

**ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 22 April 2014 at 1400 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 22 April 2014 at 14:00 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-20140422-en.mp3>

On page:
<http://gnso.icann.org/calendar/#apr>

Attendees:

Luc Seufer - RrSG
Graeme Bunton – RrSG
Tim Ruiz – RrSG
Steve Metalitz - IPC
Kathy Kleiman – RySG
Darcy Southwell - RrSG
Libby Baney - BC
Susan Prosser – RrSG
Justin Macy – BC
Jim Bikoff – IPC
David Heasley – IPC
Michele Neylon – RrSG
Jennifer Standiford – RrSG
James Bladel – RrSG
Volker Greimann – RrSG
Tatiana Khramtsova – RrSG
Paul McGrady – IPC
Tobias Sattler – RrSG
Phil Marano – IPC
Christain Dawson – ISPCP
Don Blumenthal – RySG
Griffin Barnett – IPC
Valeriya Sherman – IPC
Amr Elsadr – NCUC
Maria Farrell – NCUC
Marie-Laure Lemineur – NPOC
Todd Williams – IPC
Don Moody – IPC
Michael Palage – RySG
Alex Deacon – IPC

Kiran Malancharuvil - IPC

Apologies:

Gema Campillos – GAC
Kristina Rosette – IPC
Sarah Wyld – RrSG
Osvaldo Novoa – ISPCP

ICANN staff:

Marika Konings
Mary Wong
Amy Bivins
Joe Catapano
Terri Agnew

Coordinator: I just wanted to let all participants know that the conference is being recorded. If you have any objections you may disconnect. For assistance press star zero.

Terri Agnew: Thank you. Good morning, good afternoon and good evening. This is the PPSAI Working Group call on the 22nd of April, 2014. On the call today we have Tatiana Khramtsova, Libby Baney, Steve Metalitz, Val Sherman, Tobias Sattler, Paul McGrady, Kathy Kleiman, Amr Elsadr, Christian Dawson, Darcy Southwell, Don Blumenthal, Todd Williams, Don Moody, Griffin Barnett, Justin Macy, Graeme Bunton, James Bladel, Susan Prosser, Michael Palage, David Heasley, Todd Williams, Michele Neylon, Jim Bikoff, Alex Deacon, Kiran Malancharuvil, Luc Seufer.

We have apologies from Gema Campillos, Osvaldo Novoa and Kristina Rosette. Kristina hopes to join towards the end of the meeting though, as well as Sarah Wyld.

From staff we have Marika Konings, Mary Wong, Joe Catapano, Amy Bivens, and myself, Terri Agnew.

I'd like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and over to you, Don.

Don Blumenthal: I appreciate it. I'll be jumping on and off quite a bit today just going on mute because I spent most of yesterday talking and my voice still isn't quite what it should be.

Appreciate you all joining today. We've got a good bit to cover, you know, besides the questions that we didn't get to last week and the template issues the online conversation, email conversation last couple days has been outstanding; a lot of issues that we're going to have to address in some way or another.

I want to just - well caution is too strong a word but, you know, some of the things we've been talking about we need to flag for staff, for other ICANN efforts, but they may not be specifically within our mandate. I'm talking about things concerning transfer of privacy proxy and the issue of registrar failure or even transfer.

But we do need to identify them and as we're doing that just take a quick look and see okay, are these things that are within our mandate specifically going to accreditation or are these things that we are going to raise but not necessarily go into in detail in the report?

Excuse me. So with that why don't we - James.

James Bladel: Hi, Don. James speaking for the transcript. And I'm sorry to interrupt. I just wanted to make a brief mention - and more of a notification for this group - that yesterday's meeting of the IRTP PDP Working Group discussing transfer issues raised the issue of transfers and how they are handled currently with - when a privacy service is involved.

And I think it was the consensus of that group, or let's say the preliminary consensus of that group, that they should not carve out specific provisions in the transfer policy but rather those uniformity or standards, if desirable, should come from this group.

So I didn't want to sound like I was, you know, contradicting some of the statements that you made at the introduction there but I did want to make this group aware that that other working group identified this issue and felt that it more appropriately belonged in this group's remit.

Don Blumenthal: Okay. Well maybe we'll just throw them back. Well and part of this I guess is going to get down to the extent to which it's even a policy issue or it's going to be an implementation issue. But thanks for raising that.

One of the adventures of multiple working groups that stumble across the same issues. Anybody want to comment on that or should we just deal with it as we go along on what should be policy, what should be implementation or what should we just say really is transfer policy and throw it back? Fair enough, James. Warning.

Kathy Kleiman: Don, I didn't raise my hand. This is Kathy, can I try on this?

