

**ICANN Transcription
GNSO Next-Gen RDS PDP Working Group
Tuesday, 5 September 2017 at 16:00 UTC**

Note: The following is the output of transcribing from an audio recording GNSO Next-Gen RDS PDP WG Call on the Tuesday, 05 September 2017 at 16:00 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.

Attendance may be found at: <https://community.icann.org/x/YmfwAw%5Bcommunity.icann.org%5D>
Recordings may be found at <http://audio.icann.org/gnso/gnso-nextgen-rds-pdp-05sep17-en.mp3> AND
<https://participate.icann.org/p3jypl5ghpf/>

Coordinator: Recordings have started.

Michelle DeSmyter: Great. Thanks, (Darrin). Good morning, good afternoon and good evening. Welcome to the Next Gen RDS PDP Working Group call on the 5th of September, 2017. In the interest of time there will be no roll call, we have quite a few participants online today. Attendance will be taken via the Adobe Connect room, so if you are only on the audio bridge today would you please let yourself be known now?

All right, thank you. Hearing no names I would like to remind all participants to please state your name before speaking for transcription purposes and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this I will hand the meeting back over to Susan Kawaguchi.

Susan Kawaguchi: Thanks, Michelle, for all your help. Good morning, everybody, I've been out on vacation for two weeks so trying to catch up with everything that went

on in the last couple weeks. I'm sure you guys have had some good discussions and meetings.

Are there any SOI updates that anybody would like to make this morning?

Okay, so I don't see any hands and – is that someone? No, just breathing. So we'll move on with our – with starting our meeting.

And we have a brief update on the legal analysis project that we asked Wilson Sonsini to do, their European office. And basically we received a draft from – these were all stemming I'm sure you guys are all familiar with this – but stemming from questions that we developed for the data commissioners at the Copenhagen meeting. And so we – or was it – whichever meeting, I'm forgetting which country we were in at that point.

But so we've sent those out. We received a draft. They had some clarification they asked of us and we developed some clarifying questions based on the draft memo that they sent us. And that's been sent out to the legal advisory group also within the working group to – for their input. We're hoping to have a final report before the end of September, and once we do have that final report from Wilson Sonsini we'll – then that will be distributed to the whole working group. So that's all there is on that. If there's any questions on that let me know. And I'm trying to make sure that I check to see if hands – I'm not seeing hands.

So there was a poll from last week and we came up with some consensus so we're going to move to – I don't know if you – Lisa or Amr or Marika want to put up the poll results on the screen? Okay, so we had quite a few – we had 32 responses. Thirty were only working group members so we're working on making sure that those others that have responded to the poll that were not a member were – that they will actually become a member because we just don't count those in unless you are a member.

And so let's scroll down to the next page. So Q2 – Question 2 we had some agreement on the actual question. Can we scroll to that question so everybody can see that? Let me just move. Read that off probably. Oh I have – well I may have scroll control but I'm not sure how to do that on my iPad and it's to moving. Okay. Thank you. Unfortunately my laptop is not working today so I'm doing this on my iPad which is a little clunky.

So we had rough consensus in the August 22 poll, the reseller field must be supported by the RDS. But we didn't have complete consensus on the "must" or "may" whether or not the reseller must or may be provided for inclusion in the RDS. Although, you know, so we've polled on this twice. We have a 62% that may and 28% must. And so at this point leadership team feels that we have enough of an idea of what the working group has agreed on and that we just set aside the disagreement for now that in Phase 2 that that decision could be made and whether or not it must or may be provided for inclusion in the RDS.

So did anybody have – so basically we're going to move on from this question and just leave it that yes, it will be – the reseller must be supported by the RDS, and leave the details for implementation or policy for Phase 2. Does anybody have any comments or concerns about that? And Andrew, you're right, it's – I agree with your analysis there on the use of Adobe Connect on iPad or iPhone. So unfortunately I was left without another option today so.

Any questions on that or concerns? Which it doesn't look like it so we'll move on from Question 2 to Question 3, if you can move that for me? So the Question 3 concerned a registrar abuse contact. And I'm losing my notes here. So on – so we had a 75% support and a 25% do not support. So it looks like we'll agree to this and we have somewhat of a consensus on this. And we will be able to move on with that also. Is there any new points that anybody would like to bring up with this? And you're asking – Volker is asking, "How is the support distributed?" You'll see the answer choices, I

support this working group's agreement with 75% of the responses and 25% were not supported.

So is there any – Alan, your hand is up. Please go ahead.

Alan Greenberg: Thank you. I'm curious about the rationale for people who do not support it. I mean, I think it's rather moot whether the abuse contact is in the RDS or is pointable, we know the registrar is in the RDS and therefore you could have a lookup to some other table for the abuse contact. So I don't know whether the objection is they don't want it in the RDS but – except that it should be accessible some other way, or they don't think it should be there – there should be an abuse contact at all. So I'm – would like to understand the difference or the rationale for objecting.

Susan Kawaguchi: And is there anyone that – on the phone call today that has – that has – that objected and has a reason? And, Volker, you're also asking about if those are distributed among the – called out as distributed among the stakeholder groups? I'm not sure we tracked that. Lisa, is that something we track? And so there's – if you read the comments – Andrew is making the point too that, you know, this is – may not be publication, that we're just talking about selection just for now. And so there's been – there were several comments. And I'm just sort of reading through these quickly. We could read these together.

But, "In requiring a contact number for abuse purposes, we are obliging registrars to provide an abuse hotline, this is excessive and too high a burden for small registrars." Okay so, Volker, you're saying that if – you're going to sign up the whole entire company for membership and so that we can – you can base this on participants alone. I'm not sure that would be helpful.

So three of these – yes, go ahead, Lisa.

((Crosstalk))

Susan Kawaguchi: I'm sorry, I'm not looking at the hands.

