

ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 18 February 2014 at 1500 UTC

Note: The following is the output of transcribing from an audio recording of Privacy and Proxy Services Accreditation Issues PDP WG call on the Tuesday 18 February 2014 at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at:

<http://audio.icann.org/gnso/gnso-pps-a-20140218-en.mp3>

On page:

<http://gnso.icann.org/calendar/#feb>

Attendees:

Luc Seufer - RrSG
Volker Greimann - RrSG
Maria Farrell – NCUC
Graeme Bunton – RrSG
Tim Ruiz – RrSG
Sarah Wyld – no SOI as of yet
David Heasley - IPC
James Bladel - RrSG
Steve Metalitz - IPC
Osvaldo Novoa - ISPCP
Valeriya Sherman – IPC
Kathy Kleiman – RySGgr
Justin Macey - BC
Darcy Southwell - RrSG
Carlton Samuels – ALAC
Alex Deacon - IPC
Ben Anderson – RrSG
Todd Williams – IPC
Don Moody - IPC
Theo Geurts - RrSG
Susan Prosser - RrSG
Don Blumenthal - RySG
Libby Baney - BC
Michael Shoukry - BC
Phil Marano – IPC
Jim Bikoff – IPC
Tatiana Khramstova - RrSG

Griffin Barnett - IPC
Theo Geurts – RrSG

Apologies:

Amr Elsadr - NCUC
Tobias Sattler - RrSG
Holly Raiche - ALAC
Paul McGrady - IPC
Gema Campillos - GAC
Roy Balleste – NCUC

ICANN staff:

Marika Konings
Mary Wong
Margie Milam
Amy Bivins
Mike Zupke
Joe Catapano
Terri Agnew
Nathalie Peregrine

Coordinator: Please go ahead. This afternoon's conference call is now being recorded.

Nathalie Peregrine: Thank you very much, (Tim).

Good morning, good afternoon, good evening everybody. This is the PPSIA call on the 18th of February, 2014.

On the call today we have Maria Farrell, Steve Metalitz, Theo Geurts, Volker Greimann, Graeme Bunton, Sarah Wyld, Val Sherman, Todd Williams, Darcy Southwell, Alex Deacon, Ben Anderson, Don Blumenthal, Luc Seuffer, Tatiana Khramtsova, Kathy Kleiman, and James Bladel.

We have apologies from Amr El Sadr, (Unintelligible), Holly Raiche, (Paul McGardy), and (Jen Campiers).

From staff we have Marika Konings, Mary Wong, Amy Bivins, Margie Milam, (Mike Zupko), Joe Catapano, (Terri Agnew), and myself, Nathalie Peregrine.

I'd like to remind you all to please state your names before speaking for transcription purposes.

And I have noted (unintelligible) for the attendance. Thank you very much, and over to you, Don.

Don Blumenthal: Okay, appreciate it. Trying to do two things at once here.

We did a really nice job I think so far of framing how we're going to proceed, so why don't we just kind of jump in. We've got our groupings, and Marika and Mary had done up a template that I - that in other work - at least one other work group I've been on has been very helpful in shaping discussions. So we are going to start with that just to work through the issues, and also give everybody a sense of how that functions to make sure it works for our purposes.

And, I think we're flipping over to that now.

Okay, we're going to start after I think - well we have a consensus that I think we had on the call last week with Category A as we're now calling it, Question 2, and then go through findings and then go into discussion.

At this point I will step back and let Mary and Marika take over on the findings issues and start going through the process.

Markia Konings: Thanks, Don, this is Markia. So maybe what I can do first is just briefly explain to you, you know, how the template has been structured, and of course also note that if you have any feedback or input on how we can improve this template to precipitate the working group deliberations and as well capturing you know outcomes of our discussions, you're free to share those on the call or send them to us after the call by email.

And then I'll hand it over to Mary to talk about some of the findings of the Whois study regarding prevalence of a proxy and privacy services.

So regarding the template that you see up on the Adobe Connect screen, which also I shared with you I think by email last Friday, what we tried to do in a way of really breaking down the different questions as we have grouped them in the other document and trying to pull in all the relevant information at least, you know, from our perspective, and as I said, you know, anything you think that should be added here into one place to really allow the working group to focus on the very specific question you know that has been taken - for this specific call, and as well this template.

Then the same would be done for all the other questions that we have in the charter grouping's document so that we have basically a template for each question that allows us to gather all the relevant information for the working group to start its deliberations on that question. And at the same time, as you move through the document, at least being able to capture the working group discussions on input it has been received either through the working group survey, and that's the information that you currently see in the template.

But the idea is as well as we start receiving input from other SOs and ACs and GNSO stakeholder groups and constituencies that we basically take that input and allocate that to the relevant templates. So as the working group moves through the charter questions and relevant sub questions, you have all of the specific information and feedback related to that specific issue at hand.