Don Blumenthal: Well Marika's already got her hand up there.

Kathy Kleiman: Okay great. I'm next. Thanks.

Marika Konings: Yeah, so this is Marika. You know, basically following I think the conversation that Kathy and Michele had on the mailing list it may be that there's no need to even look at the transfer policy because if indeed the solution is just to require transfer-related notices to be sent through by the privacy proxy service to the underlying registrant that may be a fairly straightforward solution.

And I think as Michele said as well, you know, maybe there's something that is being missed there. But if that's the only thing that is needed from I think a registrar perspective in order to be able to conduct transfers without revealing or without requiring a change of Whois information that may be a relatively easy solution that wouldn't require any carves out; it just requires basically notices being communicated to the underlying registrant so that they can either confirm the authorization or basically deny that they requested a transfer which I think is what these notices are intended to do.

And currently there's no guarantee for registrars that those notices are being received by the underlying customer as I understand it.

Don Blumenthal: Okay, fair enough. Kathy.

Kathy Kleiman: Great. Thanks, Don. And sorry, Marika, didn't mean to cut you off there. So, you know, last thing we want is I think to bounce back and forth and lose between - sorry, between working groups and maybe lose something that I think is really important that we're on the verge of. I think Marika's right, that we've got an easy - that we're verging on fairly easy - I don't want to use the word easy - straightforward perhaps - solutions to the problem. But I think it's going to be more than information.

I thought Theo's email was really interesting about asking for a new admin C contact when requesting an auth code. So they ask the registrant for a new contact and for the auth code and then there's information to put straight into the new Whois and the new proxy, if I understood that email correctly.

So I think it's notices but - the relay - but I also think that it sounds like the system needs to be tweaked a little bit to add a little more information to the process so there's something to put into the Whois when one proxy privacy provider goes away. And I think we're on the verge of solving something really, really important so that's my two cents. Thank you.

Don Blumenthal: Appreciate it. Michele.

Michele Neylon: This is Michele for the record. Kathy, you want to put what into the Whois?
I'm just trying to understand what you want to put into the Whois.

Kathy Kleiman: Theo had - Theo posted a notice that said - let's see, sorry, "We have a similar thing going on with dotDE transfers. To avoid our admin C contact being used with domain names not under management we force the registrant to provide a new admin C contact when requesting an auth code."

Michele Neylon: Okay so it's - that goes to the point I was making that if the domain was using Go Daddy's domains by proxy and you transferred it to us obviously domains by proxy wouldn't want you to keep using the domains by proxy information.

Kathy Kleiman: Right.

Michele Neylon: When the domain was with us.

Kathy Kleiman: So what's the easiest way when I transfer my domain name from Go Daddy to Blacknight to transfer from one proxy service to another without causing anybody a lot of...

((Crosstalk))

Michele Neylon: If you give me enough money, Kathy, I'm sure I can solve this. I'm not 100% sure because I can - I'm thinking about it in terms of how this scales because one thing that - if the domains are directly registered with a registrar who runs a proxy privacy service and you move it to another - directly to another registrar who runs a proxy privacy service that's one thing.

But what happens if you're dealing with a little hosting company or ISP or whoever who is a reseller of a larger registrar and is using \$50 bit of software to run their order system or whatever. I'm just wondering how, if you can do

stuff in real time or really or if you're looking at doing a kind of host transfer check or some kind - I'm not sure, I'm going to shut now because I actually don't have an answer for you.

Kathy Kleiman: Okay.

Don Blumenthal: Volker. Volker, you on mute?

Volker Greimann: Can you hear me?

Don Blumenthal: There we go.

Volker Greimann: Hello.

Don Blumenthal: Got you.

Volker Greimann: Okay thank you. Well the only way that I can imagine currently transferring the domain name without being disclosed at the time of the transfer would be to update your Whois data prior to the transfer by using the Whois data of the new privacy proxy service but that would have to be agreed with the new privacy proxy service provider of course.

So you would contact your new privacy proxy service provider and then ask them for permission to use their data in the Whois as the underlying data then transfer out the domain name while it was - it would use the data of the privacy service. And at that time after the transfer has passed you would then update the underlying data and the privacy service data would remain intact as it is. That's the only way I currently can imagine how the transfer would possibly work with the privacy service intact.

Don Blumenthal: Okay. Michele and then let's - or and Tim and then let's move on because we're not going to solve this on the call. Michele.

Michele Neylon: You never know, Don, you know, you've got to be more optimistic. No actually what Volker is saying does make a lot of sense. I mean, I think - I'm thinking about this in terms of how we run things. I mean, obviously other registrars do things differently. But, I mean, if somebody places an order with us for a transfer and chooses a privacy service at the same time then I think our back end should be able to automatically work on the basis that that's going to be populated.