Lisa Phifer: This is Lisa Phifer for the record. Just responding to the earlier question. So the leadership team does examine poll participation overall, every single poll. And this week's poll was really no different than other polls that there was representation across all stakeholder groups with no stakeholder group being excessively represented. We don't look at the answers to each question and try to figure out which stakeholder groups voted for or against. You can see yourself in the results which individuals, which many of you probably realize who is affiliated with which stakeholder group.

Susan Kawaguchi: Thanks, Lisa. That's helpful. And Andrew, your hand is up.

Andrew Sullivan: Late, no, I'm fooling with the mute button here several times. There we go. Thanks. So my understanding is that registrars and registries already provide this information in some sense. That is they have it available in some way and it's part of the information that ICANN has. If I'm wrong about that then everything that follows is stupid.

But if that's true, then in fact it's already in the RDS, and this is an uncontroversial question for the purposes of data collection. Quite a different question which is I think what Volker is complaining about, about publication. But I thought we weren't at the publication point yet and so actually whether this data is available to various people is not the question right now, it's just whether this is available in the RDS. So I guess what I don't understand in Volker's objection is whether he doesn't want this to be provided at all to anyone or whether he doesn't want it to be – he wants it to be optional to provide the service, or whether he just objects to it being published and if it's the latter case then it's not the current – it's not the current discussion.

Thanks.

Susan Kawaguchi: Thanks, Andrew. And, Greg, your hand is up.

Greg Shatan: Thanks. Greg Shatan for the record. So I know first it looks like two or three of those who objected to having two contact methods still endorsed having one, so if that's what we're asking in terms of distribution, maybe that's helpful. So – but then again still the vast you know, 3/4 supported having both collected on a mandatory basis, that seems like a fairly strong route.

You know, with regard to comments about participation, I would say first that half of life is showing up and in ICANN working groups the other half is participating actively and participating as a member of the multistakeholder community and not merely in the role solely of a parochial stakeholder of your own stake, as it were.

So if there are other people in Volker's company that feel like participating actively and with that regard and in joining the multistakeholder experience, you know, that's great. Let's be part of the discussion. But the idea that somehow the whole working group thing doesn't work just because participants are participating seems to me to be oxymoronic at best and I'm not even sure about the oxy. Thank you.

Susan Kawaguchi: Thanks, Greg. And Michele.

Michele Neylon: Thanks, Susan. And welcome back. Michele for the record briefly. I'm confused as to why Volker is seeing this as a problem. The – under – since the 2013 RAA registrars have to provide contact details in – and that goes into Whois. If it's a matter of providing the law enforcement contact into some RDS, then yes, I agree with him. But if it's providing the abuse contact that currently goes into Whois, I don't see what the problem is, it shouldn't be controversial. We have to provide it either to the registry or output it in our Whois anyway. So it's not a problem. So I'm a bit confused, maybe Volker can explain more clearly what he's having an issue with but I don't see it as a problem.

Susan Kawaguchi: Okay, thanks, Michele. Volker, is it – okay, so you're objecting to the way we're determining consensus and agreement. Would – and you also made the comment, "One required method is perfectly fine." So is your objection to the fact that it's phone and email? Or it looks like you can't talk today. So phone and email. And that it should only be one that's required for collection or are you okay with both being collected and then when we get the publication then there could be two – we could determine whether or not both would be published? It's a little difficult because you can't respond.

But I do think that the way we have determined that consensus agreement on this is the way we have been doing it all along, so we haven't varied from that process so. So you're thinking collection may be an issue too. Okay, so you're saying that you've just realized this now. And – and Michele, do you want to clarify something?

Michele Neylon: Sorry, Michele for the record. Since Volker keeps harping on about smaller registrars and speaking as a small registrar, I don't see this as an issue. I really don't. I actually see it as an issue when a registrar isn't providing abuse contact (unintelligible). My perspective, speaking personally, the more ways you have to contact the abuse contact on a registrar, the better. The amount of – well – and we'll get into that and get down that entire rat hole.

But just realistically speaking, I don't understand the problem. I really don't understand. If you can't – if you cannot provide a phone number as a registrar, I – honestly I don't understand how you can be in business. It makes no sense to me how you can be in business if you don't have some form of phone line.

Susan Kawaguchi: That makes sense to me too. Alan.

Alan Greenberg: Thank you. I'm just going to say something in the same vein that for abuse there are issues that are so urgent that you really don't want to send an email and hope someone looks at it sometime in the future. So I don't see how a

phone is optional. Now I suppose if someone wanted to only provide phone and wanted to take phone calls for the less urgent things as well, I suppose I could live with it. But I just don't see why one would be in the Internet business and say well I don't want to provide an email address.

So I think this whole thing is moot. And if you're so small that you cannot address abuse issues then you shouldn't be a registrar. So I don't see how we can avoid this. Now whether it's in the RDS or pointed to because we know who the registrar is, I think is a rather moot question. Thank you.

Susan Kawaguchi: So is there anybody – thank you, Alan, for those points. Is there anybody else besides Volker that is opposed to this and has any other new points that you would like to discuss concerning this question? Doesn't look like it so it looks like we do have a lot of agreement around this question. And at the 75% support that I think we move on with this and then that we decide that, you know, when we get to publication there may be some different points on view on actually displaying this information but we can discuss that when it gets to display.

And, Volker, I get that, Volker's statement in the chat, "I do not want abuse complaints over the phone, we need a paper trail for every complaint to cover liability so if someone calls we'll let them send an email – we tell them to send email."

And absolutely agree with the email trail, but sometimes those having a phone number and to clarify a process, you know, in my opinion, in my experience with using calling a registrar is sometimes you can clarify exactly what that registrar's process is and make sure that you provide all the information the registrar needs. So I think I agree with the rest of the group. Michele.

