

**WHOIS Council Discussion  
Teleconference  
TRANSCRIPTION**

**Wednesday 17 December 2008 18:00 UTC**

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<http://audio.icann.org/gnso/gnso-whois-20081217.mp3>  
<http://gnso.icann.org/calendar/#dec>

Participants present:

Avri Doria - GNSO Council chair NCA  
Chuck Gomes - GNSO Council vice chair -gTLD Registry C  
Steve Metalitz - IPC  
Steve DelBianco - CBUC  
William Drake - NCUC  
Tim Ruiz - Registrar C

ICANN Staff:

Liz Gasster - Senior Policy Counselor, ICANN Policy Support  
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Stacy Burnette - Director, Contractual Compliance  
Glen de Saint G ry - GNSO Secretariat

Avri Doria: Right, okay.

Operator: Excuse me, this is the conference coordinator. Today's call is being recorded. If anyone has objections you may disconnect at this time. Thank you.

Avri Doria: Okay thank you. Okay thanks, probably worth reading the names so somebody that has the list in front of them could read the names.

Woman: I'll do that. We have on the call Avri Doria, (Chuck Gomes), (William Drake) from NCUCSteve Metallitzfrom IPC, (Steve Delbianco) from Business Constituency, and of course (Chuck) is from the gTLD Registry Constituency. And for staff we have (Liz Gasster), (David Giza ), and Stacy Burnette believe, and myself, (Glen de Saint Gery).

Avri Doria: Okay, thank you. And welcome to the meeting. We're going to have to by the way cut it at an hour because of other meetings coming up behind it. Okay I was asked a question in terms of why we were trying to basically gather numerical values for every one - every constituency in the chart. I think the first part is while the model was started by the registries and a couple of people have come through to the registry saying yes we agree with your prioritization, various other constituencies have come through saying no, we don't agree. We're fine with using the model but we don't agree with starting out with this set of priorities. Let me avoid the word I'm tripping over.

And so therefore we're looking at this point to gather what really is the cumulative priority among all the constituencies so that we have a true picture of who, you know, of which ones are the most important when you take all the constituencies and other points of view into account. The reason for translating it to a numerical and this was - I went back to the original work that had been done by the registry constituency in their report where they had used a 5 point scale and basically sort of say when you have something that's non-numerical how do you create a comparison across the line without turning it into numbers.

And so that was the reason for saying let's use the registries, the original 5 point scale. I put that suggestion out on the council list. And

several council members spoke in favor of it. No council member spoke against it. And so we stayed with the model but we're now trying to collect everybody's point of view on all of the studies. And then at that point and if you look at the XLS chart I put - the XL chart, I not only put the columns for both the priority and then I used the 3 point scale for viability.

Or, you know, one was yes we think it is as a 1, no we think it's not, it's a minus 1. And either we don't know or we have no opinion is a 0. And just to sort of get an estimation of how people view this across the board. And also just for a little statistical thing I put in a, you know, the minimums, the max and the standard deviation on these things. Just so we see, you know, how much difference there is in the answers.

So that was the way I did it and basically including the 0 in the scale was to take account of those constituencies that don't believe a particular study or perhaps any of the particular studies is to be - it should be done. And so basically to get a complete picture of where we are and what the ranking is and what the genuine sort across the constituency is this is what was suggested within the council and accepted.

Does that answer the question?

(Steve): This is (Steve). I think I understand why - well I mean our constituency has done what you asked. We responded to the registry constituency proposal. We said we accept the model. We indicated where we had differences on prioritization. I think that's reflected in the chart. And we can easily turn that into numbers if that's desired. Again I'm not - still not clear why that's so important.

But I think it certainly is important to get the other constituencies that haven't responded to the registry constituency model to do so and either say they disagree with the model or that they agree with the model but they have a different priority. So I think that should be (unintelligible)...

Avri Doria: Yeah. And I think by and large have buy-in from the council on the models. And I think that all the constituencies have accepted that they need to put in values and could in the - the NCAs are trying to come up with what would be a cumulative value from the three NCAs.

I know that we've started the work. We haven't finished it.

(Steve): Okay.