But I don't think any of these solutions are going to be absolutely perfect because until - unless and until such time as you are able to do some kind of thing where you restrict who gets to use which data elements in public Whois or whatever its replacement you're always going to have people and entities using contact details that they've no right to use.

I mean, there's domains out there that are probably registered by company's details that have nothing to do with us; have never had anything to do with us and never will have anything to do with us. But, I mean, I only find out about them when I get the cease and desist from some big brand. Thanks.

Don Blumenthal: Never. Tim.

Tim Ruiz: Yeah, I think too that, you know, what we need to decide is what needs to be codified in what we're doing and what doesn't. I think some of the solutions that, you know, like Volker just talked about and others in regards to, you know, how to safely transfer without exposing data unnecessarily those are great ideas. But are those things that need to be codified?

Do we need to say that they have to be supportable? Or are these things that we make sure that we don't prohibit so that they can become possible and there are, you know, ways that different services can differentiate themselves. You can transfer to us without exposing your data. That's a differentiator.

I'm not sure that that's something that we have to say, you know, is a requirement if you want to be an accredited privacy and proxy service. So personally I think it's a great idea I just don't think that it's necessarily something that we have to say is required.

So if you go forward, you know, when we try to solve some of these things maybe we don't have to solve them completely, maybe we just have to recognize that they're solvable, that they're a great option but it's not something that we need to require so we don't have to go into any more detail than that. Thanks.

Don Blumenthal: Yeah, I think that is part of trying to decide what we should be working on and what we should be suggesting. I said I would cut it at Steve - at Tim but I'll give Steve, as a co chair, special treatment. Steve.

Steve Metalitz: Well thank you. I was actually going to defer to Kathy because I think Tim has put his finger on the question here. Do we think that this should be a standard, you know, a requirement for accredited - by the way, I think we have two separate issues here. One is the relay of a transfer notice. I think there's probably general agreement that that is something that should be a requirement for accredited service providers. I may be wrong about that but that's one question.

The other question about being able to transfer registration without losing the protection of the privacy service I think if we think that that is something that we ought to have as a requirement for accreditation then I would suggest that we have a small group take that offline and try to work out how that would be done.

It sounds from what people are saying it's probably a solvable problem, not 100%. And I don't think the perfect should be the enemy of the good here. But maybe there's a way to solve it.

But if the feeling is that it should be part of the accreditation standards then I would suggest we let a subgroup work on it a little bit and come back to the full group. Thank you.

Don Blumenthal: Thanks for that. When we wrapped, you know, this is very detailed. I think Kathy used the term "technical" in one of her messages. And I had the same thought percolating. So let me make the offer now - suggestion now and I'll send it to the list for folks who aren't on it, if there are people who are interested in doing some kind of a sub group really whacking at this stuff in detail it'd be really helpful.

Steve was going to defer to Kathy, who am I to get in the way? Kathy.

Kathy Kleiman: Well I'm glad Steve went first. And thank you, Don. I think this is an area that I'd be more than willing to go into a sub group with people. I think there was a lot of shock, I guess it last week, when we found out that registrants - data was being disclosed almost as a matter of course in a transfer. I don't think registrants - I don't think as registrants we knew that.

So I'm normally not one to say that we are - we should create rules, absolutely rules, but in this case I think this is very much in the scope and purview of this working group to create a small rule that applies to the transfer from one accredited proxy privacy provider to another. And I think we'd be filling a huge hole. So I'm with Steve, I'd love to explore this more. Thanks.

Don Blumenthal: Excellent. And thanks for the - thanks for the offer, Paul, I see that in the chat here. Steve, is your hand still up or - back up?

Steve Metalitz: No, I'm sorry, I'll take it down.

Don Blumenthal: Okay. Just want to make sure. Great. And again I'll refer to the chat here. James, yeah, we do have to work through policy or product but I think as the conversation has evolved I think the lines are getting blurred. So it'd be useful

to have the sub group take a look, report back and then we can - they're getting blurred as far as I'm concerned anyway. And we can...

((Crosstalk))

Don Blumenthal: ...discuss. Tim.

Tim Ruiz: Don, can I make a quick comment? This is Tim Ruiz. Yeah, I guess, you know, what James said because, I mean, do we want to form a sub group and spend all this time working on solving something that later we decide, oh well it's - I mean, if the sub group is to decide whether or not this should be, you know, a codified policy that's one thing. But if it's to hammer out how we can do this then isn't that making the assumption that we're going to make it a codified policy?