Michele Neylon: Yes, I can't believe we're having this conversation. I mean, no disrespect to Volker but I think he's being ridiculous here. I mean, this is insane. Nobody is

saying you won't have a paper trail, nobody is saying you won't have an audit trail. This – you know, we for example, we get phone calls sometimes from somebody asking us about something, it could be about an IP address, it could be about a domain name. The domain name might even be with us but it might have been with us at some point in the past or we might not have any access to the specific information that they're looking for.

You know, they ring through to our main switchboard, the phone call might get transferred through to me or to one of my managers, we have a conversation with them, they explain to us what they're doing, etcetera, etcetera, etcetera, we're not going to give out masses of personal information, confidential information over the phone, but we can speak in general terms about something. Going to say hey, what do you need for X? And we might say, okay you need to provide a court order or you need to provide this, you need to provide that.

I mean, have your conversation with somebody over the phone can save you playing email ping pong and generally wasting massive amount of time for things. I mean, a lot of the time you're going to end up saying to somebody please submit the request via email, so that we can track it internally, whatever. I just think, you know, just having a phone number like for a lot of people they just want to know that there's somebody at the end of the bloody phone.

I just don't see this as being an issue. I thought we got past this kind of crazy scenario where people are saying oh you can be a registrar and not provide – and not provide a phone number. I don't want people ringing me on my mobile phone number at three o'clock in the morning to report some kind of rubbish to do with a two – a domain name we've made like €2 off. But that's what's going to happen if you end up in a situation where they can't contact us, they're going to start looking for your boss or your company directors because somebody invariably will have their information out there. So just have a phone number and be done with it.

Susan Kawaguchi: Okay, Michele, we know where you stand. So I think we're going to move on and obviously Volker will have a chance to voice his opposition when it comes to discussion of publication. And 75% support this so as we've done with other questions, we're going to move past this for now.

And let's go to alternative methods of contacts. So can we switch to Question 4? So we didn't have a clear consensus on this one. And – but there was a – let's support sort of for an open ended list together that represents about 70% of the responses. So is there a reason that we wouldn't make this alternative contact methods so of an open ended list? You know, one of the things that comes to mind is that, you know, what kind of contacts processes or, you know, how do people communicate five years from now? I mean, things have changed a lot in the last five years.

So you know, we may – I would think that we would want to develop a system where we would support new ways of doing things. And in my experience of looking at Whois records at, you know, in my role when I was with Facebook was people were already starting to move different contact methods into the Whois, into just to open fields. I often found, you know, find us on Facebook or this is my Twitter or even, you know, Snapchat. And so people would do that in just open fields so you're seeing the development in it of in the Whois already and do we want to ensure that we develop a system that allows sort of an open ended list of alternative methods of contact?

So this is, you know, giving the registrant a choice and also simply about collection, not publication at this point. And I was, you know, wondering what other you know, thoughts were on this – on Question 4 on alternative methods of contact? Anybody have any viewpoints on this? Okay, it looks like we're still sort of focusing on the past – on the past question. So Steve Metalitz.

Steve Metalitz: Yes, thanks. This is Steve. On this Question 4, I just wanted to thank the drafters for using the phrase, “optional for registrants to provide” rather than just saying “optional” as the discussion on the list over the last few days has indicated, just saying “optional” can be ambiguous in the – at least in the ICANN world. I think outside of ICANN it’s more straightforward. But ICANN has a history of using that term in a somewhat shall we say counterintuitive manner.

That said, one of the questions I had about this question was the use of the word “additional” in Item C. “In the interest of maximizing contactability with future extensibility additional contact methods should be supported as an open ended list.” My question was additional to what? I answered this as additional to email, physical address and telephone that it should be – all of which should be required in my view, for the contacts.

But I’m not sure that that’s what was intended here. So I just wanted to flag that. I had put in a comment in my poll response on that just – again just urging the question drafters to try to avoid those kinds of ambiguities in the future. Thank you.

Susan Kawaguchi: Thanks, Steve. That’s a good point, and actually I sort of jumped to the same conclusion as you do that – did that these were additional contacts, separate from the more you know, traditional ones, the email and phone and fax. So I probably responded in the same way you did. Andrew, did you have comments on this?

Andrew Sullivan: Sorry, that was a stray hand.

Susan Kawaguchi: Oh, okay. So did – is there anybody opposed to making this an open ended list? I mean, I do think there would need some framework down the way but that’s, you know, probably in Phase 2 or beyond in making sure that people in addition to their email address and their phone number don't provide something that’s not really workable or usable but I don't see a

problem with having – allowing a registrant to use a well known communication process.

And so, Volker, you're saying maybe make it an open field on both sides? I'm not sure – for example a registrant could specify the service and the handle? Not Facebook, so we're not going to allow Facebook, that's fine. How about Instagram then? So I'm not quite understanding your thought on the specify the service and the handle. And Lisa. Please go ahead.

Lisa Phifer: Thanks, Susan. Lisa Phifer for the record. I think what Volker may be saying is in the open ended list you would say both what the type of contact method is and then the value. So for example, it's instant messaging and then the value of the – of your handle for instant messaging. If it were SMS then it would be the fact that it is an SMS capable number and then the value for your mobile number that receives SMS. So I believe that's what he's saying.

Susan Kawaguchi: Oh okay. Okay, and he's confirmed. Okay, and Andrew does not want to allow ABN carrier as a selection. Marc Anderson, please go ahead.

Marc Anderson: Thanks. This is Marc Anderson for the transcript. You know, I think this is starting to touch on, you know, maybe a potential implementation challenge in that having a requirement for registrars and, you know, and potential registries to, you know, to support a as-yet defined communication standard, you know, is, you know, is a little open ended. And, you know, I think you know, it's, you know, it raises some questions about, you know, how it could be implemented in a practical manner.

You know, in general, you know, I think contactability is the most important factor here and so if enabling alternate forms of communication will you know, increase contactability I support that. I just think it's worth pointing out, you know, that this is a little open ended and a little ambiguous which may lead to some implementation challenges. And of course we're not at that point yet but it's something to consider. Thank you.