And then hopefully, the idea would be - and I think that's one of the sections we may want to add at the end as a kind of you know conclusion or summary or preliminary conclusion section where we try to capture at you know, the end of the conversations on the specific charter question, we actually try to capture what is the prelim conclusion that the working group has come to based on the initial information that it reviewed, which we tried to provide at the outset.

So looking at, you know, in this stage some of the definitions, you know information from the Whois studies, you know input from Whois review final

report, and (unintelligible) - you know, there may be other information that you think is relevant for this specific question that we - you know, more than happily add here at the outset and then basically diving in through - you know, going through the comments received and input provided and then working our way through - okay, based on that review, what is the preliminary conclusion or answer to this question that the working group has arrived at?

And the hope is then that by doing that for each of these specific questions, we not only you know are able to gather all our preliminary conclusion at the end of the day and bring this together, but also have a way of capturing our conversations and using that as well to build the additional report and really provide a track record of you know, what information did the working group review? How did it consider input and comments received? And on the basis of that, what were the conclusions that the working group drew that have led to you know the eventual policy recommendations on this topic?

So, that's a little bit the thinking about the template. And you know as I said, we really hope that's - we think this can be a useful tool in helping to structure as well as focus the working group deliberations, as you know you all know that there are a lot of questions to be addressed that - and at the same time, you know, many different directions that the discussions can go.

So I think I'll leave it at that at this stage. I don't know if you have any specific questions on the template as it stands currently or if there's any suggestions for improvement or information in this case that you think should be added here? Please feel free to share.

Not seeing any hands, I think I'll just hand it over then to Mary to talk about findings of the Whois study.

Mary Wong: Thanks, Marika.

And we prepared a set of - well, a very short set of slides. There is people in the working group who are no doubt very familiar with this study and its findings, but there also might be members of the working group who are less familiar, so hopefully this will be helpful.

The idea for this or the purpose of this is really to feed back into that template that Marika just showed you, and hopefully you've had a chance to look at, and answering the big general question that we're dealing with for this week and next week, which is whether or not for purposes of the accreditation program there should be a distinction between a privacy service and a proxy service.

So you see now on the template that you saw earlier that there are some definitions of both types of services. The one that we put on the template was taken from the 2013 RAA. There are a few other variants of that definition in different studies, but they more or less really say the same thing and make the same distinction between a privacy service and a proxy service.

So this set of slides then talks about one of the GNSO Whois studies, and this is on privacy and proxy abuse, and hopefully both the findings as well as some of the things that the study was not scoped to do might either inform your deliberations or might allow you to craft some further questions or discussion points that you might want to raise in this group, or more broadly within the GNSO.

So I think everybody - a lot of people know that this was one of several that was proposed some years ago in the GNSO as part of the effort to gather objective, verifiable data on certain aspects of the Whois system, particularly certain aspects as to what was being used and for what purpose.

We were fortunate that we had a team from the National Fiscal Laboratory in the United Kingdom, led by Dr. (Richard Clayton), who is known to some of the members of our community, and he's a senior researcher at the University of Cambridge.

They took about a year or more to do the study. The initial report was published a few months ago for public comment. And, I know a number of folks in your constituencies submitted public comments, which was summarized. And the report of public comment is actually - has actually been published. It's now on the ICANN Web site. And, we're hoping that NPL having taken on board the public comment that was submitted and having either amended or clarified some of their results and reports, will give us the final report for publication very shortly.

In a nutshell, the study tested two related hypotheses. The first is what ICANN asked the team to study. The second builds on the first, and it was what the team felt was important to really try and get a sense of what was meant by the term significant percentage.

So you see in Hypothesis Number 1, we asked them to see if it could be shown that a significant percentage of domain names used to conduct illegal or harmful Internet activities registered by either a privacy service or a proxy service in order to obscure the perpetrator's identity.

And I can't go into all the study findings today, but essentially, the team found this finding to be true across a number of different work packages that covered phishing, cyber-squatting, and a number of other malicious types of users of domain name activities.

The related finding, which the team felt was important to investigate, was to compare the percentage of domain names that were registered in that particular way in Hypothesis Number 1 with domain names that are registered also by privacy or proxy services, but for entirely lawful Internet activities.

And for purposes of this work, the team chose a set of lawful Internet activities such as banks, law firms, legal pharmacies, and so forth, to mirror

the activities and industries chosen for this - the legal study in Hypothesis Number 1.

And, they found that this was really only partly true in that while it is true, that the domain names that are used for illegal activities are registered to a substantial extent by either a privacy or proxy service that are from legal activities, most noticeably banks, for example, who also use a privacy or a proxy service for their registrations.

Then if you go down to the next slide, this is the abuse study summary of the findings. You see that there is work packages, and you see in the last column whether or not there was a low or a high, or an in-between usage of privacy and proxy services. There's obviously much more detail in the report.