Avri Doria: And I know the registrars did. I need to include it in the chart, I know. And see I believe it's still working on it. I'm not sure. I think for both business constituency and the IPC all you'd really need to do - you've already done all the work. You just need to basically give me the numbers. And it allows you to broaden it out a little bit more if you want to because when you did it you sort of did on a three point chart.

You may have some things that are high, medium-high, medium, medium-low, low. So you may want to expand out your values some more but you don't need to.

(Steve): Okay, thanks. Do we have an agenda for this call?

Avri Doria: No. Basically the agenda was basically two-fold. One was, had we finished all of these it would have been to go on and review. And that was the original plan.

Since we haven't finished it was basically to talk about what needed to be done. And then the other thing on the call is we had some folks from the - from - God, I'm loosing my words. I'm about to misname the group again.

Woman: Compliance.

Avri Doria: Compliance, thank you. I keep thinking of Enforcement and I know that's wrong. So from Compliance Group here to sort of talk about with us some of the differentiation between those issues that were mentioned and Compliance issues and those that weren't. Because we had various questions on that during the last call and made arrangements to have them join us on this call.

So we can't do the first thing that was done which was okay we've all put in our values, now look at, now how do we proceed. And so instead of that basically I just want to leave a little time just to make sure everybody understands the current process and basically is ready to get numbers in. And then I'll fill them in the chart.

I will leave it to somebody else to turn it into Wiki if we want to because I just haven't had a lot of time to do that. But I'll certainly put everybody's number in the chart and make sure the values come out right, you know, in terms of that it's termed correctly, that it's standard deviated correctly, etcetera.

So then are there any questions on sort of completing this evaluation part? Or comments?

Man: I have a kind of a silly question. Is there the possibility to - in order to not be holding things up give you values but then amend it later if I find out within a couple of days that people will change their minds?

Avri Doria: I would think that would probably be true for anyone if, you know, and it's an Excel spreadsheet and if someone changes their value or changes things. But I would think as people are discussing at any point the constituency could change its viewpoint. Does anyone object to that notion?

Woman: No objections.

Avri Doria: But after discussion someone could say hey, you know, we've been convinced we'll raise it, you know, or not.

Man: I think we just need to have them confirm before our next call.

Man: Okay.

Man: Is that right?

Avri Doria: I think that'd be good to have values the firmer the better. But as I say, if we have conversations during the next call where somebody is convinced of something, goes back to their constituencies and says hey, you know, we put that as really low but now that I really understand why somebody else put it higher we might want to reconsider. I don't know whether it'll happen but it could happen.

Man: (Evry) as a - to facilitate the process I think you can print out and go ahead and put in parenthesis zeros across the board. That seems to be the view on (unintelligible) people. I'd written to them suggesting that we might consider taking seriously a few of these studies that are fairly amenable. When we think to the kinds of concerns not quite sure what people expect but I haven't gotten any positive feedback on that suggestion. And since I'm here to then (unintelligible) what the collectivity seems to think right now that seems to be where we are.

And so you could put zeros in for us to move it along and if I'm able to convince anybody otherwise I'll come back to you as soon as possible.

Avri Doria: Okay. And I'm willing to change the values up through the next meeting as people tell me.

Man: Fine.

Avri Doria: Great.

Woman: Okay thank you.

Avri Doria: Anything else.

Man: (Unintelligible) the question?

Avri Doria: On the chart. I didn't hear.

(Steve Delbianco): (Evry) it's (Steve Delbianco) I've got a question.

Avri Doria: Oh sure (Steve Delbianco), sure.

(Steve Delbianco): I'll be the - the Wiki has the neatly formatted table and the Excel sheet that's attached just above the table. Is that the one you want us to see?

Avri Doria: Yes, the Excel sheet just above the table is the numeric equivalent.

(Steve Delbianco): And it is not in the same order...

Woman: Right.

Avri Doria: No, it's in numerical order and then once the values are in there I'll do a sort on it.

(Steve Delbianco): Great and you're sure that they correspond with each other. I didn't update it because I actually didn't think they were in sync so...

((Crosstalk))

Avri Doria: I believe I got all the studies in. And I certainly hope that the registries make sure that I put the right number next to the right study number. But I believe I did it right.

(Steve Delbianco): All right.

Avri Doria: I never swear to being right.