Susan Kawaguchi: Thanks, Marc. And I agree that the implementation process could be a little bit clunky but I think also when we are at that point we'll know what – we'll have a better picture of what the current standard is for communication. So it looks like that we don't – I don't hear anybody making a list of all the different types of communication possibilities here. And even though there's, you know, some discussion about that this could be hard to implement, we do have support, not a clear consensus.

And so let's do a show of hands on who can agree that alternative contact methods outside of the, you know, the email and phone and fax other communication methods besides those three should be – we should accommodate those. Can people put up a green check if they agree, a red check if they don't.

Okay so we've got several green checks, one red check. Okay and James is asking, okay so must. Alternative contact must be supported by RDS. We have quite a few green. So this – and once again just to remind you, that this is for collection, we haven't decided – this is not deciding display or publication. All right, so the one red check went away. It looks like we do have some sort of agreement here.

And so at this point I think we'll agree on – that we may not have full consensus but we do have support and so this is an option to provide. And in Phase 2 this could – the determination exactly how this works could be made. And, Lisa, your hand is up.

Lisa Phifer: Thanks, Susan. I just wanted to point out that the way the original question was framed, it did include fax number which I think people were focusing on additional methods beyond fax but we may not have full agreement on the fax number. Our previous working group agreements, just to remind people, we did agree at a minimum, one or email addresses must be collected for every

domain name, but I believe that there were sort of pros and cons about the fax number collected in the poll results for this particular question.

Susan Kawaguchi: Thanks, Lisa. And I was confusing that, so I appreciate that clarification. So does anybody have any viewpoint – and you can remove your green checkmark now if you'd like. Does anybody have any perspective on including fax in this? It looks like Rod Rasmussen – sorry – fax is just one additional method in my mind. Some organizations still use it for a first official correspondence. And I do think from a legal perspective faxes are still a way of providing notice. So, you know, there may be a need to do that.

Sorry, Rod. Okay, and Andrew again. Have you heard of the internet? I like that comment. But people do still use fax, so we could – so does anybody have a problem with including that as one of the alternative methods of contact? Michele.

Michele Neylon: Yes, thanks. No just this thing on the fax, I mean, look, I know we all laugh every time we hear about the fax and the fact that people you know, still use faxes. It's a reality. Unfortunately there are plenty of people out there who still consider fax to be a perfectly valid method of communication, and we actually have clients who will ask us to fax them the document that we already sent them via email because by faxing it it becomes magically better than the email. Don't ask.

Personally, I really can't get excited about this. The – look, fax optional, and move on. Other contact methods, I think we've discussed this to death. You know, if it's all optional why would anybody care? Nobody is forcing you to collect it, nobody's forcing you to supply it. You know, the system supports it; if people use it, great, if they don't, who cares?

Susan Kawaguchi: Okay, so it looks like we have several agreements to Michele's point. So let's say that we have a – I was just reading some of the comments here. Let's say that we don't have consensus but we have support on the

alternative methods of contact and in Phase 2 for collection, they – we can make a decision on whether or not that's been an extensive – sense of issue and or extensive list and how that might be included in the RDS. So I think we – does anybody else have any other comments on this – on Question 4?

Okay just a mass of plus one for fax being optional and additional method of contact. All right so it looks like we've got that.

And Greg and Andrew it looks like there's a little bit of disagreement going on between the two of you. I'm hoping we can resolve that without referring this to the ombudsman. And if there's something I can help with there, I'd be more than glad to do that after the call. But it is good that we're all passionate about this. So, Greg, maybe you and I should talk after. Maybe we can resolve that without further complications.

So, Lisa, your hand is up.

Lisa Phifer: Thanks, Susan. So just to be clear, so record as a working agreement, the proposal that an open-ended list of additional contact method – alternative contact methods should be – must be supported by the RDS and optional to provide by the registrant?

Susan Kawaguchi: And, can we get that – can you type that into the chat just so that we're very clear?

Lisa Phifer: Sure. And...

Susan Kawaguchi: Or is it in the notes?

Lisa Phifer: Well, I'll type it into chat but it's just to be clear, it's Option C of this week's poll.

Susan Kawaguchi: And thanks, Ayden, for making that comment. So once we see it in the poll, I mean, in the chat so everybody can clearly read it, then we can –

unfortunately I'm not seeing that outlined. And Steve Metalitz, you have your hand up.

Steve Metalitz: Yes, thank you. This is Steve. I'm looking at the – at what Lisa just stated or, you know, in Item C and I would just say that if that means that it's optional for registrants to provide a phone number and a physical address, because all that's required is email, then I oppose that. I think this was about the kinds of contact methods that were listed in the question, fax, SMS, IM, social media and so forth. But because there's ambiguity in the word "additional" I don't want my vote for this opposition to be interpreted as support for phone number and physical address being optional to provide; I don't think they should be optional to provide, they should be required to provide. Thanks.

Susan Kawaguchi: And that's a good point. Lisa, can you clarify that in the past we've agreed that address is – right, so she's written in here let's – go ahead, Lisa. I'll let you speak for yourself.

((Crosstalk))

Lisa Phifer: So we do have an existing agreement about email address, and we also have an agreement that additional contact methods can be provided. That they must be based – at least one must be based on an open standard, but I do not believe we actually agreed specifically on phone number, postal address or fax yet. And so maybe the – what would satisfy you for now, Steve, would be to include the note that this – having agreed on this doesn't preclude specific agreements on other contact methods that might be required.

Susan Kawaguchi: So, Steve, would that...

((Crosstalk))

Steve Metalitz: That would be helpful.

Susan Kawaguchi: ...clarify?