These are some of the activities that were studied. And why we thought was important to include this slide was that there were other activities that were either proposed by the community or that ICANN had asked IPL to see if they could investigate. But ultimately for various reasons, the team did not.

So while the study showed the initial hypothesis was true and the related hypothesis is also partly true, what the team also concluded here, the last point on this slide, is that if a domain is registered for purposes of illegal or harmful activity, the registrants use multiple ways to hide their contact detail, including to a substantial extent, using privacy or proxy services.

But at the same time, domain names used for legitimate purposes also may not protect - may not provide accurate contact information such as a phone number.

How this might be relevant to the work of this working group is what we tried to summarize in this slide, and the first thing that was most obvious I think to anyone who's looking at this report is that the study does not investigate a distinction between a privacy service or a proxy service. I mean, it is able to tell in some of the domains whether a proxy or a privacy service was use, but

the substantive differences or the reasons why someone might use one over the other was not within the scope of this study.

The users of these services were not contacted or surveyed for that particular purpose, and there wasn't a breakdown of the usage rates by country or geography. And as I've also said, in terms of studying the lawful domain, that - this was not meant to represent the whole universe of lawful users. Just as for the handful of domains, it was not meant to represent the whole universe of handful users as well.

So, there are some limitations of the study not by itself, but in terms of perhaps using what it did not do to answer the questions that this group has been tasked to answer. But, there are certain things in there that hopefully are useful.

And at this point I'm going to pause because I see that Steve has his hand up.

Steve Metalitz: Yes, thank you. This is Steve Metalitz. This is interesting, but I don't think has much to do with the question that we're supposed to be looking at, which is should ICANN distinguish between privacy and proxy services for the purpose of the accreditation process?

Now the first bullet on the slide you have up there shows that this study tells us nothing about that, so I'm not quite sure why you're briefing us on this.

You had a previous study that actually did address this and surveyed how many - in its sample, how many privacy services it found and how many proxy service - not services, but registrations - how many of the registrations fell in each category. And my recollection was that 95% of the registrations in that universe were in proxy services under this definition, and 5% were in privacy services. Is that correct and is that our latest information on this?

Mary Wong: Thanks, Steve, and I think you're referring to the ICANN study that was done in 2010 that used...

Steve Metalitz: I think it was quite a bit later than that. It's just - I think it's the survey right before this. It's - and it did have that figure.

Mary Wong: Okay.

Steve Metalitz: Are you familiar with that?

Mary Wong: Yes. And I don't have all the figures handy on me right now, but for the benefit of the rest of the working group, I guess first we talked about this survey because some of this had come up in some of the comments for the draft charter questions, so one usage we thought - one useful part we thought for this would be to show perhaps what you just said; that it isn't terribly helpful to this working group.

The study that was done on privacy and proxy as well - there was one in 2010 as I said, which was a study on the prevalence on domain names registered using a privacy or proxy service, and it was also across the top five gTLDs, as this study was. In fact, as all the Whois studies were.

There was also a separate pre-feasibility survey that was done on relay and reveal, and that was later, and study was completed I think last year and the final report, and that used some of the numbers that was done in the earlier survey as well.

So I can pull up those numbers. I just want to be sure, Steve, that that may be the study that you're talking about. It wasn't so much a full study in the same way that this was. For various reasons, a full study of relay and review was not done. It was more a pre-feasibility survey to see whether or not we should do a full relay and reveal study, and that was not pursued.

Steve Metalitz: Okay.

Did you - I don't know if you answered my question about 95% being proxy and 5% being privacy.

Mary Wong: If you let me have a few minutes to pull up the statistics. I hesitate to say that because I think that might depend on what the domains were that were used and the data set, and I don't have that on me right this minute.

If you don't mind, Steve, I'll go to Kathy and then James while I pull up the information?

Steve Metalitz: Sure.

Kathy Kleiman: Hi. Can you hear me? This is Kathy Kleiman. Can you hear me?

Don Blumenthal: Yes.

Kathy Kleiman: Great.

Okay, first I'm kind of with Steve. This is kind of an interesting time to be presenting this study.

So Mary, kind of in the big picture, let me ask you a few questions. One is will you also be presenting the study - the even more recent study? Will we be getting a summary of the misuse of Whois data that came out fairly recently where you have researchers at Carnegie-Mellon, very well respected on this? And they - these researchers were looking at the public Whois data and how it is misused.

So kind of a need - almost a needs assessment for privacy/proxy services. So, that would be great if we could get a summary of that.

The other - the statistic that Steve just asked for, I'd love to see in context. I mean, we may pull it up, but I'd like to see it in context.