I mean, we don't have, you know, unlimited amounts of time and resources and energy and we're all volunteers of sorts. You know, I really want to, you know, spend our - my personal preference anyway is to spend our time on, you know, the things that we're going to actually put in to this policy or make strong recommendations about or whatever it is but spend a lot of time in a sub group coming up with something that we're just going to later on put in a footnote or something like that I don't know, it just concerns me.

Don Blumenthal: No, I appreciate that point but I think if we make it clear that we still have to work through how it'll fit, if we've got people interested in participating in a sub group I see no reason not to do it. And if - even if we decide it's not an integral part of our report I can't believe that whatever the sub group comes up with won't be very useful to staff or another committee or whoever would be appropriate to run forward with it.

Marika.

Marika Konings: Yeah, this is Marika. Just is to encourage you if you indeed decide to form a sub team that you specify what the exact question is the sub team is looking at so we're clear as well what the scope of the group is. And I think that may help as well discussions now as I think we're so discussing this all partly the overarching question is this indeed something that needs to be considered or is this something that should be encouraged or registrars should be encouraged to provide or privacy proxy services should be encouraged to provide.

But at this stage no further direction is given and I think there are different views at this stage. But basically just noting that I think if you go in the direction of a sub team make sure you have a specific question that the team is looking at as that will help, you know, phrase any kind of outcome for that group in a better way.

Don Blumenthal: Good point. It's easy to lose sight of the - it's easy to lose sight of things like that in the excitement of (unintelligible) maybe. But, you know, in the process of bashing at the issues, which is really the fun part, not the administrative side.

Why don't we go on to just go through the questions, see if we can come up with some guidance. You know, Kathy already suggested some answers in an email. Go through those, revisit the template to see where we're in - if we can come up with consensus. And try to dig into the next topic.

Mary or Marika, you want to lead kind of through the renewal and transfer questions to see what we haven't covered or have or to get, you know, get comments from the call on where we need to go; better way to put it.

Mary Wong: Don, this is Mary. It might be easier in terms of facilitating discussion to see if folks have further points in relation to any of the questions. As I recall last week the discussion mostly focused on transfers under the IRTP. I don't

know if anyone has any comments on the ERRP or the ERRP specifically questions in the bullet points.

Don Blumenthal: Yeah, but that's what I want to bring up and just probably to be able to see them if - could those be moved over to the main panel or - well if people want to scroll down on the - I keep saying main panel, right panel - the notes panel so that you can see them and make sure we cover them and haven't slid by in the process of our more general discussion. Steve.

Steve Metalitz: Yeah, this is Steve Metalitz. I think the first two questions are essentially relay questions. There's some - there's a notice that comes from the registrar and it's supposed to go to the registered name holder. In this case it would go to the privacy or proxy service provider and does that have to be forwarded to the customer?

And I think Kathy has proposed yes. And I would agree. I don't see any reason not to say yes on those two. I think the third question becomes a little more complicated especially because this is something that basically the underlying, you know, the underlying customer renewing.

But it's at least - in the case of a - if you will, an independent proxy or privacy service provider, one not affiliated with the registrar - and remember we have to have an accreditation system that accommodates both - in that case I don't know how the registrar would know that this person coming in saying I want to renew the registration is actually the person whose registration is expiring.

So I'm not quite sure about the third expiration question. But I would agree with Kathy on the answer to the first two which would be yes. Thank you.

Don Blumenthal: Okay. Appreciate that. Yeah, yeah. I tend in that direction. James.

James Bladel: Thanks, Don. James speaking. I agree with Steve and with Kathy's points on the list that the first two questions are essentially relay questions. And I think

it seems reasonable to establish some standard requirements of an accredited service to relay on that type of critical communication to the underlying customer.

I think that the third question - I think just kind of expands upon Steve's point - is really a matter of how much discretion we would allow affiliated or independent accredited privacy services to renew on behalf of their customer or to execute other transactions on the domain name on behalf of their customer.

And I think, you know, the transfer is one and then the renewal being the other one and possibly a deletion being a third. So I think that that's really kind of a larger that hits to the third and fourth question is do we, you know, do the accredited services have a blank check to operate on behalf of their customers?

And I think that the answer there really, from a policy perspective, needs to be that we need to provide as wide a latitude as possible to ensure that we have diversity in product offerings and let the various, you know, competing parties sort of differentiate themselves there. So that's just my thought on those last two questions.

Don Blumenthal: Okay, Kathy.

