

**Transcription ICANN Helsinki
Cross Constituency Meeting between the IPC RrSG
Tuesday, 28 June 2016**

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Gregory Shatan: Everyone thank you for coming to this meeting between the Intellectual Property Constituency and the Registrar Stakeholder Group or between the Intellectual property folks and the Registrars.

Since the policy forum is a new kind of meeting we thought we'd try new kinds of meetings at this new kind of meeting, hence this bilateral meeting. And the thought overall is to try to find areas of common understanding, areas of fruitful coordination.

That may mean emphasizing points there or touching on points where we don't yet have a common understanding, but that's to be understood. In terms of the topics we could be discussing we developed a short list but no surprises of, you know, this being the policy meeting the initial thought was to look at the kind of top policy issues that are being, you know, discussed and that are part of the working group.

So the review of RPMs and next generation registry data services are areas we thought that were, you know, Registrars and IPC could have fruitful discussions.

But also as with any ICANN meeting, you know, things come up in the - in front of the car that make you change you change your course. And as many of you know, there was a meeting yesterday called by Bruce Tonkin bringing together leaders if you will or representatives of a number of constituencies, stakeholders groups, ACs, SOs and the members of law enforcement and Board and Staff and the discussion of - basically of, you know, abuse reporting issues, compliance issues, violations of law by Registrants primarily and the like so there is that to discuss as well.

With the Registries that kind of became - and then also discussions of PICs compliance or noncompliance and the like so that - we only have 45 minutes so any one of those topics could take all our time. So is there any particular thoughts on where to start?

Michele Neylon: This is Michele. Just before we get into any kind of substance, I mean, first off I think we should be thankful that we're actually having this kind of meeting because I think this could be useful and hopefully not the last one that we have.

One of the issues I think in - a lot of the time within ICANN is that there's lots of different groups and we don't actually talk to each other in this kind of setting.

We tend to talk at each other in other settings, which probably isn't that productive. Now that doesn't mean of course that we're going to agree with you or disagree with you or anything else, but at least we're actually having a conversation, which I think is a positive move so thanks for reaching out to us.

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Gregory Shatan: Absolutely and I think that is, you know, one of my goals is - as Chair of the IPC has been to try to reset some of those relations so that we're not kind of playing, you know, tennis over a brick wall or we're just kind of lobbing things back and forth and not seeing eye to eye so, you know, to try to tear down the wall and at least find a way to meet at the net and have a, you know, fruitful discussion.

I think that as with any conversation there are moderates/extremists. There are, you know, good actors/bad actors. The point is to try to get a large center that can hold that includes, you know, the best interest of IPC and Registrars and best practices of IPC members and those in our community and Registrars and try to arrive at that.

That's - there's, you know, we are kind of all in this together so in the end, you know, we're all here because we see, you know, the Internet and gTLDs and all of that as being, you know, extremely important.

Obviously it's important to Registrars. Otherwise you'd be doing something completely different but that's true for us as well. So I think we're here to try to create a, you know, ground for, you know, future fruitful discussions but certainly in the time we have to take some time and discuss, you know, the issues that are right in front of us.

So it's not just going to be a dialog between me and Michele, although those are particularly amusing.

Michele Neylon: Well I think if we're going to have a dialog between the two of us there should be alcohol involved so that would be much more entertaining.

Gregory Shatan: Absolutely.

Michele Neylon: Anybody have any preferences either - from either side, just a particular topic that's burning that you want to discuss? Don't force the two of us to beg

because we might pick the one you don't want to talk about. Should we like kind of toss a coin or something?

Gregory Shatan: Maybe we would toss a ~~s~~aber? Oh that's Scots. That's not Irish. Becky Burr.

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Becky Burr: I'm not supposed to be sitting at the table since I am neither a Registrar nor a member of the IPC. But I'm going to do this anyway and just suggest that we pick up some of the things that we were talking about in the previous group with the Registries, and the notion about forging common understandings about what the contractual requirements are, which is what - in the previous group they talked about Spec 11 and what the meaning of that were, and then sort of providing for ongoing discussions about the issues to try to find common ground outside of the big C compliance space.