And here, I just wanted to share with everyone that from my perspective, and the NCSG submitted comments on this, the big - rather startling conclusion from the study that Mary just presented was that certain types of legitimate businesses use significant percentages of proxy/privacy services. It was - it almost - it proves something we haven't actually expected it to prove.

So I just wanted to share that. Thank you.

Mary Wong: Thanks, Kathy.

And the CMU team is preparing its final report. I'm pleased to say that we've just published the report of the public comments. And again, I thank a lot of folks on this working group and their communities for submitting public comments.

So the final report for that should be out soon as well, Kathy.

Kathy Kleiman: But Mary, can you present - will you be presenting kind of the interim, the way we have it with Dr. (Clayton)'s work, to this working group?

Mary Wong: To the extent that that would be helpful to the working group, I'd be very happy to do that.

Kathy Kleiman: I think that would be great. Thank you.

Mary Wong: You're very welcome.

James?

James Bladel: Hi, Mary. Thank you for presenting this.

And I - James speaking for the record.

I just wanted to agree with Kathy and Steve's comment prior. I'm not really sure this is directly relevant to the question that we have on the table. This study was very interesting to me because I think while it demonstrated that there are - I think that it actually in some ways muddied the waters more than it clarified them because it did say that quite surprisingly that there were some types of illegal activities or abusive activities that used or engaged in these services less frequently than the typical domain names. And, I think that rate was established at about 20%, 25%. I don't remember the exact number, but it was kind of interesting.

But as far as just whether this has any bearing on the distinctions between privacy services and proxy services, I think that the temporary specification that's currently in the RAA that was a point of discussion during the drafting of that spec, as well as during the Whois review team and - you know, I'm kind of circling around to the idea that I don't know that from a policy perspective - from an ICANN perspective, that it's really relevant.

These services while they implement or deliver their services in different ways, I think still have to behave according to - once their - the accreditation program is finalized, will be required to behave according to specific you know practices and relay and reveal, or cancellation or termination processes.

And, I think all of those things can be standardized sufficiently so that they apply equally to your privacy or proxy services. And I don't know that there's anything in this particular study to - you know, this glaring bright light that says, you know, we have to treat these differently. I think that it's really just a matter of implementation. Thanks.

Mary Wong: Thanks, James.

And you know, obviously it would have been helpful I suppose if there had been some findings or a study that was done somewhere that was more directly relevant to the work of this working group which is why we thought

that even this study, which in terms of its subject matter, one would think might be closest to the work of this working group, is helpful only to perhaps a very limited extent simply because of the scope of that particular study.

On the CMU misuse study, and I see that there's some comments from Carlton and others in the chat. But the misuse that was studied in the CMU study was related to things like junk mail, email spam, and voicemail spam. So while the findings there are interesting - and Kathy like I said, I'm happy to give a short summary of those findings if not today then pretty soon.

But again, it may not be something that directly translates to an easy answer for either this question or the rest of the work of this working group.

Steve, I don't know if you have your hand up again with a different question, but just a quick look back at the other studies. Like I said, there was a study that ICANN itself did in 2010. There were a couple of studies done by (unintelligible) out of Chicago in '09 and 2010.

And there was also the most recent one that (unintelligible) did was from May 2013, which was the registrant identification study.

On top of that, as I mentioned earlier, there was a pre-feasibility survey for relay and reveal that was done by the (Internal Consulting Group), and their final report was out in 2012.

Just looking really quickly at the notes I have of all of these surveys and studies, it would seem that the percentage and - please, I am happy to go back and check all these figures, so I'm just going to say it - out here on the understanding that I'll go back and check them, that in terms of the incidence of usage of privacy and proxy services, they range from something like 17% to a 20%.

And Steve, I don't know if that 90% figure you had was the confidence rate that they reported, which one of the studies reported there was a 95% confidence level.

Steve Metalitz: No. (Unintelligible)...

((Crosstalk))

Mary Wong: One (unintelligible)...

((Crosstalk))

Steve Metalitz: It's not. And I know the difference between a confidence rate and a finding rate.

Mary Wong: No. I'm not saying you don't. I was just wondering if...

((Crosstalk))

Steve Metalitz: (Unintelligible) study? If you look at the Whois registrant ID study, it - the draft report said 3% of the registrations that they found in the proxy world, if you will, were privacy registrations. 97% were proxy registrations. This is my - the only point I was trying to get out here that - and I agree with the previous comments that I don't see your reason to distinguish between these two categories in terms of accreditation.

But one reason not to distinguish between them is that the findings are that privacy service barely exist in the gTLD world. They're a extremely small percentage. Proxy services are far more prevalent.

I don't know the reasons for that, but I think if we keep that in mind as we work through this process we should be thinking about proxy services. Obviously if we come across an area where there needs to be some difference for privacy services, we should take that into account. But I think

our - my suggestion is that our going in assumption is that there would not need to be a distinction between the two.