Woman: Would it be helpful for me to take the other - the Wiki posted charts just down for now?



Avri Doria: Or to just move them to - I mean because the sort may come out the same.

Man: The Excel sheet gets updated do you translate the call into the Wiki?

Woman: No we just haven't yet, but we will.

Avri Doria: Right.

Man: (Evry) I have - I had submitted the numbers for the registry because...

Avri Doria: That's right, that's right. I didn't have to worry about you getting them right - about me getting them right. Yeah. No, but I still believe I have all the studies included and such.

Now another question I wanted to ask about this and that has to do with we - at the last meeting we said, you know - and we would ask (ALAC) and we would ask (GAC). Now in terms of asking (GAC) we can be fairly certain that we won't get an answer other than we said what we had to say in our principals.

Now we certain studies that are translated from the (GAC) principals. Do we just leave them out of the valuation or do we assume that hey, you know, these studies are the (GAC) principal studies that they keep telling the board and us must occur then therefore give them the value of 5 that we would assume they would give them.

And I'm asking this as a question because I really don't know what the right thing to do is. In one respect I think yeah, we all know that the

(GAC) would value at least those at a 5 because they keep saying our principal sale. But then again to attract - to attach a value to something when someone hasn't actually spoken up may not be appropriate. So I just wanted to ask other people to think about what we should do in terms of handling what we know or assume to be the (GAC) position.

Man: (Unintelligible) get in the queue for that.

Avri Doria: Okay, anyone else?

(William Drake): (Bill).

Avri Doria: (Bill). Anyone else? Okay go ahead (Steve).

(Steve): Whether or not we add columns for the (GAC) the purpose if of scoring because that's what you just proposed.

Avri Doria: Yeah, that's what I just proposed.

(Steve): Exactly.

Avri Doria: Or asked about rather.

(Steve): Right, whether we put a column in or not to score them they need to know in every turn that council has given full attention to everything they've asked for. We can't emphasize that enough because that's what enhanced cooperation. Those of you in India know what I'm talking about so. We have to keep emphasizing that. So that's my first point.

The second point would be that if we were to put a column in there you don't have to presume that only the body called the (GAC) would be able to comment on how they would prioritize. It may be that certain members of the (GAC) and (unintelligible) (Schapel) would be anxious to reply.

I spent hours with (Everton Mucel) of Brazil who is anxious (unintelligible) and have people in Brazil give us their views. I know they can't join all these calls and not as active as we want them to be but if we hand them a table and clear instructions there's a chance we can get at least France, Brazil, perhaps the U.S. and Canada to weigh in. And I would hope that we could invite a few more.

Because government participation doesn't mean always choosing the (GAC). It could be just interested governments that care enough to participate.

((Crosstalk))

Avri Doria: (Unintelligible) (Bill).

(William Drake): I'm perplexed by that suggestion. Can we do that? We're supposed to be representing what the (GAC) as a whole has a view here?

Man: Well what we're discovering (Bill) is that it's almost impossible for the (GAC) to act as a whole in - unless you give them about a year. And so because of the way governments offer it. I didn't mean that as a criticism okay.

(William Drake): Sure.

Man: And so because it is important to have some input from the government part of the world it may be. And we'll be working on this when we work on the improvements. It may be that the best we can do, and it would probably still be very useful, to get what governments that are willing to participate to at least communicate their individual view.

And by the way, in some of those cases they can't represent their government either. So it's kind of an awkward situation but it would probably be useful to at least have input from any that - any people from governments that we can get. Does that make sense?

(William Drake): I understand the thinking but I wonder how it plays out within the (GAC) politically. If some parties go forward without their being an (unintelligible) movement.

Man: I guess that's their problem.

(William Drake): It is their problem, that's right.

Avri Doria: But I think it's also ours. I think we have to be careful in terms of including individual departments because as ICANN we really still have the (GAC) to consider. And I mean we've taken comments and everything and this is in the GNSO's sort of deliberations. But it's an interesting point but I'm - I think we do have to be careful in what we do.

Man: Yeah.

((Crosstalk))

Avri Doria: Was that the comment you wanted to make or did you get to make?

Man: I would be concerned about the perception of sort of cherry picking and dividing the (GAC). But leaving that aside my view would be I wouldn't decide numbers absent their actually formally responding. I think at the end of the day, you know, they've got to step up, right?