Kathy Kleiman: Okay. So here's my question for Number 3. It looks like we agree on 1 and 2 in the relays, which is why wouldn't we allow a customer - what is it about 3 that is asking the accredited proxy privacy service provider to step in for the customer? I must be missing something because I think I have redeemed at some point when I disappeared into the book I was writing I think I wound up having to use the redemption grace period to renew domain names that were under proxy privacy. I could be wrong but I think I've used that period.

So what is special about this period if the customer does get the information? Let's say the first notice they get, you know, they've lost the other notices, they've gone into spam or they've been on vacation or they've gone to the moon and they come back and the first notice they see is that - that's relayed by the proxy privacy service provider is that they're in the redemption grace period.

Why wouldn't they be allowed to renew just as in some of the other periods before? What am I missing? Thank you.

Don Blumenthal: I'm not sure you're missing anything. Let me toss out verbally that Tim wrote in the chat that we just say that all notices required via the RAA or policy just apply.

Kathy Kleiman: But can I follow...

((Crosstalk))

Don Blumenthal: Oh. Yes, go ahead.

Kathy Kleiman: Oh. Can I follow up and ask then what is - is there anything special about this period that would create a block on the customer acting on that data during the redemption grace period or once it's relayed can the customer act on it and then, you know, renew the domain name just as they would in any other period? Sorry if I'm repeating myself.

Don Blumenthal: No, no I see, no fair enough. Steve.

Steve Metalitz: Yeah, I think what - as I understand the problem here the policy says the registrant at the time of expiration must be permitted to renew. That is not necessarily the underlying customer. The registrant at the time of expiration is the proxy service isn't it? And since that's the case the registrar's obligation to renew goes to that party and not to the underlying customer.

I may be wrong about how the expiration policy works but I'm just reading what's here - the quote that's here and the underlying customer comes forward to the registrar, especially if you have an independent proxy service provider, which again we need to accommodate in these standards, the registrar is going to say, "Who is this person that says they want to renew?"

The registrant is Independent Proxy Service Provider and now here comes somebody named Kathy Kleiman claiming that she is the registrant. So that I think is the problem that's raised in the third question.

Don Blumenthal: James.

James Bladel: Hi, Don. James speaking. Steve is correct. The registrant as expiry as defined in the ERRP would be the privacy proxy service in most cases. And I think that then that party would, and not the underlying customer, would be the authorized party to renew or redeem an expired domain name. I think the question is, you know, is the concern that there would be a privacy service that would not act in accordance with its customer's wishes upon expiry or redemption? Is there a concern that there would be a proxy service that would acquire and keep expired names?

I guess I'm trying to figure out, and maybe this question is directed at Kathy, what we're trying to address here. Because I think that, you know, an accredited service would want to both relay those critical informations in the first two questions and also be responsive to whatever their customer's wishes were with regard to renewal or redemption of the name.

Kathy Kleiman: Don, can I respond?

Don Blumenthal: Yes.

Kathy Kleiman: Okay. Thanks, James. It's a great question. Let me respond with a question to you which is that the implication of three, and again as a user I don't deal with the ERRP that much so obviously the wording of it and the implementation of it is something I'm learning from you and Michele and Volker and everyone else who's explaining it to us which I appreciate.

But the implication here is that the customer who wants to renew the registration during the redemption grace period may not be allowed that opportunity. And if that's not the case this all goes away.

But if that is the case because of the specific wording of the ERRP which may be something we can recommend a modification to, this maybe a specific circumstance it wasn't considered but whatever kind of opens the path towards the customer having the full spirit and flavor and opportunity of the redemption grace period works for me.

James Bladel: Well - sorry, Don, if I could just jump in? But, Kathy, this is actually one of the - of many types of operations or transformation on the domain name registration that a - that an underlying customer would trust and delegate to its privacy service provider. So, you know, it's just the same as changing a name server, for example, or, you know, or something along that.

Maybe you have to have confidence that the service provider that was chosen is going to act, you know, in good faith on behalf of their customer's request. And if they don't, you know, it's not just renewals it's, you know, just about every transaction that you could perform on a domain name that's suddenly now called into question. So...

Kathy Kleiman: But, James, I've never renewed a domain name through domains by proxy just through Go Daddy...

Don Blumenthal: Kathy. Kathy. Well, let me get Jim in here. Tim.

Tim Ruiz: Thanks, Don. Yeah, sorry, I had mute on. Yeah, Tim Ruiz. You know, two things. One is that I think that there's enough history of, you know, registrars or domain name service providers, registries, whoever, of, you know, seeing opportunities and creating markets, you know, the whole domain name aftermarket. I don't know if anyone ever really envisioned that, you know, in the early days of ICANN where - just to what extent it would grow today.

So certainly the value of names especially of certain names, you know, it's clearly understood. And so I think there is potentially some danger that, you know, unless otherwise constrained, you know, an accredited privacy or proxy service could see an opportunity there with expired names.