Thank you.

Mary Wong: And Steve, if I may pick up on that point, and then Don I'll hand it over to you and then to Volker.

If there is some data, even in the MPL study that does show that - if we look beyond the overall prevalence of privacy and proxy taken together, which is like I said, the 20% of the (unintelligible).

That it does show that the incidence of proxy usage is higher than privacy service usage. And again, that was not something that was investigated in this study either.

Don?

Don Blumenthal: Okay.

I'd like to kind of - we'll (unintelligible) to Volker in a minute, but I think it'd be worthwhile at this point to focus - I think for today's discussion, the really important issue is the prevalence of privacy and proxy in the registration space.

I think the issues of misuse and the issues of use for abuse are important to frame certain discussions that we've already seen on the mailing list, but you know there'll be time to consider those if we need to - as we go along.

I'll do a side pitch here. Just mention that (Richard Clayton) is very well known and respected in the (NI) abuse world. And if any of you are going to be at (MAAAWG) messaging anti-abuse - and I've got a third A in there now - messaging anti-abuse working group sessions, he will be talking about the

report tomorrow. And hopefully, we'll have a final one soon - a final version soon.

But at this point, I think it's - we should just dive in to the template, start discussing the initial question about privacy versus proxy, and begin the substantive discussion.

Volker?

Volker Greimann: Hello. Can you hear me? Volker here.

Don Blumenthal: Got you.

Volker Greimann: Just one answer - hello?

Don Blumenthal: Yes?

Volker Greimann: Hello? Hello?

Steve Metalitz: Yes, we hear you Volker.

Volker Greimann: Okay. Just one thing that I wanted to answer to Steven is - can you hear me?

Steve Metalitz: Yes. I can.

Don Blumenthal: Yes.

Volker Greimann: Perfect.

I wasn't sure if my microphone was working there.

So basically, I think one of privacy services are so much in the minority versus proxy services is mainly ease of handling. Remember that a proxy service may only need one contact information - one set of contact

information whereas the privacy services would need one for every customer so that may be a reason why a lot of operators have elected to go for proxy service instead of privacy services.

However, what I want to touch on really was the study again. And I just - I wanted to know - I haven't had the chance to look (unintelligible) in its entirety right now and I don't know where they got that data set from. And mostly the - (unintelligible) study is determined by its data set so I was just wondering, Marie, if you could give us some information on how the selection worked for selecting domain names that would be part of the study and the grading of the finding was, i.e. what does partially "true" mean? What does "true" mean in percentages?

Don Blumenthal: Okay, appreciate that.

Mary Wong: Don, did you want me to answer that question?

Don Blumenthal: Why don't we...

Mary Wong: Or take more questions and comments?

Don Blumenthal: Sure. No, why don't we answer that question and let's move on to the comments template after you've answered that.

Mary Wong: So let me first go back to the question of the data sets. In terms of the other studies that are not the ones presented today they are similar to the extent that they are all based on the top five gTLDs. That was one of the conditions of ICANN in its RFP.

The numbers are very different and, for example, some of the surveys like the ones done by NORC, the Registrant Identification Study, for example, a lot of them were randomly selected in proportions across the top five gTLDs whereas the NPL survey, because it focused on the privacy and proxy

services that were used for particular industries was not as randomly selected.

So, Volker, you were talking about the - you were asking for the prevalence of privacy and proxy usage across all the various things that were done in this particular study, right? And there are some tables that I can send around. It might actually be easier because in much of the reporting in this particular study the privacy and proxy usage was not really differentiated.

So for example, in reporting on the percentage of pharmacies, firms and so forth that used these services it was privacy or proxy usage. So it might be more helpful, Don and Volker, if I actually took out some of those tables and sent it around rather than trying to break it down on the fly orally.

Don Blumenthal: Yeah, I agree, Mary. I mean, it would be helpful to probably - to send them out rather than dig into it on the call would be useful so we can move along. So should we move over to the template document so we can start a discussion and explore the process using the template?

Mary Wong: Don, I don't know, Tim had a comment and James or was that from before?

Don Blumenthal: Yeah, I just saw - I just saw his hand come up. Yeah, Tim.

Tim Ruiz: Yeah, so did - so in the process of all this did we ask for this - for a review of this study? Is that why we're looking at this or? And then just a few other comments. If we didn't then I guess my, you know, that's something that the working group should actually decide, right, is what information do we need to review in order to inform our work? And so as we go forward, you know, it just like we're - a lot of people were looking at this and thinking, wow, you know, we really spent time on something we didn't need to spend time on. So I'd just like to avoid that in the future.

But as far as the study goes if we're going to use this information then, you know, is there any - are there - is this as specific as the study gets or is there

more information if we were to look at the full study like instead of ambiguous terms like "significant percentage" does it actually give percentages?