I mean everyone's constantly saying they need more (unintelligible), they need more power, but they can't get their act together. So I mean, if you want (unintelligible) and more power you have to participate and you have to step up when you're asked for something. And so I wouldn't sign numbers without them having made an affirmative statement to that affect. I'd rather they not - I'd rather not have the response from them.

Man: Well except that in this case I think the (GAC) has already responded. So I think (Evry)'s conclusion that the - that you could probably assign 5 to any of them that had the - had a (GAC) study with them and you'd probably be right on target.

((Crosstalk))

Avri Doria: (Unintelligible) background.

Man: (Unintelligible) before I do it, that's all.

Avri Doria: (Bill) it's part of the background basically every time we've gone to ask the (GAC) for their input. They basically responded listen it's all in the principal.

(William Drake): Right, I understand. I'm just saying...

((Crosstalk))

Avri Doria: Yeah please. Was that (Tim) that was asking again in the queue or (Bill) were you finished? Yeah, was it (Tim)? It was (Tim) right?

(Tim): You know what, I'm not sure I feel comfortable I feel comfortable about (unintelligible) I mean I understand what's accrued but they really haven't chosen not to get involved in this process. And I think, you know, basically, you know, the (GAC) principals they kind of stand on their own in a lot of ways. So really isn't all this just the weighting of the prioritizing of the (GAC) principals or recommendations by the GNSO.

So there's some idea of how the GNSO views those principals. But do we - I don't think we need to infer anything from the GAC. I mean I think that stuff stands on its own and the board knows have to deal with it. But to imply that they somehow participated in all this would be misnomer in my opinion.

Avri Doria: Okay thank you.

Man: First of all the (GAC).

Avri Doria: Anyone else want to be in the queue?

(Chuck Gomes): (Chuck).

Avri Doria: (Chuck), yeah. Anyone else? I just want to collect a queue before you start off. Okay go ahead (Chuck).

(Chuck Gomez): The - first of all if we don't include them in what we're doing here that's going to be perceived as ignoring them. And I think...

(Tim): That's not what I said (Chuck).

(Chuck Gomez): No, I didn't say that's what you said (Tim). What I'm saying is that they will interpret it that way if we don't include them in by putting a number associated with that. I'm perfectly comfortable with going back to whoever submitted to (Yanis) and (Zan) and probably (Beartrunk) because he's vice chair and the other vice chairs and asking them would it be appropriate to put a number 5 or a number 4 on the studies for the (GAC) that involve (GAC) studies.

That's a reasonable thing to do. And...

(Tim): I don't agree. I don't see the point in it. I mean everybody's different, the board especially.

(Chuck Gomez): Well...

(Tim): All we need to be demonstrating is where's the GNSO lab.

(Chuck Gomez): Okay, we disagree.

Avri Doria: I mean I could certainly - and it does - let me know if anyone objects. I could certainly make sure that (Yanis) knows that we're going through this exercise and that they do have a chance to rate these things. I assume no one would object to prodding (Yanis) to get them to do something.

Man: I think that's appropriate.

Man: What would we put for them on the rest of the studies if they decide not to...

Avri Doria: No, I'd just - I don't - I think I'd look for his answer and sort of say we've got these studies, you know, here's the spreadsheet, I invite you guys to sell in values. If they sell in values we've got them. If they don't sell in values we don't. And if they leave the others blank, they leave the others blank and does that make sense?

(Steve): (Evry) can I get in the queue? This is (Steve).

Man: Were those viewers or?

Avri Doria: (Steve)?

(Steve): Yeah, my only suggestion was if you're going to do that I would wait till everybody - till all the constituencies have filled in their values.

Avri Doria: Before asking them?

Man: Why is that (Steve)?



(Steve): Because otherwise they're going to say you're asking us to do this, you're not even doing it.

Man: My concern there (Steve) is it's going to take them awhile to turn around and even turn it around, so.

(Steve): They're not going to - we know they're probably not going to respond on the time table that we would want to set. And, you know, all I'm saying is it doesn't look too good when you say we've asked everybody to do this, sure a lot of people haven't done it yet, but we'd like you to do it too.

