mean that hypothesis itself is fairly well worded from a - just from a hypothesis point of view. Tim do you want to comment on that?

Tim Ruiz: Yeah again I thought that -- you're probably right. It is a pretty good stated hypothesis except that when we look at the testability my concern was whether we could actually determine the intent of individuals or if we'd be able to somehow, you know, survey or get some kind of response, you know, if individuals -- we are concerned with privacy, how likely they're going to be to respond, or how likely we're going to be to get the data we need considering that they're keeping that private.

So I just - I revised it - not a massive change but just simply stated that different privacy rights attached to (natural persons than to legal

persons) majority of domain names registered by proxy privacy services are for commercial purposes and not for use by ((noise)).

And then, you know, based on the data collected, you know, other conclusions might be drawn. But that the - determining that the domains or the majority of the proxy privacy services are used for commercial purposes and not by natural person would be something that could be possibly determined or that data could be collected.

(Chuck): Thanks Tim. Discussion?

Steve Metalitz: This is Steve Metalitz.

(Chuck): Go ahead Steve.

Steve Metalitz: I wasn't sure that the first sentence in the revised version is a testable hypothesis.

(Chuck): In fact, isn't that something that there's pretty broad agreement about in the community?

Steve Metalitz: Well yeah, I think as a general matter I would think there is. But I'm just not sure how this would test that? I think the second sentence is a testable - may be a testable hypothesis because you look at how these names are being used and classify them in one of two boxes.

(Chuck): Tim did you want to respond to that?

Tim Ruiz: Yeah, you know, I don't have a problem with that. I guess I was trying to just - as part of the reasoning for some of the hypotheses. I don't

think - but I think you're right. They're probably not necessary. It's kind of repeated throughout the rest of those (actually).

But yeah it - the real hypothesis is just the second sentence. That's true.

(Chuck): Thanks. Is there a comfort level with that second sentence then? The majority of domain names (by) proxy privacy services are used by - for commercial purposes and not for use by natural person? Any objections to that?

(Liz) please let me know if at any point we jump ahead - go too fast for you.

(Liz): I've got it. Thank you.

(Chuck): Okay. So what we have for 18 is okay. We'll talk about the whole group in a minute but let's look at 19 then. And 19 was also by (Claudio). (Example) (who is) referenced to determine what percentage of registrations are owned by natural persons, legal persons, and proxy services? And two, survey registrars together a similar information as well as information about requests to reveal the identity of the registrant.

And his stated hypothesis was different privacy rights attached to natural persons than to legal persons. And we're back to that - what we talked about just a minute ago. The study will determine the proportion of each as well as the extensive proxy registration from which the legal or natural status of the underlying registrant is unavailable in order to attempt to tailor (who is) improvements to the different population.

And then Tim I'll turn it over to you to take it from there.

Tim Ruiz: Yeah this one I struggled with a little bit and I probably just sort of gave up -- more or less -- on (my end). I tried to get - just to be a little more (unintelligible) but this really (is an) hypothesis -- from my point of view.

But basically the revised one -- this is where I picked up that language. Different privacy rights attached to natural persons and (legal) persons knowing the distribution of domain name registration (are) between natural persons - legal person and proxy privacy services would benefit future (who is) policy work.

That's more of a reason for the study I guess than it is a hypothesis based on it. But I struggled because it's a study that's suggesting a collection of data and it's really difficult to draw a hypothesis (that's being) intended there -- like it's just a matter of trying to determine, you know, what percentage of registration, how they break out between legal, natural persons and proxy privacy services.

(Chuck): Thanks Tim. (Unintelligible).

Tim Ruiz: I guess I just kind of left that to everybody to discuss today I guess.

(Chuck): So let's discuss it. What's the thinking on this one? Does anybody want to jump in the queue?