So in some way I think that it makes sense to try to, you know, protect the underlying user from me taking advantage in that situation. And I think it's important because, you know, one of the very - I remember working for Go Daddy one of our biggest customers when I first started for Go Daddy was a gentlemen who had just registered a whole bunch of domain names.

He didn't register them at that time on behalf of anyone, he had just registered this slew of domain names - he was a domainer basically as we would say. But then he later saw this opportunity where people were coming to him and saying, you know, hey I'd like to use this domain name; I'd like to use that domain name so he started licensing the use of his domain names to them.

In that situation none of them came in to the registrar and said I want to register a domain name and then were intercepted with a marketing pitch for a privacy or proxy service and then they accepted and went on.

But that is where we're at today. Today what we're doing is when someone comes to a registrar they come there to register a domain name; in the process of registering their idea for a domain name or maybe other ideas that

are suggested to them, you know, we intercept them and sell them a privacy or a proxy service.

And I think in that regard we have certain responsibilities to that customer that go beyond what it might have, you know, in the early days of our industry where, you know, someone came to you and said, yeah, I'd like to license this name from you.

Because we've basically - I think that we're in danger of usurping registrant rights in that case. We have to be careful not to do that. And I would hope that that's what our goal is with this accreditation service that we make sure that the rights that registrants have are not usurped but that we want to guarantee them those rights in some fashion through what we do here. So, you know, again what I had suggested there was, you know, hey if it's a notice that is required by ICANN to a registrant we should - it should go on through.

If it's, you know, any other registrant right I would have the same feeling. I have a hard time understanding how we would, you know, what justification we would have in usurping that right especially in this case, you know, where we're actually marketing a service to these registrants who are actually coming in to register domain names of their own volition. For what it's worth.

Don Blumenthal: Appreciate that. Michele and then let's go on to the final question here to the extent we haven't stumbled through it talking about ERRP.

Michele Neylon: Sure. Michele for the record. No there was something about Kathy putting in the chat which I wanted to address very quickly about auth info codes and stuff in relation to transferring domains. You can't transfer a domain when it's in redemption. You can transfer a domain when it is registered and active, when it's expired, but once it goes into redemption you can't.

So if you let the domain go into redemption you're going to have to renew it with whoever it's with now. I mean, then they might let you transfer it but you can't transfer it and then - well you just can't transfer it, it's not a true redemption.

Also just backing up with what Tim and a couple of the others have been saying, yeah, the idea that a proxy privacy service would try to gauge its customers by kind of keeping the domains to itself and not allowing people to renew the domain names with the registrar I can't imagine many services would do that for very long because I can't imagine their renewal rates would be particularly good.

They'd probably go out of business and it's not the kind of thing that I can imagine many people would really want to do with a service. I mean, it might be attractive short run; may get a short term gain but I can't see it being sustainable. Thanks.

Don Blumenthal: Yeah, appreciate that. Well I'm reviewing real quickly the IRTP question here. I think we have talked about a lot of the issues at least indirectly. Is there anything people want to add specifically on Bullet 4? James. James?

James Bladel: Sorry, James speaking. Sorry for the delay there. And apologies that I was going to just kind of circle back to the previous topic just one final point perhaps. But there is a parallel here in the Registrar Accreditation Agreement that might be some guidance here which is essentially it's in Section - I'm going to bore you guys but it's in Section 3.2.2 which essentially says, within a certain required amount of time registrar will transmit, you know, any updates it receives regarding, you know, the information in Whois or the name servers to the registry on behalf of the registered name holder.

And I think you could say something similar - we could develop an analog that would address the concerns that Kathy and Tim have raised for privacy services that would say essentially the same thing that, you know, upon

receipt of certain types of requests from the privacy proxy service customer that the accredited service, you know, shall, you know, faithfully do whatever.

And I think that, you know, then it - then simply some of the bad behavior that we've speculated could become, you know, could result from all of this would I think become a matter of compliance and would essentially be driven to the margins of the unaccredited proxy services. So that's just one thought here that that mechanism sort of exists in existing registrar contracts.

Don Blumenthal: Thanks. I'm just - well I'm hesitating because I'm going back and forth in a private chat here with Mary. Yeah, why not - she suggested bringing up Kathy's note from yesterday concerning a topic. So why not do that, Mary? I'm going to kind of try to go through this and then I do want to at least finish up 3B today.

Okay I think that's a good solid start on the IRTP - on the transfer policy question. Anybody have something to - and I say solid start - start because, you know, tweaking is inevitable in any process particularly when you got a bunch of lawyers involved. Anybody want to add to that? Throw in different thoughts? Disagree? Or are we completely bored with the points? Steve?