Avri Doria: I mean I can actually say we're in the process of doing it and I want to make sure that you guys have the chance. It's, you know, I don't have to tell - you know, put it in the, you know, we've been working on it two weeks and we didn't finish yet.

So I don't have to put it in quite the - only half of us have gotten it done, but. And then we have at the moment, we have - it sounds like we have all but one. We just have to get them transcribed.

(Tim): This is (Tim). I just - it just gets confusing because I'm not sure what the waiting - I don't intend to use it or what it's going to mean if we have - and if everybody responds and there's (unintelligible) assigned to everything then what - how does - how does it mean anything. And so if we just put 5s in for the (GAC) on the stuff that has (GAC) stuff included in it and we leave it blank. We left it blank...

Avri Doria: A blank is a 0. A blank counts numerically as a 0.

(Tim): So that's okay if others who might have (unintelligible) about the ones that get zeros by the (GAC) by default, you know?

Avri Doria: So yeah, I think that's why it makes sense to ask them to fill it in.

(Tim): Yeah, even if they don't that's - yeah.

Avri Doria: That's their choice.

(Steve): (Evry) this is (Steve) again. When...

Avri Doria: Yes (Steve).

(Steve): Well I think (Tim) was raising a very good question which is kind of what I meant to ask at the outset but I probably didn't communicate it which is once this is filled in what are we going to do with it? Are we just averaging?

Avri Doria: Basically yes. We're basically averaging and then sorting it on that average. But also the other marks (unintelligible) standard deviation will be there to see whether it's got, you know, got (unintelligible) through some extreme. And then that basically shows us which are the top interests, the medium interests, the lowest interest across the whole group.

(Chuck Gomes): (Chuck) wants to speak.

Avri Doria: Yes (Chuck).

(Chuck Gomes): Whether they average it or not or just total it, all I see this as is a tool that to help us define some priorities if we decide to go through with to recommend some cost estimates for certain studies. So I think it's up to us to decide how we use any numbers that are created.

Man: And I would just suggest that - this is (Tim). If anybody, and this is probably (unintelligible), if anybody who does have priorities to study and this has been, I would be sure to look at this with the (GAC) rating and without the (GAC) rating to make sure that you are in agreement with a reflecting reality. But just a thought.

Avri Doria: Right. I mean given it's an Excel table we can do various manipulations on the data once we have it. So anyhow, as I understand it we basically understand have 5 out of 6 at the moment. We just need to translate to of them that were done before numbers, into numbers. And as opposed to my doing it on a 5, 3, 1 scale, you know, it'd be better if you guys did it on a whatever-number-works-for-you scale.

Because my assumption would be high is 5, medium is 3, and low is 1. But, you know, you may have some feelings for 2s and 4s.

Man: And the BC and the IPC, we even do that little exercise.

Avri Doria: Right.

Man: Convert it from top...

Avri Doria: And then if they - and then once they send the numbers in I'll put them in the table and, you know, merge all the tables and then we'll have, you know, the current sort. Okay.

(Steve): (Unintelligible)...

Avri Doria: Yes (Steve).

(Steve): (Unintelligible) close the loop sort of my thinking on the (GAC). Ninety-nine percent of the benefit of the (GAC) is to let them know we've considered everything (unintelligible) carefully. And that we continue to invite them or their constituent governments to be involved.

If they give us numbers it's almost troubling. They'll be late, it won't be in the right form, they'll complain that we didn't weight them even after we made them provide them. There's the trouble of what they - how are they going to understand all this. I honestly don't think we have to ask them as much as make sure that they're informed.

Because there will be new working groups. For instance when staff comes back if we proceed with any costing of these - (unintelligible) costing of studies when that information comes back it could end up forming yet another (unintelligible) group to decide which of the studies to pursue given the parameters and costs to come back from the consultants. And we would invite governments and/or the (GAC) to participate in that working group because working groups are open, right, to people like that.

Avri Doria: Oh yeah.

(Steve): All that I'm really looking for is the - keep them in the loop aspect. I don't think we ought to put too much effort on respecting or requesting them to fill in numbers in the table.

Avri Doria: Okay. Well any note that I send (unintelligible) I'll pass a copy to the council and the two of you. You know, we've got - we've been using sort of an extended list here to make sure that I'm not going beyond what anyone's comfortable with.