And then is there any comparison of that to what, you know, what we see in the normal pool of registrations as a whole which would be helpful to tell, you know, is there something more significant going on there than elsewhere?

But even then I guess I'm not sure which question this actually addresses. And I would just hope that we, you know, that instead of staff selecting what we review that the working group selects that. Now maybe we did and I just missed it but I think we need - just need to be cautious about how much time we spend reviewing things that the working group hasn't really asked for.

Don Blumenthal: Right. Okay, Tim, you know, I thought - well maybe I didn't. To be honest I think there was a miscommunication here on what we should be looking at. The chairs asked for discussion of prevalence of privacy and proxy services. And I think there's a legitimate question as to how much this study really addresses those issues.

But, you know, the working group certainly any time you want - yeah, I think what studies and what information we presented is a joint thing the working group that every once in a while Steve and Graeme and I may think that something's useful. Volker.

Volker Greimann: Old hand, apologies.

Marika Konings: Don, if you're speaking we can't hear you.

Steve Metalitz: This is Steve. I'm not sure if we've lost Don temporarily here. I think his suggestion was that Marika walk us through - show us how this template is put together and we can start discussing the question before us based on that. So could you do that?

Marika Konings: Yeah, so this is Marika. So (unintelligible) up here, I thought, you know, it described already in more general terms, more specific terms for this specific question. So first of all we tried to gather, what, from our perspective we thought was the relative background information to this question.

And, again, as said before, if there's any other information that you think that needs to be added here we'll also look back at, you know, some of the studies and pull from there any additional information that may be helpful here.

So first of all we looked at the definitions that as they currently appear in the 2013 RAA. So privacy service there is defined as a service by which a registered name is registered to its beneficial user as the registered name holder but for which alternative reliable contact information is provided by the privacy proxy provider for display of the registered name holder's contact information in the registration data service Whois, or equivalent services.

And proxy service is defined as a service through which a registered name holder licenses use of a registered name to the privacy proxy customer in order to provide the privacy proxy customer use of the domain name and the registered name holder's contact information is displayed in the registration data service Whois or equivalent services rather than the privacy or proxy's customer contact information.

Then also (unintelligible) some information from the Whois studies in relation to the ICANN study on the prevalence of domain names registered using the privacy proxy service among top five gTLDs which basically notes that the sample of domain names registered on the top five gTLDs indicate that about 80% of them use this type of service and among these Whois proxy registrations were the most common. Although I don't think it included any more specifics than that.

And then I also pulled a quote from the Whois Review Team final report which note that, "The review team considers that one possible approach to

achieving this would be to establish through the appropriate means an accreditation system for all proxy privacy services providers and as part of this process ICANN should consider the merits, if any, of establishing or maintaining a distinction between privacy and proxy services."

And basically then the template goes into specific comments we've received on this question in response to the working group survey. So I don't know if you, at this stage, just want to start at the first comment and have a working group, you know, feedback on each of these comments to see whether there's, you know, agreement, disagreement, questions or comments about the specific feedback received at this stage?

I don't know if Don's already back or...

Steve Metalitz: Is Don back?

Don Blumenthal: We'll find out, am I back?

Steve Metalitz: You are.

Marika Konings: You are.

Don Blumenthal: Okay. I don't know what happened.

Steve Metalitz: Welcome back.

Don Blumenthal: Okay. Thank you.

Steve Metalitz: I think Tim has his hand up.

Don Blumenthal: I heard everything, I don't know what happened with the mic.

Steve Metalitz: I think Tim wanted to say something.

Don Blumenthal: Yeah.

Tim Ruiz: Yes. I was just curious so we're talking - we're still talking about Category 8 Question 2. And so is this information from the Whois studies, ICANN study on the prevalence of domain names registered using a privacy or proxy service among the top five gTLDs. Have we discussed that or is this just a summary of it here that we are - that's all we're using?

Marika Konings: This is Marika...

((Crosstalk))

Don Blumenthal: No, I think this is the beginning of the discussion.

Tim Ruiz: Oh okay.

Marika Konings: Yeah and this is Marika. This is really just a, you know, a first draft and I just put already something in there some of the things I found basically in the background information that's posted on the staff wiki so information that, you know, the working group has at its disposal really for quite some time and hopefully had a chance to review trying to pull from there what are the relevant elements for this conversation but this is in no means meant to be, you know, comprehensive covering everything.

So as said if you think it's helpful as well that we include direct links to where this comes from so people can go back there we can do that for the next version.

You know, Kathy already suggested as well that there may be a need for more diversity of sources so again if there are any information that we've missed or you think that is relevant to be included here, you know, please provide us with a specific - either with a link or a quote or where we can find it so we can include it here. And again really trying to focus on this specific question.

And again of course if you already have information relating to some of the other charter questions feel free to start sharing that as well so we can start adding that to the other templates as we start developing those.