Steve Metalitz: That would be helpful. That would be helpful. And I think Lisa correctly stated what – some of this transpired over the last couple of weeks and we were not – we did not get agreement, I think that's correct, on two elements that have always been part of the RDS, which is physical address and telephone number. So I'm hoping we can revisit that. Thank you.

Susan Kawaguchi: So, Lisa, do you think that we should reword this to specifically call out email address, postal address and phone number?

Lisa Phifer: This is Lisa Phifer for the record. I think you could list those potentially, you could list those as a, you know, e.g. and list those alternative methods but the whole point I think of them being an open ended list is that other methods that might be useful in the future could be added or that people could choose amongst the, you know, available methods and so if you just tie it to this list of four methods, then you know, you're not doing the open ended list. But giving those as examples might better illustrate what was intended by the data element.

Susan Kawaguchi: So if we just add your note that this does not preclude agreements that require other contact methods? Is everyone comfortable with agreeing to recording the working group agreement as in the interest of maximizing contactability additional contact methods must be supported by the RDS as an open ended list and – what is DBE? I'm sorry, I'm missing that, optional for registrants to provide.

Lisa Phifer: Excuse me, that was and B. My...

Susan Kawaguchi: Oh, and B...

((Crosstalk))

Lisa Phifer: ...wrong place. But so the proposed alternative...

Susan Kawaguchi: I was trying to figure out...

((Crosstalk))

Lisa Phifer: ...yes the proposed alternative is in the interest of maximizing contactability additional contact methods must be supported by the RDS as an open ended list and be optional for registrants to provide. This does not preclude agreements that require other contact methods.

Susan Kawaguchi: Okay, so can we get a show of hands on who agrees with this language or does not agree? Greg, do you have a comment? It looks like your hand went away, okay. Yes, green if you agree, red otherwise. Steve Metalitz, I'm going to count you as a green just because you've said that in the chat. Does that make sense. Oh, you've got your green up. Okay, so those willing to agree – it looks like we've got quite a few greens, we have no reds. Is there anything else we need on this proposed working group agreement, Lisa?

Lisa Phifer: And she makes the comment, Green on understanding that physical address and phone will be revisited as required to be collected." Okay, is this Lisa, and Marika, is that what we need to move on? Is there anything else on this question? Okay, we're going to move on then. So we have support on the alternative method of contact.

So if we could bring up the slides that were handed – were sent out for last week's meeting, I think, on – and go to Slide 10, so we're going to move on to other data elements. And Lisa and Marika have categorized these as more agree, unsure then disagree data elements from June 28 call. And so you'll see that, you know, there was different – definitely we had categories strongly agree, agree, neutral, disagree, strongly disagree.

And in that they've taken the – looking at strongly agree and agree and maybe neutral, I'm not sure on your math here, Lisa, and I'm sorry that I haven't paid attention to this because it – 12 and 8 is 20 and there's support of 19 on registrant side. So this is – these are – we all did this poll. We came up with these, you know, we sort of agree but we don't completely. And, Lisa, go ahead.

Lisa Phifer: Just to clarify what you're seeing, so Susan started to mention so this came from that large poll that we all did after ICANN 59. What we've been doing for the past two months now I think, has been slogging through the data elements that were mostly agreed to in that poll. And what we're doing now is continuing on to the next batch of data elements that received a significant amount of support but not nearly as strong support as the ones we've already covered.

And so the color coding that you see here just shows, you know, how many participants strongly agreed, agreed, were neutral on or disagreed moderately or strongly with a particular data element. And there was a little map to try to figure out the level of support just to help us prioritize which data elements we're going through. But I think the, you know, the real point is now we're moving onto the next batch of data elements to deliberate about each of these individually so the ones that you see listed here are where we're going to turn our attention to next.

Susan Kawaguchi: And just our curiosity, so strongly agree and agree is 20 people but you've only put in 19 as support, and I was wondering – I didn't quite get that.

Lisa Phifer: The math actually – accounted strongly agree as 2, agree as 1, neutral as nothing, disagree is -1 and strongly disagree is -2. So I think...

((Crosstalk))

Susan Kawaguchi: Oh okay.

Lisa Phifer: ...you'll come out with 19. But again, the idea was just to bucket them into different groups to prioritize our time and now we've gotten to this set of elements.

Susan Kawaguchi: Okay. And then the number sort of grayed out there between the strongly disagree and then the support column is the number of people who responded, correct?

Lisa Phifer: That is correct.

Susan Kawaguchi: Okay. I'm sure that was in the first part of this presentation and I skipped so I apologize for that. And anybody that has their green checks up can take those down too.

So we need to move onto this list and it seems like registrant type is the first one on the list though it is not the most – with the most support. But let's take a stab at registrant type. Can we move to Slide 11 because this is – it does give some definitions from the EWG report. So the registrant type indicates the kind of entity identified by registrant name for use in applying registration data requirements as follows.

So we have an undeclared, which, you know, is similar to a – would be treated as similar to a natural person. We have privacy proxy provider, we have legal person and we have natural person. So these are all definitions and categories that the EWG came up with. And so it could be that there are other types of registrants that someone might want to propose. And it would be good to have a discussion on whether or not they – we can agree that we provide the option for a registrant to declare, make a self declaration of which these types of registrant type they are.

So, you know, it'd be very helpful to know it's a privacy proxy provider, that's not always recognizable. And legal person from my experience is really

important, Facebook did not want to – or eBay or PayPal – did not want to be known as, you know, the registrant as Susan Kawaguchi, it was those registrations were owned and registered by a corporation.

So Steve Metalitz, you have some comments?

Steve Metalitz: Yes, thanks. This is Steve. And I – this is somewhat relevant to the comment that Andrew just put in the chat. I mean, the reason that we have these types, as I understand it, in the EWG report, is because they make a difference as far as publication is concerned and who has access to information about a particular – certain types of information about a particular registrant.