Gregory Shatan: I think that's a fair suggestion and, you know, picking out of a list of three we might as well, you know, it's not a long list. Might as well pick that one. I think that in many ways, you know, there have been discussions but it's, you know, clear that Registrars field a lot of abuse complaints and a lot of those complaints, you know, have deficiencies and a lot of them don't and there are concerns about, you know, what's required and what's not.

And I think that we might as well, you know, pick up with that because that also picks up on yesterday's meeting with Bruce Tonkin. And so I think that, you know, the - from my point of view, you know, that is, you know, as good a place to start as any.

And again I see a scenario where there's been a lot of misunderstanding, more light than heat, it's finger pointing and yet I find in there a kernel of the ability to have a common understanding and I think, you know, generally speaking a lot of interest in having a common understanding because otherwise, you know, there's a lot of time that's seen kind of wasted on both sides - ultimately wasted in terms of establishing, you know, to be - to kind of focus it further on what those who think they have an abuse complaint or

infringement complaint should do with it and what it should say and those who receive it what they should do with it, what it should - what it needs to look like so - for them to have something to do with it and what's satisfactory in terms of having it done with and what's, you know, what misplaced expectations do - does each side have of the other? So I'll take a - talk - take a queue. I see Kiran and Steve.

Kiran Malancharuvil: Hi. Kiran Malancharuvil from MarkMonitor. Just to put a little structure around this topic I think which could very easily be too big of a topic to discuss in the time that we have here, I recall that at the meeting in Dublin there was an attempt at some fruitful discussion around abuse reporting practices with Registrars, and that out of Dublin came an action item about potentially developing best practices or at least, you know, guidelines about abuse reporting or suggestions about abuse reporting.

And so I was wondering if we could hear from the Registrars whether that was a true action item and maybe what the statuses of those discussions within the Registrars are as maybe a starting point to this topic. Thank you.

Michele Neylon: Thanks Kiran. Is Graeme in the room or has he deserted us? No I don't think he's here. Yes we have been drafting a document within the Registrar Stakeholder Group, which covered a wide range of topics around different types of complaints that come to Registrars not just - well, I mean, some of the complaints that are going to Registrars are completely unrelated to anything that we do but we still end up getting the complaints.

We actually get a lot of complaints about their - people's Google ranking, which I find quite amusing. So the - we've drafted a document. I believe a draft of it was shared with some of you.

And since that draft it was - there were multiple edits then somebody redrafted it and I think at this stage we're going to have to go back and reiterate over it.

It's one of these things where it kind of - it started off in a nice little place. It grew and grew and grew and grew. Then it became a - kind of a complete and utter beast.

Then it got hacked to pieces and now we think we have to restructure it again but it's - it is something that we are still working on. However in the interim I think if anybody is unclear about, you know, why certain types of reports are more problematic for us, I mean, if you give us a clear example of a report that you're having difficulty understanding why it's been treated in a particular fashion we're - I think most of us would be more than happy to address that.

Kiran Malancharuvil: And this is just as a quick follow up to that because I think that that begs for a little bit of clarification as well. So when we have a confusion about an abuse report is it best to bring that to the attention of us?

You're saying us, like us the individual Registrar or us, the Registrar Stakeholder Group. Is that an open dialog between the two, the constituency - our constituency and your stakeholder group or is it something that you wanted to deal with on a one-to-one basis with individual Registrars?

Michele Neylon: I'm not going to be the one to kind of give a definitive answer to that immediately, even though as outgoing Chair I - they can't really, you know, fire me since I'm automatically fired by nature of the fact that I'm term limited.

I don't know. Does anybody want to speak to that? I mean, must speaking personally I think if there's an ongoing issue around something which, you know, if the IPC can engage this with the Registrar Stakeholder Group that would make sense to me at one level.

And obviously if you never actually talk to the Registrar that you're sending the report to that's, you know, that's a slightly different kind of issue. I'm, I mean, I'm...

Kiran Malancharuvil: I would assume that if you've gotten to the point that it's problematic that means you've attempted an initial conversation, right. So I'm talking about when - at the point when things become a little stuck, that we don't understand why it's not going anywhere.