Steve Metalitz: This is Steve. It's a little hard -- (Matalis). It's a little hard to determine quite where this is directed at. But it almost seems like -- because the second part - I'm looking at the second part of the little summary of the

submission. Survey registrars gather similar information as well as information about requests to reveal the identity of the registrant.

And I'm wondering if there's a sense here that we're trying to find out if a proportion of - is there - the proportion of registrants who are legal persons or natural persons (different) between (who is) database as a whole. And those registrations that give rise to request to proxy services to reveal identity.

I think that may be at what he's driving at here. So another hypothesis would be something like individual registrants who use proxy services are more likely to be the subject of requests to reveal their identity than are legal persons who use proxy service.

(Chuck): Other thoughts on that?

Steve Metalitz: I'm trying to...

(Chuck): Yeah, no I appreciate that.

Steve Metalitz: What number two is about.

(Chuck): And that could be. Somebody else? Let's go back to what Tim suggested and compare it to what Steve was suggesting there. And let's forget that first sentence again. And then knowing the distribution of domain name registrations between natural persons, legal persons, and proxy privacy services would benefit future (who is) policy work.

Now that may be a valued judgment rather than a testable hypothesis -
- I don't know. But Steve -- again can you repeat what you're
suggesting? The author of this one might have...

Steve Metalitz: I guess one way to put it would be individual registrants...

Steve DelBianco: Natural persons (unintelligible) right?

Steve Metalitz: I'm sorry yes. Natural persons who use proxy services for registration
are disproportionately the subject of requests to reveal the identity of
the registrant.

(Chuck): Let me -- I like the way that's worded in terms of it's something that
would be very - it seems very useful to know that, you know?

Steve Metalitz: And it could be the other way around. But I mean...

(Chuck): Yeah, right, (in our sense). All of these could be the other way around
depending on how we word them. And hopefully if a study was done it
would reveal that.

So Tim what do you think about what Steve did there?

Tim Ruiz: So (it's a disproportionate) share of proxy privacy registrant...

Steve Metalitz: Maybe another way to put it is just kind of reverse that and say a
disproportionate share of requests to reveal the identity of registrants
who use proxy services are directed to registrations made by natural
persons.

Steve DelBianco: Disproportionate share is the same thing as saying they are more likely to be the subject of reveal request. Is there an easier way -- the natural persons are more likely to be the subject...

Steve Metalitz: No not necessarily because what if natural persons are 30% of the group but they generate 40% of the requests? They're still less likely...

Steve DelBianco: But they would be then more likely than a legal person to generate a request.

(Steve Metalitz): Well the majority of requests would not be about them though. So that's the only (unintelligible).

Steve DelBianco: Majority but it's more likely -- I'm just trying to be helpful. So if you think disproportion captures it that's fine too.

(Chuck): Tim do you have a comment on that? Did you understand what Steve's proposing there?

Tim Ruiz: Yeah. You know, I don't have a problem with it. I'm just trying to look at (Claudio)'s proposed study. There's a number of things that could, you know, could be driving towards. And this certainly could be one of them. But I don't have any issue with it.

(Chuck): So should we - is anybody opposed to stating it the way Steve Metalitz suggested?

(Liz): Steve could you please re-read it?

Steve Metalitz: Yeah. A disproportionate share of requests to reveal the identity of registrants who use proxy services is directed to registrants who are natural persons.

(Chuck): Do you need him to break the down (Liz)? Or you got it?

(Liz): I just needed him to say it one more time. I'm close to getting it.

Steve Metalitz: Okay. A disproportionate share of requests to reveal the identity of registrants who are - who use proxy services is directed to registrants who are natural persons.

(Liz): Got it. Thank you.

(Chuck): Any objections to that? Okay let's go to GAC number nine. Let's try and get GAC nine and ten done and then talk about the grouping of these things before we get action items for next week.

GAC nine what are the relative percentages of legal persons and natural persons that are gTLD registrants that also utilize proxy or privacy services. Obviously very closely related to the other things that we've been talking about. And Tim do you want to talk to that?