Okay so sorry I had to open that can of worms but I thought it needed to be sort of exercised - or exorcised. The next thing I wanted to look at was the compliance issues and how studies related to compliance and get some view form the staff on that and perhaps have some conversation on that in the last 25 minutes or however long that takes.

Woman: So (Evry) if I could just...

Avri Doria: Yeah.

Woman: Maybe lead off and say...

Avri Doria: Please.

Woman: That there were several studies that the different constituencies identified as compliance related. I think if I could just quickly run through them there was discussion we had last week about Area 6 study 3 and 20 and that's the one that I had mentioned to you all. But I also had an offline conversation with (David) and (Stacy) about and they're on the call today.

You know, they had a different understanding and interpretation of 3773 than obviously some of the participants on this call do. But I've provided that on the list of studies that, you know, arguably might be compliance related and we could certainly discuss that.

We've also - Area 6, so Steve Metalitz's comment which is sort of A and B portions to it, that was identified as compliance related. And then Area 7 number 8 which was submitted by an individual by the name of (Chris Paul). So those I've provided just in the list to (Stacy) and (David) so they would have a similar understanding about that we do about what - which studies so far various constituencies have identified as compliance. So maybe we could start with that as a discussion and, you know, first just the facts like are - am I missing any studies that others view as compliance that I should sort of add to our possible compliance list for discussion with (Stacy) and (David).

Everyone should be on the same page with that list. And then, you know, we can discuss it if you like.

Avri Doria: Okay. Might as well start with - which one?

Woman: Particularly I guess (Steve) and (Steve) since we talked about this.

Avri Doria: Since they have the comments...

Woman: Right. If we - I think that's the right list of potential compliance related studies. If there are any missing there we should capture those.

Avri Doria: So probably be good to start with the response to (Steve)'s points. To (Steve) and (Steve)'s points.

((Crosstalk))

Steve Metalitz: This is Steve Metalitz, can I get in the queue?

Avri Doria: Please.

Steve Metalitz: Yeah, I was just going to say that if we had known this was going to be a topic of this call, at least if I had known, I would have been a little better prepared than I am...

Avri Doria: What we had talked about last...

Steve Metalitz: Excuse me, can I finish? Can I finish (Evry)?

Avri Doria: Yes you may.

Steve Metalitz: Thank you. So I don't have anything to add, any items to add to this. But there may be others that are compliance related.

Avri Doria: If I may the comment I was going to make is at the last call (Liz) did mention that she was going to try and invite them to our next call. I didn't know until we got to the call that that had actually happened. But it was announced at the last call that we were going to try and do that. So...

Woman: By the way, I don't think this needs to be one-shot opportunity. I think it's going to help (Stacy) and (David) to hear a little bit about the context of our discussion and so let's just, you know, assuming the schedules work for the next call, you know, I'll certainly ask them to

participate and, you know, we can all be, you know, have a further discussion. But I wanted them to begin listening in at least and understanding some of the context substantively in the conversation and discussion.

So I'm sorry if I didn't make it clear enough to everyone about the agenda for today. But I think we should just do this, you know, plan on doing this again with everyone's...

Avri Doria: Okay I'm wondering if there's any possibility of them sort of giving their view on these things since they've red through and you said they have a different perspective. If they'd be willing to just sort of talk through that with the rest of us now and then maybe that will help the conversation.

David Giza: Sure this is (Dave Gezer). I'm the new senior director for contractual compliance. And as some of you know I've been with ICANN now for about six weeks. Steve Metalitz and I had the opportunity to meet last week when I was visiting with registrars and registries in Washington DC.

And (Stacy) and I have had an opportunity to talk to (Liz) particularly about Area 6 studies number 3 and 20. And we'll share with you some of our preliminary comments. But much like (Steve) we weren't really fully prepared today to go into greater detail. But I think we can give you some preliminary observations around that particular suggested study and that may spur some dialogue.

And so...



Avri Doria: Thank you.

David Giza: And so as (Stacy), (Liz) and I discussed this particular study we felt that compliance could clearly play a role in either undertaking the study or in cooperation with other service areas inside of ICANN.