But I think my main point rather than the specifics of the questions is actually just a larger question about whether or not abuse reporting is going to become a dialog between the IPC and the Registrar Stakeholder Group, or if we're waiting from a deliverable from you.

And I think that's probably the gist of both of my questions rolled into one. I would like to see it obviously become a dialog at some point but I do understand that you need to structure your position before you even fight, you know, our input into any sort of document or whatever your goal is.

But I do think that we are anxiously awaiting an opportunity to discuss it with you as opposed to just entrenching ourselves in our own positions internally.

Michele Neylon: Okay thanks. Christian and then Steve.

Christian Müller: Hey Christian Müller from Cronan in Germany. I'd say I hear two questions actually. One is how do we approach the company who's actually registered the domain and what if we have problems here, and the other one is how do we structure that?

And the last thing could be discussed with the group but other than that if you approach me for example the main problems I see is you - abuse complaints, intellectual property complaints are sent to just some email address to some person.

We are a 500-person company so you would probably say there is a problem. They are not responding. And if we are looking into that then usually you just

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send it out to, you know, somebody instead of for example the abuse department.

So how can the stakeholder group help you there? I would personally say yes go ahead. Try to sort that out one-to-one first because in the majority of cases my opinion is that's a problem with - you did it the wrong way or we set it up the wrong way in the means of - that we don't have a clear abuse department or contact or whatever.

And the stakeholder group can't - you - can't help you with that. I - my personal opinion.

Michele Neylon: Steve?

Steve Metalitz: Thank you. Steve Metalitz. I kind of want to get back to this best practices issue. I think the document that you were - that you and Kiran were discussing was not really the document we ought to be looking for, first because it was so broad it covered everything.

And since we're the IPC, you know, we're focused on complaints about intellectual property issues for the most part. And second, I think it's fair to say at least in the first - the draft that I saw which was the one released in Dublin - it was kind of a descriptive rather than necessarily getting to best practices.

Maybe that was farther down the line. I wonder if - I think it could be useful because as I know you've pointed out frequently Michele you - there's a lot of complaints that come in that are really unintelligible and you can't - you don't even know what's - and, you know, there's a lot of deficient complaints.

And on the other side I think we generally feel that we give you high quality complaints - you the Registrars in general high quality complaints and maybe we do. Maybe we don't.

But there could be some room for dialog there about what - if we could reach agreement on what constitutes and actionable complaint, and then obviously we would also want to talk about what are the best practices for responding to actionable complaints in the IP area.

Let me just mention that since Dublin we have concluded work on something that may provide something of a template here, not by any means a rubber stamp.

But, you know, as you know within the Privacy and Proxy Services Accreditation Working Group we did come out with a illustrative disclosure framework to kind of spell out in great detail, maybe too much detail what needed to be in the complaint.

And it was really a commitment by, you know, and that service providers who wanted to be accredited as privacy or proxy service providers - if they receive such a complaint they would act upon it and then there were option for how they could act.

So I think that that suggests - since we reached consensus on that that at least suggested it wouldn't necessarily be a totally quixotic effort to try to see if we can develop some best practices in this area both in terms of what a complaint should have in it and in terms of what - of how a Registrar should respond to it.

And I think if we focused on the intellectual property area - which has its subparts too but if we focused on that rather than trying to address, you know, the entire universe of complaints that might come in about a - different types of abuse that maybe we would get somewhere.

So I think it's worth considering whether, you know, if they are interested - if there's interest on both sides that we would try to start working on that type of best practice. Thank you.

Michele Neylon: Thanks Steve. Just to clarify, I mean, the reason why anything we've been working on was much broader is because, you know, the obligations we have contractually and practically is - was to - is to deal with a much broader range of abuse, which we would agree is abuse plus trying to handle the crazy stuff that, you know, I can't find my Web sites and it ends up in our abuse department desk. I still don't know why but it does. Okay thanks.

Gregory Shatan: It's - just to kind of maybe bring together the comments heard so far, you know, clearly the Registrars need to address a broad variety of issues that all funder (sic) - fall under things that should or shouldn't be sent to the abuse department but are empty anyway.