Tim Ruiz: Yeah. Just again ignore the first sentence. The hypothesis I'm proposing is a significant share of proxy privacy service users are legal persons. Just trying to draw some intent from the GAC's recommendation (unintelligible) was dealing with study 19 there.

You know, and again that could go, you know, a significant portion of (our) natural persons.

(Chuck): Right.

Tim Ruiz: But one (or) the other - in order to have a testable hypothesis.

(Chuck): Any problems with that second sentence then on what Tim did? Any suggested edits? Okay. Then number ten - GAC ten was what are the relative percentages of domain names for commercial versus non-commercial purposes that are registered using proxy or privacy services. Again very closely related and Tim you want to talk to that one?

Tim Ruiz: Yeah and I just again very similar hypothesis -- that a significant share of domains that are registered using proxy privacy services are used for commercial purposes. Again it could be non-commercial purposes either way. But one (or) the other creates a testable hypothesis.

(Chuck): Any objections to that or any suggested edits?

Steve DelBianco: This is Steve DelBianco.

(Chuck): Go ahead Steve.

Steve DelBianco: I think these are outstanding ways to phrase it. And as I read ten and 11 the GACs didn't ask about trending, right? So they're not implying that things are going up or down over time and then accordingly you didn't reflect a growing share or a shrinking share.

So there's no implication in the way you stated the hypothesis that we want to know the trend here. So my question would be (unintelligible)

(infer) that there's a - we're interested to know whether there's a growing or shrinking substantial share.

If we don't ask it I don't know that - (whether) the consultants will (doubt) it.

(Chuck): So what's your specific suggestion?

Steve DelBianco: Well if the group felt it was also important to get the answer to trend we would have to stick the word growing in front of substantial so that the trend would be investigated -- (sort of) hypothesis.

(Chuck): Do we have that captured or is it different in what we did for GAC seven and area three?

Tim Ruiz: This is Tim. I don't disagree with that. But I'm wondering if that isn't two hypotheses because if you say - if you just say a growing share then that may not...

Steve DelBianco: (Unintelligible) growing and substantial.

Tim Ruiz: Would be the relative percentages, you know, between the two.

Steve DelBianco: Yeah Tim I would only offer growing and substantial. I would not want them (unintelligible).

(Chuck): So is that an additional hypothesis then or a rewording?

Steve DelBianco: I'm suggesting it as an additional word in the current one.

Tim Ruiz: A growing and significant share. Is that what you were suggesting Steve?

Steve DelBianco: Yes Tim if you felt that the trend was going to be a interesting (thing to learn).

(Chuck): So we would change what - for GAC - would that apply to both nine and ten?

Steve DelBianco: Yes.

(Chuck): So a growing and significant share of and then the rest stays the same -- in both cases?

Steve DelBianco: That would be my suggestion.

Tim Ruiz: And I'm good with that.

(Chuck): Any objection? (Liz) did that - were you able to keep up with us on that?

(Liz): Yes I've got it thanks.

(Chuck): For both GAC nine and GAC ten?

(Liz): Yes.

(Chuck): Now we're just about out of time and I don't think we have time to talk about maybe combining 18, 19, and GAC nine and ten. Would anybody or small group of people want to look at that between now

and our next meeting to see if there's a way that we could kind of combine those? Or maybe people think that they're just fine -- all as separate ones, even though they're very closely related. Any thoughts on that before we talk about volunteers?

Might it be valuable to combine these into one or two?

Steve DelBianco: (Chuck) this is Steve. I would say if you had willing volunteers let's just hang them on the categories we haven't even got to yet. And maybe if we still have time at the end of our deadline we could maybe go back and do a (run of consolidating).

(Chuck): I'm okay with that. Anybody disagree with that approach? Okay. Then thanks everybody on those. And then (Liz) will create a redline document to show what changes were made and distributed and will also enter the things for area two through four that we've done today into the wiki so we can also see them there.