So for example we view the study as follows, it would be a study of cooperation with (unintelligible) as opposed to strict compliance with law enforcement and dispute resolution requests. To really determine whether (unintelligible) in section 3.7.7.3 as the RAA, respectively meet the needs of law enforcement. And I think that's an important distinction.

Because Steve Metalitz and I had an opportunity to chat briefly last week around the specific language of section 3.7.7.3 and I think (Steve) and I and (Stacy) need to have some further dialogue so that we're actually clear what that language says and what the compliance obligations are of the registrars under that document. But putting that aside for a moment, we do believe that contractual compliance could take a leadership position or role around a study that investigates registrar cooperation, with law enforcement and dispute resolution requests.

And we're very open to input direction from the GNSO council on how that particular activity would be undertaken here by staff.

Avri Doria: Okay thanks. Does anyone wish to be in the queue? No? Okay. Any other comments at this point?

(Steve Delbianco): (Steve Delbianco).

Avri Doria: Okay (Steve).

(Steve Delbianco): I would ask (Dave) to just clarify have you and your contractual compliance group reviewed those three groups of compliance oriented studies that (Liz) mentioned. And if so would you have any questions for those of us who actually drafted, submitted those studies a couple of months ago.

David Giza: That's a great question. We actually have reviewed two drafts of the white paper that (Liz) was preparing. And inside of that white paper in particular we had talked a bit about a study around the extent to which proxy and privacy services are being used by legal persons for commercial purposes versus let's say natural person who used those services without an commercial intent or purpose.

We haven't drawn any front conclusions yet on what our role would be in that study. But I will tell you that we have already undertaken and laid the foundation to conduct a registrar privacy and proxy registration services study. And I do want to be clear here that the purpose of that study is to assess the extent to which registrants are using privacy and proxy registration services.

And so we've begun to put together the plan to conduct that survey. We're most likely not going to be querying registrars for the data to complete that survey. We'll be obtaining that data through internal ICANN staff assistants. and we think at the end of the day what that will do is it will give us our better picture of the number of registrars and the number of registrants quite frankly that are using privacy and proxy registration services. Kind of a pure statistical analysis on that topic.

And then from there we believe we can drop down and perhaps go deeper and go wider into privacy and proxy registration services again with input and direction from the council and from other constituencies that contractual compliance supports. So we're, again, we're just beginning our work right now this very first phase of a privacy and proxy registration study.

Woman: So let me just bridge if I could (Evry), just explain one thing that (Dave) said that's probably confusing everybody on the call. As you know, the compliance group, you know, has announced this intent to look at proxy and privacy services and over the last few weeks I've been sharing with them lists - the list of the study proposals that are proxy and privacy related. So that I could understand better what the gist of their study was going to be and where there might be overlaps or opportunity to be used the underlying data from their study on any of the other study areas that are - have been proposed by the GNSO council.

So the document that (David) is referring to is simply a communication around well these are the studies that we're looking at. This is the city that they're looking at. (David) the studies that the GNSO council has identified as compliance related is a different list and it's the list that I sent you an email last week and those are the studies that I rattled off the names of. It's not the one that you're looking at. It's Area 6.

There's one that Steve Metalitz offered. And then Area 7 number 8. So I think that (David) and (Stacy) still need to take a closer look at those two studies to provide comments because I don't think they were - that I prepared them adequately to comment on those two studies.

Mostly I wanted to just make sure we were talking about the same list of compliance related studies so that they can go back on - look at these others just as they did on study area 6, 3, and 20.

So we will do that and if there are any studies that the GNSO council thinks are compliance related other than Area 6 that Steve Metalitz's suggestion and Area 7 number 8 as well as Area 6, 3, and 20. You should let me know so that I can be sure that (Stacy) and (David) take a look at those two.

Man: Can I follow up on that?

Woman: Sure.

((Crosstalk))

Steve Metalitz: This is Steve Metalitz, can I get in the queue please?

Avri Doria: Okay I've got (Chuck), I've got Steve Metalitz, anyone else?

(Steve Delbianco): (Steve Delbianco).

Avri Doria: Okay, (Steve). Anyone else? Okay go ahead (Chuck).