May we can now look at that as having a series of chapters and one chapter is the IP chapter. And if - since - for purposes of thumping - of trying to find something practical rather than kind of waiting for the entire book we just focus on the IP chapter between our groups.

And then the other things you're working out which are equally legitimate concerns, you know, for the multi-stakeholder community, Internet community and especially for the Registrars who are, you know, at the hub of all of this - that can be dealt with elsewhere.

But, you know, just amongst ourselves we can try to develop the IP chapter together because sometimes the - when you - when products become too big they become too slow.

So if we can be, you know, you and I can together be small, nimble and agile...

Michele Neylon: You and I can't be small, nimble and agile because I won't be me as of the end of the week.

((Crosstalk))

Michele Neylon: I will be Graeme.

Gregory Shatan: Graeme has a big head start on me at least in being small, nimble and agile so...

Michele Neylon: He's - and on me. Alex and then we'll move further down.

Alex Deacon: Thanks. Alex Deacon for the record. You know, another discussion - interesting and useful discussion we had in Dublin that I don't think has been mentioned yet is this abuse reporting best practices.

And I think there was an action from Christian Dawson to kind of create a list and that - and put that out. Has that...?

((Crosstalk))

Michele Neylon: The list is active. I posted to it and nobody replied. Now maybe you're not on the list and if you're - if you didn't get the email which I posted to the list we can fix that.

Alex Deacon: But is that work ongoing or is it - has it kind of - is it hibernating because I thought that would be useful also? And it was separate from the work that...

Michele Neylon: Okay so...

Alex Deacon: ...Graeme had done if I understood things correctly.

Michele Neylon: Right. Okay so - all right the - under the umbrella of the Internet Infrastructure Coalition - so I'm now speaking as Internet Infrastructure Coalition and not Registrar Stakeholder Group just to confuse matters.

We have a number of working groups. One of them is what we're calling the Public Safety Working Group within the Internet Infrastructure Coalition. And one of the projects we took on there was dealing with - was around abuse reporting and everything else, which kind of made sense because a lot of the actors involved - they're neither Registrars nor Registries and don't kind of neatly fit into the ICANN structures.

I know you know this but it's just for other people who may not. So we have - we set up a mailing list for - to continue the discussions on that. Hopefully everybody who attended that session in Dublin was added to the list.

I sent an email to the list. I didn't get back any replies and I may like the sound of my own voice but I don't like sending emails into a void all day long.

So I - nothing's gone any further on that particular list. Happy to continue doing that. I mean, on the Public Safety - on the work we're continuing - doing there we're running like a session on abuse reporting at HostingCon.

We're doing stuff for M3A AWG. We're still continuing on that so that actual list itself has been I'd say beyond quiet. It's like the grave.

Paul McGrady: Paul McGrady for the record. I want to go back to Steve's suggestion, which I thought was very helpful that we have already in the privacy/proxy context essentially a mechanism that after it all got balanced out seemed to be acceptable to most everybody.

Is there a way for us to - a mechanism for this group to bring that forward to see if it fits some of the concerns on the Registrar side? I just - I would hate

to see that good work not be used as a good starting point rather than having to go back to the drawing board entirely. Thank you.

Gregory Shatan: Well it seems - this is Greg Shatan again. Seems to me that, you know, there are a number of kind of overlapping efforts and lists and maybe you've - I hate to suggest having yet another one.

But since they're - each of them are set up for kind of slightly different purposes than in IPC Registry - Registrars rather bilateral that we should set up either a mailing list or a smallish group that can kind of take that document, take the IP chapter of what's been coming, you know, what the Registrars have been working through and kind of, you know, work them together and being a - kind of a limited number of people.

Well it doesn't have to be limited but, you know, it could be a reasonable number of people and a list set up for that purpose. And then we're not, you know, worried about what the Infranet Internet Structure Coalition is doing. Clearly I'm in Finland so that's just an idea. Any thoughts on that?

Paul McGrady: I guess - well I guess I should've been more pinpointed in my question. Is it - Michele and crowd is there...

Michele Neylon: Is that like Michele and his homies? Sorry.

Paul McGrady: Is there, I mean, can we have reaction to this suggestion that Steve made and is that a potential way forward?