Steve Metalitz: Yeah, are you referring to - I mean, the second paragraph really gets into the subject we were talking about earlier about whether the practice of terminating privacy proxy protection as part of the transfer process should be prohibited in the accreditation standards or just - I'm not quite sure how - this is kind of a middle ground position that...

Don Blumenthal: Yes.

((Crosstalk))

Steve Metalitz: ...here, I'm not quite sure how it would work. In other words if this an (unintelligible) standard is the standard did you do everything possible to

avoid terminating or is the - or should the standard be you have to have a system that doesn't require termination of the privacy proxy protection? So I'm just not clear what is being proposed in the first sentence of the last paragraph here.

Don Blumenthal: On further review - hang on just a second - kill that ringing sound. Yeah, after looking at this again - and again this was kind of inside chat - I think we're probably better off just focusing specifically on the question as it was - as it was laid out in the bullet points. Kathy.

Kathy Kleiman: Yeah, obviously this was written yesterday before today's conversation so in light of that - and this is the working group's preliminary conclusion on this point. So I was just trying to kind of cast, you know, cast a rope around all the ideas we've been discussing last week.

In light of today's conversation the words, "To the extent possible," should probably be taken out. But the idea of just holding this point as part of our summary for this - for this particular issue and holding it and keeping, you know, a broader view of what we were thinking about rather than a narrower view I think still holds.

Don Blumenthal: Okay. I appreciate that. Okay let me just focus on, you know, the (thing) starts in relation to the IRTP. Are there any comments? If not why don't we jump over to the - back to the template to at least make sure we wrap that up today. Mary.

Mary Wong: Thanks, Don. Thanks, Kathy. What we are going to suggest we do as staff is try and summarize very briefly some of the discussion today taking on board what Kathy posted yesterday but also the discussion today and the suggestions made by Tim and others and add that to the preliminary conclusion or add it as a note somewhere in this template that we'll send out a revised version of after we're done today.

Don Blumenthal: I appreciate that. Yeah, there's a lot - certainly a lot of today's discussion will go into that. I just want to make sure that there are points in the template that kind of skirt - weren't directly related that we also need to cover. Want to make sure everybody's comfortable before we move forward to the next - to the next template.

And I apologize, I was scrolling down so I now see two hands. Kathy, is that new or old?

Kathy Kleiman: Sorry, it's old. I'll take it down.

Don Blumenthal: Okay. Tim?

Tim Ruiz: Yes, something just - Tim Ruiz. Something just came to my mind. Maybe others have thought of it and it's moot. But, you know, we're talking about transfers maybe we do need to think a little more on that because, you know, a transfer isn't - it seems like we're always talk about is transfers between two privacy services where it also is a transfer between registrars.

But there's the possibility that at least we should probably think of the possibility that a user might want to transfer between two privacy services that may not necessarily require a transfer of registrar. And whether that's even under our purview I don't know.

But I think, you know, given where we're going with accreditation of privacy services that's - unless we're going to say a registrar can't, you know, use more than one (unintelligible) I think there's that possibility down the road that someone might want to transfer between privacy services.

Don Blumenthal: Excellent point. And I think that's something to throw out here or at least consider how much - now we do need to consider that no question. And again how we - I'm looking at something Tim posted a minute ago. Well while I fumble on my reaction, Michele.

Michele Neylon: Tim's queries - well point is an interesting one. But if the domain is still within the same registrar surely whatever processes and policies the registrar has for transfers between accounts, which would be an internal matter, would be the thing that handles this and surely it's outside our purview. I mean, you know, Go Daddy has a process for transferring domains between accounts. We have a process. I'm sure most of the other registrars have some kind of process. You know, why would it matter? Or am I missing something?

You know, if Go Daddy has a relationship with two privacy providers or if Blacknight has a relationship with two privacy providers I'm sure that's an internal matter.

Tim Ruiz: This is Tim, Michele. What I'm concerned about is that whatever we - whatever we say we - because to the registrant or the beneficial user they may not realize that. All they know is well here's another privacy service. It may not be clear to them that oh it's the same registrar, it's just an internal matter.

So what we come down and say as a part of this accreditation process just needs to take that into account so that we don't put roadblocks unnecessarily to something like that happening. That's my concern. We don't forget that that could be in the mix.

Michele Neylon: Okay so, I mean, right but I was just thinking you were trying to kind of put something in there whereas I was thinking along the same lines as you that, you know, if I want to - if I as a registrar want to have relations with, you know, a dozen different proxy privacy services for some bizarre reason then that's probably my choice.