Don Blumenthal: Yeah, this is Don. I just want to jump in real briefly. Make sure the folks on the call are - or folks in Adobe - are scrolling down to be looking at Pages 2 and 3. I think the template will be - make more sense if you're doing that. James.

James Bladel: Thanks, Don. James speaking. And that was actually something I wanted to comment on was the second to the last comment from Chris Pelling which says, "Only ICANN-accredited registrars should operate privacy proxy services."

Something that we discussed I think in the Whois Review Team and during the drafting of the RAA and I think that it's important to remember that conceptually no one - or anyone who submits to ICANN does so willingly.

You know, this is really not a mechanism for ICANN to go out to, you know, organizations and service providers and companies that it does not have under contract and bring them under its umbrella.

So I think, you know, it would be very difficult to, in practical terms, to enforce this particular proposal just because, you know, it would involve ICANN identifying unknown service providers and then somehow compelling them to behave in a certain manner.

I think better is the approach that we - with the temporary specification in the RAA and the approach that we are taking with this working group which is that you design an accreditation program and then you require registrars to only knowingly use those accredited service providers. And I think that's a much better approach than this proposal here.

And I don't know if that's, you know, the appropriate time to do a deep dive into those things but I'd be happy to discuss why I think that this proposal is a little too simplistic. Thanks.

Don Blumenthal: It might be a little early which is why I'm not going to come back with a bunch of questions. But I'll post them to the list. Steve.

Steve Metalitz: Yes thank you. This is Steve. Just picking up on what - on the last comment. I think this comment is actually not relevant, I mean, to our question which is, "Should privacy and proxy services be treated differently?"

I think if you look at the responses we've received so far, and some people have expressed this on the list, there seems to be some support for at least provisionally saying we're going to treat them the same, have the same accreditation rules for privacy and proxy.

I think the main exception to that that I see here is from Emily Manual, John Horton and Justin Macy who seem to be suggesting that privacy services should have a greater obligation to verify the contact details of their customer than proxy services should.

Now we're going to get into the whole question of verification of the customer details but maybe if Justin is on the phone or I know he's in the chat room, if someone wants to - could explain this further because I'm not sure that I understand why if you reveal the registrant's name in Whois but nothing else you should have greater responsibility to verify the contact details than if you don't reveal anything about the registrant in the Whois which is really a proxy service.

So but maybe someone from LegitScript could explain why they think they should be treated differently? Thank you.

Don Blumenthal: Anybody from the company wants to take up the gauntlet? Oh yes, Justin, thank you.

Marika Konings: And while Justin dials in, this is Marika. Just to note as well that I've put in the chat of course as the working group goes through these comments in certain cases you may find that the comment is indeed not specific or relevant to the question at hand but maybe more relevant for some of the other charter questions.

So of course it's always an option as well just to, you know, refer specific discussion on that comment to another question. And we can note that accordingly.

Don Blumenthal: And judging from the workgroup activities so far I think that'll happen a lot. There's a lot of cross-pollination of - a lot of crossover of different issues. Steve, are you still a or...

Steve Metalitz: Yeah, I just wanted to say...

Don Blumenthal: Yeah.

Steve Metalitz: ...I mean, while we're waiting for Justin to join the call. You know, this question that Justin's written comment raises is one of the reasons why I was not in favor of starting with this topic because it's kind of hard to answer this question - it may be hard to answer this question in the abstract: Should we treat privacy and proxy services differently?

When you get down to the specifics I think the question - the issue that they're raising in their comments is in B2 of our lives and so therefore we'll be getting to it pretty shortly but we're not there yet which is what are the obligations to verify customer contact information?

And we might find, as we go through it but there do need to be differences. But I don't know that this is one of them. But then we might find that there do need to be differences. But it's kind of hard to answer the question - in the abstract it's hard to see why there should be differences between the privacy

services and the proxy services in my opinion. Thank you. I don't know if Justin's on...

Don Blumenthal: Hey, Justin, are you there? Justin, if that's you squeaking in the background something didn't work right. We still can't hear you.

Justin Macy: Okay, can you hear me now?

Don Blumenthal: There you go. Got you.

Justin Macy: Great. I think...

Don Blumenthal: Yes.

Justin Macy: ...our position on this would be that it depends on what the other factors we'll wheel into the privacy and proxy distinction as to whether or not we should treat them similarly. Just like Steve, I think you said a second ago, we think it makes sense to kind of get a feel for what those other factors would be. We can see some differences between those factors later on in the process. And based on that it might change how we should accredit them. Does that make sense?

Steve Metalitz: This is Steve. Don, I was just going to point out I think that's similar to what others have been saying that when we get to the specific questions we may be able to make this distinction more easily. Tim said this is the chat.