Michele Neylon: I'd love to hear a voice other than my own from the Registrar side. Sorry I'm - I - this, I mean, I can give my personal reactions but then they will want to kind of gut me afterwards. So Registrars please speak up. Darcy go ahead.

Darcy Southwell: Darcy Southwell from [Domain.com](#). I think that the work is in progress on this best practices document and maybe it's a good idea for us to take that PPSAI

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framework and kind of, I mean, we're still working on it so to take it and maybe put it in conjunction with that and consider how it would work.

I'm not saying it would work but definitely like if we could marry those two together and start working on that - Graeme isn't here but I know he and I have talked about how we get this kind of rolling again.

It's tough. We have been through a lot of iterations so - but it's definitely probably a good idea to take a look at that and see if it works. Yes.

Michele Neylon: Thanks Darcy. Just speaking personally, I mean, I think you - look ultimately I don't personally like duplicating or - and rewriting things. So, I mean, if there is something like the PPSAI framework which maybe - it might not be perfect but it's something we spent a hell of a lot of time on within that working group.

So it would make sense to reuse that if we could in some form at least as a starting point.

Gregory Shatan: So I think that maybe a - kind of, you know, we're kind of ten minutes before time to stop or so. It might make sense to get the PPSAI framework over to the best practices group that's working within the Registrars, plug that into the IP piece and then take it understanding it's going to be imperfect and send that to just, you know, to me and/or - and the IPC and we can set up a list or a group of people.

And maybe by the time that time we'll set up a bilateral list with a number of Registry - Registrar Stakeholder Group and a number of IPC members on it where we can make that the kind of abuse reporting best practices list.

And we'll have a conversation but I think if we have that document and, you know, one of the things, you know, being a perfectionist I sometimes have trouble sending things out and long ago one of my mentors told me, "Don't let

But, you know, in our original distributions and what we would contemplate in future distributions, you know, we would include other members of the community, you know, certainly Non-Commercials, GAC, LEA wherever possible because we think this should be as transparent and broad and - a process as possible.

Michele Neylon: James and then Steve.

James Bladel: Hi. Thanks. James speaking and just a thought as we were getting towards the end or it seemed to be. Aside from this small group that seems to be picking up this effort of establishing some best practices or some common frameworks for reporting, how can we take what's happening here and maybe expand upon that and increase the dialog and exchange between our two groups?

I feel like most of these conversations outside of the policy forum are occurring through other groups. They're occurring on Council. They're occurring through interactions with the Board.

And I'm wondering if there's a way to short circuit those and get more direct bilateral - it's pretty much the opposite of what [Elliot](#) was just talking about here is as opposed to having these broader community discussion are there better ways to establish more direct channels between the two groups?

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[Elliot,Noss](#): James I just want to modify. What I - when you say it's the opposite I was only talking about that in the context of...

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James Bladel: Right.

[Elliot,Noss](#): ...that particular document.

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((Crosstalk))

James Bladel: Right. And then...

((Crosstalk))

Elliot Noss: I hear what you're saying.

((Crosstalk))

James Bladel: A lot of times...

Elliot Noss: Great.

James Bladel: Okay. Yes. So is that - is there stomach for that Greg?

Gregory Shatan: I think first yes absolutely and stomach is not even the way I'd approach that.
I think there's...

James Bladel: Is there bandwidth for that?

Gregory Shatan: There's - well don't even ask about bandwidth because then the answer is always no but we'll find it anyway. And - but in terms of stomach I think there is hunger for it rather than stomach.

I think there's a positive desire for more kind of sustained engagement, more just, you know, work toward common understanding and not only doing it through as you say other - kind of more formalized structures, you know, play dates that have been set up by ICANN so to speak.

We can - we're old enough to set up our own play dates now so I think that definitely - and to respond to **Elliot** I think ultimately sure whatever we come up with it's not the end of the story and it should, you know, be dealt with, you know, in a larger framework.

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But I think there is a validity to a discussion between what I'll call senders and receivers, and I think that's not intended to exclude others. But I think that as soon as it becomes a 360 discussion of all potential things you lose something.