So are we – are we – I guess my question is, if we say yes, we agree that these registrant types ought to be supported and ought to be mandatory in the RDS, are we also buying into the decisions made by the EWG and recommendations by the EWG as far as publication? So I'm just wondering if we're getting a little bit ahead of ourselves here, and in particular I guess it – I'd be interested to know from the EWG members why natural person is the default because it clearly means that – that obviously a natural person is going to have less information accessible under the type of system the EWG recommended, less information accessible to the public than a legal person.

So the obvious way for a legal person to obtain a greater degree of opacity, if you will, and hide that information is to simply leave this blank because then that will be treated as the registration by a natural person. I'm thinking in particular of organized criminal enterprises, which may not take the form of a legal person that's represented by – that's represented by that category, but that simply leaving it blank would gain the benefit of being treated as a natural person. So I'd be interested in some explanation on that but the broader question is is this a bit premature to be discussing this before we talk about the criteria for publication? Thank you.

Susan Kawaguchi: Those are all good questions, Steve. And Lisa has her hand up so hopefully she has a viewpoint too. And I'll get back to my viewpoint on this later. Lisa.

Lisa Phifer: This is Lisa Phifer. Just to directly answer part of Steve's question, if you look at the definition of the values privacy proxy provider and also legal person, you'll see that there actually is a portion here that has to do with collection. So if the registrant type is privacy proxy provider, and it's accredited privacy proxy provider, then the – a contact ID for a purpose-based contact must also be supplied to dovetail with the relay reveal request escalation. That was a whole set of other – additional principles defined by the EWG around privacy proxy provider.

In a similar way, if you look under (unintelligible) person, if registry type is legal person then when that was selected a designated business purpose-based contact must also be supplied to facilitate consumer inquiries. So Steve, you're right that it absolutely dovetails with and enables some other EWG recommendations, I don't know that you're necessarily buying into it if you agree that something that designates registrant type is necessary but there was an implication on collection as well as display.

Susan Kawaguchi: Steve, does that help clarify?

Steve Metalitz: Yes, that's helpful with those additional explanations. But again, that assumes that we will have a purpose-based contact called business, I don't know, have we decided that already too? I may have missed that. And a purpose-based contact called privacy proxy provider. So all I'm saying is this may – rest on some assumptions on things that we haven't decided yet, but that's helpful to – for Lisa to point out that it does have impact on collection as well. Thanks.

Susan Kawaguchi: Yes. Thanks, Steve. And Andrew.

Andrew Sullivan: Hi. It's Andrew Sullivan here. So thanks for this. I once again feel like we are rapidly drifting into implementation territory or anyway details of implementation. So we maybe haven't paid enough attention to. The way that this works in registration according to the registry protocol that we currently have is that you hand in with the domain name registration you hand in a contact identifier, which is a (unintelligible) that is an identifier of a contact in the repository.

And so those contacts could have different mapping. It could be that we create kinds of contacts that have organizational identity as opposed to having names and addresses and so on that you can have these legal person kinds of things. But it is in my opinion, first of all, just crazy to try to associate the type of registrant whatever this type is, with a domain name registration because of course it's possible for the domain name registration to change its registrant, that is one of the things that registrars can do.

And in that case, you're making – you're blurring in some new way the kinds of stuff that you're putting together. So maybe you say okay well now we're going to have different kinds of contact identifiers. Well we don't actually have a protocol mechanism by which this sort of subtyping can be done. So now what we're doing is creating a requirement that somebody create a new protocol mapping for EPP in order to make this kind of type differentiation possible.

Of course that's possible, it's not – it's by no means impossible to capture this, but it is at the very least a whole new set of dependencies that we haven't so far managed to create for ourselves, and that seems to me to be one reason to avoid this kind of thing.

And then the second thing of course is that anybody who wants to gain this is just going to undeclared, this has been the point that several people have made in the chat. And since everybody can just you know, refuse to (unintelligible) this and put it as undeclared, that means as far as I can tell,

that this is not really a useful piece of data anyway because anybody that you want to enforce this upon is going to fail to provide it correctly. And anybody who can provide it correctly who wants to create a legal person or whatever, can create these roll-based accounts just by using (unintelligible) contact mapping and EPP today.

So I don't really get the purpose of this. And it seems to me to be just a massive distraction where we create whole new dependency chains in order to get this work done. And, you know, we're already well into this, I just don't see the advantage to it. Thanks very much.

Susan Kawaguchi: Thanks, Andrew. And Stephanie.

Stephanie Perrin: Hi, thanks. Stephanie Perrin for the record. Andrew just eloquently spoke to the issue and those on the EWG will recall that we spent quite a bit of time discussing this. I think that this kind of category may be useful for organizations that are legal persons; it might also be useful for registrant that wish to identify as persons, I would agree that it can be gamed. And I would hate to think that we would start arguing because it seems to me we argued for quite some time back and forth on this category when we were the EWG. So do we need to sort this one or in the interest of time can we move on? Thanks.

Susan Kawaguchi: We don't have to sort this one right now but let's listen to all the comments. I have a few and Rod has made a really good point in the chat too so, Greg, you're up.

Greg Aaron: Hi, it's Greg Aaron. So where this comes from, this idea of choosing between whether you're natural or legal, it comes out of privacy law. And the problem that was – people are trying to solve was well privacy law makes a distinction between natural persons and legal persons, it gives them different levels of protection with natural persons getting presumptively higher level of privacy.

So let's use dotUK as an example. So they – they're in Great Britain, they're under European law that makes this distinction. So they aid well, we are going to make a policy and we're going to display data, we're going to collect the data about all the registrants, we have to know who the registrants are. But we're going to make a distinction between how we display it.

Legal people – or legal entities are always going to have their contact data displayed because they're not entitled to special protection. But, private natural entities, can opt out of having their data displayed because that's what they're entitled to under the law. So we have to have people – or entities who register domain names, state who they are. Now this can be really easily gamed. If I was a spammer, I would just say I'm a private person and then I'd get privacy protection for free.