(Chuck Gomes): It'd be very helpful in our next call whenever that's going to be, if the compliance staff could at least venture an opinion in terms of whether the registry opinion that certain studies, and we identified them, were compliance issues and therefore we don't need studies.

It'd be very nice to know whether you agree with that or disagree with that. I'm not looking for, you know, a detailed compliance analysis. I would just like to know whether the registry constituencies opinion as we have communicated to this group was right or wrong or maybe halfway right.

David Giza: We'll take that as an action item and be prepared to respond on the next call.

(Chuck Gomes): Okay.

Avri Doria: Steve Metalitz please.

Steve Metalitz: I think (Chuck) said exactly what I was going to say. That these - and just a slight correction of what (Liz) said. This is not what the council said, this is what the registry constituency said were issues that should be handled by the compliance staff.

So I think it would be very valuable to get the compliance staff's reaction to that agree, disagree, or partial, whatever.

Woman: Correct.

Avri Doria: Okay. Thank you. (Steve Delbianco).

(Steve Delbianco): Thanks Avri just three points. I would say to (Dave) and (Stacy) please be the ones to step in answer (Liz)'s question. (Liz) asked us just now whether the three groups that she identified are the only compliance related. And we'll consider and try to answer that to (Liz). But please (Dave) and (Stacy) take it on yourselves to review the 26th

of August working group report. It won't take much time at all for you to fly through there.

And then for yourself come back and say which of them you think were compliance related. Since you're closer to the function and capabilities and resources the compliance has I would prefer to know what you think about 26th of August report have compliance related opportunities.

David Giza: We will definitely do that for you.

(Steve Delbianco): And when you do, that 26th of August report we talked about drop down (David). And I would advise you to drill down. Because in (Liz)'s 26th of August report here are hyperlinks to the underlying studies that were recommend several months ago, those of us that composed studies. And that will contain the details that might reveal whether you think compliance should or shouldn't have a role.

And it's particularly true when you click on 3 or click on 20 you'll see the details that were submitted back when (Evry) had asked us each to put it in a very detailed form. Where we were specifying the data fields, the data gathering and the analysis that would be done. That's what we'll reveal to you whether or not it's a compliance related matter.

David Giza: That's...

(Steve Delbianco): And I have a final and third point. In the compliance contractual science newsletter I most recently scanned you guys talked about the summary of who is data accuracy study. It was number 5 in the newsletter. And as I was reading it I became concerned that the

compliance group, the way you picked samples, for instance on that one you picked sample sizes for who is data accuracy only based on the five largest GTLDs.

And we would say that when you're looking at proxy don't look at the population of TLDs. Look at the registrars because it's the registrars who offer the proxy services. So I would not base your analysis off of selecting a sample size based on GTLDs but rather the largest registrars that do offer proxy registration. Because it can cross multiple GTLDs and in fact CCTLDs where people decide to shield this behind a proxy, thank you.

David Giza: Okay thank you.

Avri Doria: Any final comments from anyone? We have a few minutes left before we end. And then we have to figure out quickly when our next meeting is. I'm assuming we're not going to meet during either the two holiday weeks or the week between. Is that a correct assumption?

We're probably talking about trying to meet next the week of the 4th through 10th. I don't know if we're going to try and aim for the same time and space. Does this work? I mean if - this is sort of an open meeting to everybody in the council and then I guess a few council members have asked substitutes to sort of step in. But does this time work for people and should we plan on this time on the 7th?

Man: Okay for me.

Man Okay.

(Steve): That would work for me, this is (Steve).

Avri Doria: Okay.

Man: (Unintelligible) time.

Avri Doria: Okay. So okay tentatively we've got it for the 7th of January.

(Chuck Gomes): It would probably be good to get it on everybody's calendar so an early meeting notice would be good.

Avri Doria: I'll leave that with (Glen).

Glen de Saint Gery: I'll do that (Chuck).

(Chuck Gomes): Thanks.

Avri Doria: And although I've just put it in my calendar so that it's at least there to remind me. Anything else before we close? In which case I thank everyone for participating. I thank everyone for being so nice. I wish everyone a happy end of the year, a happy holiday of your choice, and a happy New Years.

Man: Thanks (Evry).

Man: Thank you.

((Crosstalk))

Man: Thank you very much.



END