Justin Macy: Yeah, I think that's completely where we agree. I think it's difficult for us to determine whether or not we should accredit them or treat them the same way throughout the accreditation process without looking to see what their responsibilities would be or how they will differ.

Steve Metalitz: Don, I see Kathy has her hand up.

Kathy Kleiman: Hi, all. It's Kathy.

Don Blumenthal: Sorry, I was on mute, Kathy, oh there you are, okay.

Kathy Kleiman: Great thanks. So my first question is how do we submit our comments so that they can get into the chart? And the second question is a proposal that, for the purposes of going forward, we don't merge proxy and privacy services; we don't kind of see them in the same breath; we keep them separate because they seem to be separate.

And if that means holding open the question of what we infer from that or what flows from that we can't answer - I'm with Steve, we can't answer that right now. But what we're gathering is that factually these are different types of services and what it means to identify the registrant in the privacy service versus not identify the registrant in the proxy service I think can have enormous implications and they've certainly been discussed over time with their Whois Review Team and other groups.

So I'd like to keep that placeholder that we continue - that we go forward and hold open and continue to kind of define privacy and proxy services according to their facts and hold open the possibility that they may be treated slightly differently or a very differently as the accreditation process goes forward.

Don Blumenthal: Okay appreciate it. Maria.

Maria Farrell: Thanks. It's Maria speaking. Yeah, just picking up on something that Justin said, so I think - when we're doing the accreditation I presume what we're, you know, the role of that is to measure up services - service providers against certain criteria which are to do with the services they're providing.

So I would also agree with what Kathy said in that we need to look at what, if any, different services privacy and proxy providers are providing and, you know, what levels, what standards we want to hold them to. So I would just (want) keeping them separate right now in terms of yes we should at least in

principle accredit them differently because we will be wanting them to uphold different standards.

And just a second point following up on what (unintelligible) had to say about Chris Pelling's point in the table where Chris Pelling was suggesting only ICANN-accredited registrars should be privacy proxy service providers. I think outside of, you know, a lot of Western Europe and the US and maybe some of Latin America and that a lot of people have difficulty with that because there is a massive financial - I guess operational barrier to becoming an ICANN-accredited registrar.

And there's the fact that that we only have still to this day I think six or seven them in all of Africa. So I think we shouldn't be placing barriers in front of people from other countries who would like to use what's typically a reseller in their own market and be able to access a full range of services. But, you know, I think from a slightly developing country lens that proposal looks quite different to possibly how it might look to us in Northern Europe or others in the US.

So I think it's not just impractical but I think it would also be quite exclusionary. So I wouldn't point that (unintelligible) thank you.

Don Blumenthal: Yeah, thanks for that Maria. Yeah, you know, the practicalities are going to be a big part of the discussions as we go along. And that's a good example of it. We have just about four minutes left. I'd like to do a quick detour since we at least do have planning for Singapore on the agenda. We have a - I assume it's okay to say this. Raise your hand, Marika or Mary, if I'm stepping into bad territory.

We have a tentative time of the working group on Wednesday morning from 9:00-10:30 which is the time we wanted and also a reasonable hour for those of us who don't do well with early morning.

I think over the next couple of weeks we'll have to really carve out some time to discuss our agenda; a combination of internal deliberations for the public to watch, a presentation to - on what we've been doing. But it's also going to be the first time that we'll be in a position to hear comments.

And I already know from some various anti-abuse and law enforcement mailing lists that I'm involved in that some people are going to be very interested in sharing their thoughts.

Obviously there have been chances to do it in writing before but I think it's important to give the opportunity to hear what people have to say outside - as long as we're all together. I'm glad to hear any other ideas on what we should be covering. Those are the three slots that did occur to me off hand. Any thoughts on that?

Okay I think what we will do in the next couple days - we meaning whatever we want to call ourselves - is kind of do a bit of a postmortem on the call, see how we should proceed. I think right now tentatively for next week we'll be looking at Section - or what is it Section B now?

Steve Metalitz: That's be B1.

Don Blumenthal: In any - pardon?

Steve Metalitz: That'd be - Question B1.

Don Blumenthal: Right. Yeah. And as much of that as we can cover. In the interim we'll - like I said we'll be a - had a process the calls maybe a little better how to come up with a good structure for letting people comment on what's already in the template and some other ways to make the input as we go along more efficient because we've got a lot of - a lot to cover over the next well right now our schedule goes out through September.

With that we're at 11 o'clock so why don't we finish the call and look forward to talking with you all next week.

Steve Metalitz: Thanks, Don.

Don Blumenthal: Okay.

((Crosstalk))

Mary Wong: Thank you, Don. Thanks, Steve. Thanks, everybody. Nathalie, Operator, can we stop the recording?

Nathalie Peregrine: Thank you, (Tim), you may now stop the recording. Thank you.