What we now need to do is to get some assignments for the future areas and we need some new volunteers. And my compliments to the volunteers so far. You guys have done a great work.

And so we need a volunteer for area five impact of (who is) data protection on crime and abuse, area six -- which is proxy registrar compliance with law enforcement and dispute resolution request, area seven -- which is (who is) data accuracy, area eight -- other GAC recommendations.

So there's four areas remaining. It'd be nice if we could get a volunteer for each. I don't know whether we'll get to all of those next week. But

just in case it'd be nice to have it done. Any volunteers? And I - first one to volunteer gets to pick the area so if you have a favorite you might want to jump in.

Steve DelBianco: Steve Metalitz this is Steve DelBianco if you'll work with me we could do maybe area six because I can't do it alone (unintelligible).

(Chuck): (Matalis) would you be willing to work?

Steve Metalitz: Yeah I can do that.

(Chuck): Okay so we've got - so for area six we've got both Steve's.

Man: With DelBianco taking the lead.

(Chuck): Okay.

(James): (Chuck) this is (James).

(Chuck): (James) yes?

(James): Yeah I'll go ahead and volunteer for area seven.

(Chuck): Area seven for (James). Okay. I just need two more volunteers for area five and six. Area five is impact of (who is) data protection on crime and abuse and area six is proxy registrar compliance with law enforcement and dispute resolution request. My mistake. I realized what I did.

We need area five and area eight. Area eight is the other GAC recommendations. And if we don't get anyone for that one (Eric) --

blank on his name right now -- actually submitted something to me that may work for that. So let's focus on area five and getting a volunteer for area five -- which is impact of (who is) data protection on crime and abuse.

(Tony Harris): I can do that if you want (Chuck). It's (Tony Harris).

(Chuck): Thank you very much (Tony). That would be great. And then again if you can get them to the (list) with some lead time before our meeting next Tuesday and also post them - it's pretty easy. All you do is go into the edit function and then just paste them into the table that's in there in our wiki.

If you have trouble with that and you want me to do that just give me some lead time because sometimes shortly before the meetings I don't have very much time -- like today.

(Tony Harris): Okay no problem.

(Chuck): So for some reason you can't do that let me know. Give me at least a day's lead time so I can get that done.

(Tony Harris): No problem.

(Chuck): Okay. So we've got area five (Tony Harris), area six the two Steve's with Steve DelBianco taking the lead, and area seven (James) volunteered.

Now our meeting will be the same time next Tuesday. And (Liz) will - I'll do a very brief recap on this meeting and then (Liz) will - we've

already talked about her action items. We've got the volunteers. I'll take a look at what (Eric) has done on the GAC things and send something out on that.

(Liz): So (Chuck) my only challenge -- it's (Liz) -- is that I'll probably need to send this out tomorrow because I'm jumping on a plane real soon.

(Chuck): That should be fine (Liz).

(Liz): Okay I'll definitely do it in the morning.

(Chuck): In fact you'll notice in the agenda that for both you and I, I put not later than the 23rd. So that's tomorrow.

(Liz): Perfect.

(Chuck): So you're covered. All right? Hey thanks everybody. We made some good progress today. Again take a look at what we did and if you have any comments, additional suggestions if you can send them to the (list) we'll allow a brief time to go for additional comments at the beginning. But we really want to focus on (these subsequent) areas.

Tim Ruiz: Hey (Chuck) this is Tim.

(Chuck): Yes Tim?

Tim Ruiz: Just real quick. I won't be on the call on Tuesday. I'll be traveling but - so - but I'll keep an eye on the list before then. And as people post anything I'll offer a comment.

(Chuck): Thanks, I appreciate that. And thanks for letting us know. Anybody else got a comment before we close?

Okay. Meeting adjourned. Have a good rest of the day.

Tim Ruiz: Thanks (Chuck).

Woman: Thanks (Chuck).

Man: Bye (Chuck).

Man: Bye (Chuck).

END