So I think there is a validity and a need really to have a discussion among senders and receivers of what we think we can send, what you're looking to receive, what we think you should - how you - we think you should respond, how you think you should respond.

And it's a - it's great to have that dialog with the entire community but then we lose a dialog between our - between the senders and receivers. We're always - we're going to end up with a bigger discussion somehow someway but saying we should trash the idea of or, you know, put to one side to use, you know, less colorful language the idea of a bilateral discussion I think is - doesn't actually serve us well.

In the long run, you know, we're not going to get something past the rest of the community and saying that, you know, that, "The IP community and the Registrars agree so this is the way it's going to go and, you know, the rest of you can suck an egg if you disagree."

That's not what's going to happen but some more common understanding as opposed to kind of the whole - dealing with everything in the open sandbox all the time with all comers, you know, you lose a chance to focus on kind of what's happening when the sender has thoughts and the receiver has different thoughts.

Michele Neylon: Okay Steve and I'm removing Greg from the queue.

Steve Metalitz: Thank you. Steve Metalitz. Just in response to [Elliot](#) we had talked about that document a little bit before you came in, and I guess we were talking about

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something a little different here because it's more focused just on the IP abuse issues and, you know, it's - and it's not intended to be descriptive.

It - ultimately we hope it would be some type of, I mean, I would use the phrase best practices. If there's a better label fine but that's kind of what we're hoping to see anyway.

And - but I think James' point is a very good one. And one reason that we reached out to set up this meeting is that we thought that this meeting format that we're experiencing now in Helsinki was an attempt to break up the silos that we keep getting stuck in during Constituency Day.

I'm assuming we're going back to the old silo. I mean, we don't have to go back to the old silos for the next ICANN meeting and maybe we could think about both of our groups building in some time for this type of dialog.

And I don't know again exactly what the meeting format is going to be but let's not be confined in the silo. We obviously all have our own business that we need to deal with and we should.

But let's try to schedule in at the next meeting and maybe we'll have a, you know, it might be focused on this issue we've been talking about. Maybe there's some other issues that'd be more fruitful to discuss depending on what happens in the interim.

But let's plan to build in some time to actually get together on a bilateral basis at the next meeting. Thanks.

Michele Neylon: Thanks Steve and it's Michele. I think that's a fantastic idea. I mean, the reality is that we as a group have met - had kind of ongoing dialogs backwards and forwards but not at every single meeting with certain other groups.

And if people are - have - are interested in doing that personally I think it's a good idea though I don't always agree on the format of them. Personally I'm always into involving alcohol in the mix somewhere because it always kind of makes things so much easier.

But that - that's something that we definitely could do and I think we should do because I think it's a lot healthier for you guys to come to us and say, "Look this is what's driving us nuts. Can we please discuss it?" rather than you kind of taking that, getting upset and you're all, you know, it builds up this kind of tension and then by the time we hear about it it's already been escalated somewhere else.

So there's - and, you know, maybe we can resolve it earlier on or maybe we can't but, you know, if we're actually talking to each other there's a better chance of that. At least that's my view on it anyway.

I think we're kind of running close on time. Do you have any closing words or thoughts?

Gregory Shatan: I think I pretty much said what I had to say but I think that this gives us I think the basis for what I started with, the idea of fruitful coordination and, you know, having a dialog about, you know, this specific document that we're talking about and having an ongoing dialog between our groups.

And I guess my last word is that I would second your motion that if we can include alcohol so much the better.

Michele Neylon: And thanks. That's my - this is my last time as Chair of the Registrars addressing you so bye.

Becky Burr: Thank you. You were actually a very great Chair from my perspective anyway and I appreciate your hard work on that.

Gregory Shatan: IPC members we have a meeting with the ALAC in the Aurora Room in a few minutes. Aurora is back up on Level 1 to the - behind registration so to speak so as far as possible from the Hall A and B where we've been meeting and where the GAC meets.

Michele Neylon: Registrars you are lucky. We don't need to move as far as I know I think. Yes we - this is Veranda 1.

((Crosstalk))

Michele Neylon: Okay so Registrars we're meeting here in Veranda 1 so if you want to get up, stretch your legs for a minute that's fine but come back as soon as you can please.

END