Now, Nominet then decided, well, we need a step to deal with that. And what they do is they actually verify information against some third party databases. They do actually some checking. Don't know how effective it is but they then decided that was going to be their policy to mitigate that part of that problem.

So anyway, it's a long way of saying that's where the EWG is getting this because the dictates of privacy law, which in my opinion, we still don't have a very good grasp on and we need a lot better grounding and before we can discuss this kind of a question and then how we would carry it out. So thanks.

Susan Kawaguchi: Thanks, Greg. And I agree with a lot of what you've said, you know, from my personal opinion, and as a member of the EWG, it was – and also the evolution of the privacy proxy sort of standards that, you know, the working group was – the PPSAI was working on, though they may not have started yet, when we were on the EWG, but from the Whois Review Team, the first Whois Review Team, recommendation was knew there was going to be work on the privacy proxy provider and having those – having it clearly indicated in a Whois record or an RDS record that it was a privacy proxy provider to me was helpful to the Internet in general.

Being – and working for, you know, a large brand on the Internet, it was important that I could designate as a legal person especially with the viewpoint in mind of all the new privacy laws that were coming, you know, that were moving forward and the fact that there could be limited information about a domain registration. And as a legal person you would want all of that information out there, there's, in my opinion there's no reason not to have all that contact information displayed to your users.

And in some countries, as we know, there are – you have a responsibility and a – and you're mandated to display that, have that available. So – and, you know, as you mentioned in the dotUK, they have a distinction between legal and natural person and have for a long time. Does it work perfectly? No. Do people game it? Yes. But there's also a process to resolve that, which I personally found helpful on multiple occasions.

And I think if I'm remembering, and some others from the EWG could correct me if I'm wrong, we really, you know, started out with the privacy proxy designation, the legal person designation and the natural person designation, and then – but couldn't come to a consensus on there and so then decided to allow an undeclared. And in those cases it may be appropriate if you're just, you know, registering domain names but you don't know what you're using those for, then, you know, or you don't have any business on them, the domain doesn't resolve, then undeclared is appropriate maybe.

So we were trying to give some options. And then we tied the purpose-based contacts to those definitions. So you know, none of this is written in stone; this is the EWG. And so we also, you know, this was our recommendation from the EWG. There's – in looking – Rod's comments, I'm hoping you read his comments sort of farther up in the chat. I think he made good points there. Andrew, there seems to be some confusion on the – on the – that we may need to change the EPP. And I thought Scott – and Scott may be answering that, I can't keep up with all the discussion in the chat.

But you know, Scott Hollenbeck was on the EWG and it seemed like this is something that could be easily implemented. So there are going to be variations on the theme and, you know, we're going to have people scamming this, but it is something that we might want to decide upon. I think there's a lot of value in this personally. And so we may want to poll on this question if – of a registrant type. So, Andrew, you've got your hand up.

Andrew Sullivan: Hi, yes, it's Andrew Sullivan again. Look, it is always possible, obviously it is possible to add an extension to EPP to permit this. First of all, Nominet has done it for the UK registry and secondly, to give Scott Hollenbeck his due, the design of EPP was designed precisely to allow this kind of extension. But there is one thing to say like what we proposed before, you know, that you could allow this additional contact methods or whatever, those all require extensions to the protocol as well.

But they're all optional. This is quite clearly, a required – well I shouldn't say that. What I should say is this is either a requirement of every registrar and registry under contract with ICANN in which case it just requires standardization and it requires everybody to hammer out an agreement about how they're going to do this. Or else it's optional in which case every single contact is going to be an undeclared type no matter what you do.

Those are really the only possibilities here. And so what I'm trying to understand is whether this is valuable enough to require the effort to get a real standardization across the entire registry and registrant – or registrar community about how we're going to do this, in order to get the benefit which seems to me to be pretty low given that everybody can just embrace undeclared if they want.

I fail to understand what this method is that we're supposed to be getting from creating a new requirement for standardization on the Internet. There are lots of things where I would say okay, well, you know, new standards are good

and new data is valuable and we ought to require it. But this appears to have essentially a completely optional data type here because everybody can be undeclared for a thing that we're going to require a great deal of effort on the part of a lot of people, they're going to have to put time and money into that effort. And I'm frankly very skeptical that this is a valuable thing to require. Thanks.

Susan Kawaguchi: And that's a really good comment. And if we just bring it down to value versus benefit, I think that is an evaluation we should make. So I think Michele, you had your hand up next.

Michele Neylon: Thanks, Susan. Michele for the record. Okay so we – so some interesting viewpoints there and the – as a former member of the EWG as well I know we did discuss this at quite a bit of length. And part of this discussion around either forced or self classification of registrant type it does as others mentioned, it does stem in many respects from privacy law but also as Susan notes, not just that because in the case of say all proxy privacy providers, you could easily say well, all of these registrations that the registrant type is privacy proxy provider and that's whatever crazy percentage is – of registrations are covered.

And, you know, they won't fall into unclassified or undeclared because the privacy proxy providers will have to have some form of accreditation or certification or whatever term you're comfortable with, with ICANN in order to operate. So that becomes obligatory and I can't remember what the percentage is of domain that are under privacy proxy but it's definitely quite high.

Other things around some of the commentary about Nominet, Nominet has a number of – has I think it's about 10-12 different types of registrant classification. It's more than just private individual versus legal person. There's a bunch of different ones, things like there's foreign individual, there's

organization – there's foreign company, there's domestic company, etcetera, etcetera, etcetera.

The validation and all that around the contact information is only a new thing and has absolutely nothing to do with the registrant classification, it comes from the general kind of growth of interest in registrant validation/verification but we're seeing in a lot of places possibly due to some of the stuff that came out of some of the discussions within ICANN but it's not directly linked to the registrant type categorization stuff that Nominet do up front.