I mean, I suppose this might be something that reseller registrars might deal with, I don't honestly know. Don't know if any of them have any experience in this. I mean, for us it wouldn't really be an issue because we're probably

never going to deal with any privacy proxy service apart from the one that we own. But thanks, Tim.

Tim Ruiz: Yeah, I think we're living in a world right now where registrars are choosing the services but I think the world in the future could be there's several privacy proxy services and they're choosing which registrar they decide to use. Anyway.

Don Blumenthal: And there are privacy proxy that advertise independently. See I think it's an issue we need to at least note. I'm not - and ponder for the future on whether we need to come back to it or not. James.

James Bladel: So Michele made an interesting point there at the end where he said, you know, that his registrar would never use a service other than his own. And my question is wondering if that would still be left up to the registrars in this new environment where you have a program that accredits privacy and proxy services.

Would they be, you know, would registrars be allowed to, you know, I'm going to say unfairly discriminate against affiliated or competitive services versus an affiliated service. I mean, and that might be one question that we would have to address as well. Certainly would become relevant in the situation where Kathy has described where we would have transfers where the privacy proxy service is - remains in tact after the transfer so a customer would, you know, transfer from one registrar with their privacy proxy and it would show up at the other registrar.

Do they have the wherewithal to say, no, I refuse this because it doesn't have - or I'm going to require you to switch to my preferred service. I think - I'm not saying I have the answers; I'm thinking that, you know, all these things will become a factor once we start looking at what a new ecosystem would look like with an accredited contracted party that may be independent of the registrar.

Don Blumenthal: Let's go through who's in the queue here, declare this template complete once the next draft comes out. Steve.

Steve Metalitz: Yeah, two points. First in response to James, I think the obligation that's in the RAA - I could be wrong about this - is that once a proxy accreditation system is in place the registrar can't knowingly deal with an unaccredited proxy provider. That, to me, mean that he has - that the registrar has to deal with all accredited proxy providers on a nondiscriminatory basis. So I don't think that's in the RAA framework now but - and I wouldn't think that what we do here would change that.

Second, I'd just like to get back before we break up to the idea that maybe we should take these issues about transfer and preserving privacy proxy protections during the transfer process and have a small group look at those. Because I think there's a lot of technical questions, there's a lot of issues about how registrars handle this today.

And I just think if - we're not making a lot of progress as a large group on this and I think it might make sense to have a small group looking at it and reporting back to this group in a few weeks. Meanwhile we can move on to some of the other - some of the other questions. So that's my suggestion. I'd like people to think about or I'd be interested in people's reactions to that. We have some reactions in the chat. Thank you.

Michele Neylon: I think I'm next in the queue. I just...

((Crosstalk))

Michele Neylon: I put it in the chat...

Don Blumenthal: You are, I was on mute.

Michele Neylon: That's okay. I was just waiting politely for you to say something.

Don Blumenthal: I appreciate it.

Michele Neylon: I mean, I basically put my comment in the chat, I mean, you can't force me to do business with somebody; we're a private company. I mean, you know, I view it as like with software. As a hosting provider there's certain software that we don't support. You can't force me to support it.

Now we're a business. If a lot of people ask for a particular bit of software then - and it makes business sense for us to support it then we will. Thanks.

Tim Ruiz: And we already do it.

Don Blumenthal: Yeah, but I think we need to be coming up with something that's going to address all possible business models. Volker.

Volker Greimann: Thank you, Don. Volker speaking. Briefly, because I think the time is running out, we as a registrar certainly do not discriminate between privacy services. A lot of resellers have their own, some registrants have their own privacy services.

So I would agree that there shouldn't be anything in there - in our recommendations that restrict registrars to dealing only with their affiliated services. They may in their own discretion decide to deal with other ones.

With regard to the transfer issues I would suggest putting up some best practice recommendations for those. I think that's the best way to deal with them making something mandatory that forces services or registrars to implement certain scripts or protocols may be overshooting the goal a bit.

Don Blumenthal: Yeah, that's kind of - yeah, I mean, that's the thing we could do by kind of putting it to the side and then noting it. Okay well we're at 10:59. We'll go

ahead and get out a final, to the extent anything is ever final, version of 3B and start next week on the next template. And we'll probably even send out two in the hopes that we can move forward a bit.

But I think today's and last week's discussions were important and necessary. But might have to be some - might have to make up for some time there. So appreciate your participation. I will follow up on the sub group ideas. And we'll take it from there.

((Crosstalk))

Mary Wong: Thanks, everyone.

James Bladel: Thanks.

Terri Agnew: Thank you, everyone. (Julie), if you could please stop the recording.

END