Also as well, the concern that some people have about, you know, there's unclassified and other things like that, I mean, you know, as others said sure, you don't know when you're registering a domain name specifically what you're going to use it for. Fine, well if you don't know then, you know, you can choose whatever you want.

But then there was – there is – within the Nominet space, there was the entire thing around this concept of commercial use, which opens up a massive can of worms, and I know we've had discussions in the Proxy Privacy PDP and it's an incredibly painful kind of hole to go down. And if we go down it we'll probably never come out if ever again, as if this working group isn't moving slowly enough already. So let's not do that.

But that's what they – what they kind of came up with is they had a whole bunch of policies covering what was considered commercial, and then depending on whether – what was reported or seen as usage of the domain name breached that – that line then the quote unquote privacy would be dropped from the name. Thanks.

Susan Kawaguchi: Thanks, Michele. And Greg, so last comment from Greg and then we're going to figure out what we're doing on the next poll. So Greg.

Greg Aaron: Okay, thank you. This is Greg Aaron. I think discussing registrant types puts the cart before the horse right now. Registrant type is a solution, it's designed to satisfy a legal requirement or a problem and this working group has not understood very well what the legal landscape is to begin with. We're talking about a solution before defining the problem we're trying to solve here and before demonstrating its importance to solve.

So I don't think until this group understands privacy law and what it requires or allows us to do, that we should be discussing registrant type. Registrant type is a solution to a problem that hasn't been defined yet. Thanks.

Susan Kawaguchi: So that is an interesting point. And I think although I'm not sure we will ever get to the point where we all understand privacy law thoroughly, but I think maybe the Wilson Sonsini memo would help with that. Lisa, you know, so, you know, until Greg's point I was really thinking we were moving toward a poll on simply agreeing or disagreeing on identifying a registrant type, if there was agreement – just to get an idea of what the working group members were thinking about.

What is your feeling or Marika or Amr, on waiting for the Wilson Sonsini memo to come out? Do you have thoughts on that?

Lisa Phifer: Susan, this is Lisa. I think it might help us since we have just discussed this a bit, for people to respond to a poll question that's just an open-ended comment box giving what they see as uses for this kind of identification of the type of registrant or concerns that they might have about allowing that to happen. So basically just collect some open-ended input and then set this aside until we have further guidance on data protection law and then maybe circle back to it at that time informed by what people may have thought of as a result of today's call.

Susan Kawaguchi: I think that's a good recommendation. And then also if we could do something that was sort of short and succinct about – because one of the

reasons the EWG came up with this is so that, you know, this would help guide the rules engine that we recommended. And I think there's some value to that. So is there a possibility of putting something together very short or maybe we've done that in the past, really showing how these registrant types would – could possibly guide other actions within collection or display of RDS data? Is that something staff could distribute?

Lisa Phifer: Yes, this is Lisa again. Certainly we can pull out some of the recommendations from the EWG that leveraged registrant type just as an illustration of the many ways it can be used, only one of which is to apply data protection law.

Susan Kawaguchi: Okay. All right so we have agreement that we will do an open ended comment box poll and so everybody responding to that would be very helpful. And I don't think we have time to start into another data element type with three minutes left so that will be the only thing on the poll, it'll be easy hopefully.

And we do have – is there any other decision points, Lisa or Marika, that we need to move forward with that I've missed? Lisa.

Lisa Phifer: So I guess just to recap we have three working group agreements from last week's poll. The third was modified as the result of some discussion here on today's call. And we'll record those in the working draft. One item that we kind of skipped over from the very beginning of the agenda was a brief update on ICANN 60 plans. And...

Susan Kawaguchi: Oh, I did miss that.

Lisa Phifer: ...just to bring that up now so everyone can plan ahead, the times and dates that are currently on the draft schedule for ICANN 60 are Saturday morning a face to face Saturday the 28th of October from 8:30 to noon, that would be local time in Abu Dhabi. And then another face to face session on

Wednesday late afternoon, Wednesday the 1st of November 1600-1830 local time. So for those of you that are thinking about going to Abu Dhabi, you might want to put those on your calendar; for those of you who might be participating remotely, you might want to put those on your calendar as well and think about what time of day that will be. There will be remote participation of course.

Susan Kawaguchi: Perfect. And the other thing that I forgot to mention was there was a subgroup created concerning the original creation date. Jonathan McAuley was heading that up. It doesn't look like Jonathan's on the call today. Is there anybody else that wanted to give us a short update on that? Andrew.

Andrew Sullivan: Hi there. It's Andrew Sullivan again. I'm involved in that little subgroup. So we're working away and there have been a bunch of emails exchanged back and forth. And people are having their usual disagreement of the sort. But I think they're just being made so I'm hopeful that this will not be a subgroup that yields no result.

Susan Kawaguchi: Perfect. All right, and I think that's it. We have a meeting next Tuesday, September 12 at 1600 UTC. And oh, Amr, you have your hand up. Amr, did you have a comment?

Amr Elsadr: Thanks, Lisa – sorry, thank you, Susan. This is Amr. Yes, my hand took a while to get up, I was just going to offer some thoughts on the small team, but I guess Andrew covered it. There were a few proposals on potential working group agreements regarding the original registration date. And as Andrew indicated, these are currently under discussion. There is a timeline involved in when the small team should deliver their input to the leadership team and the broader working group and the small team is aware of this and will hopefully stick to this timeline and there should be more to report from the small team soon. Thank you.

Susan Kawaguchi: Okay thanks, Amr. That's very helpful too. So it's 10:31, thank you all. I think we had a good discussion today. And we'll talk to you all next Tuesday. Have a good week.

Michelle DeSmyter: Thanks again, Susan. The meeting has been adjourned. Operator, please stop the recordings for us and disconnect all remaining lines. Have a great remainder of your day, everyone. Good-bye.

END