

**ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 20 May 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 20 May 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-20140520-en.mp3>

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

Attendees:

Tim Ruiz – RrSG
Steve Metalitz - IPC
Kathy Kleiman – RySG
Justin Macy – BC
James Bladel – RrSG
Griffin Barnett – IPC
Alex Deacon – IPC
Laura Jedeed – BC
Sarah Wyld - RrSG
Holly Raiche – ALAC
John Horton – BC
Roy Balleste – NCUC
Kiran Malancharuvil – IPC
Volker Greimann – RrSG
Libby Baney – BC
Michele Neylon – RrSG
Chris Pelling – RrSG
Stephanie Perrin – NCSG
David Cake – NCSG
Valeriya Sherman – IPC
Susan Prosser- RrSG
Phil Marano – IPC
Paul McGrady – IPC
Jennifer Standiford – RrSG
Kristina Rosette – IPC
Brian Winterfeldt – IPC
Christian Dawson – ISPCP
Osvaldo Novoa - ISPCP
Don Moody - IPC

Apologies:

Graeme Bunton – RrSG
Darcy Southwell - RrSG
Amr Elsadr – NCUC
Tobias Sattler – RrSG
Don Blumenthal – RySG
Maria Farrell - NCUC

ICANN staff:

Marika Konings
Amy Bivins
Joe Catapano
Terri Agnew

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

Terri Agnew: Thank you, good morning, good afternoon and good evening. This is the PPSAI working group call on the 20th of May 2014. On the call today we have Steve Metalitz, Volker Greimann, Justin Macy, Libby Baney, Holly Raiche, Sara Wyld, Chris Pelling, Paul McGrady, Jennifer Standiford, Alex Deacon, James Bladel, Kathy Kleinman, Val Sherman, Tim Ruiz, John Horton, Michele Neylon, Laura Jedeed, Susan Prosser, Kiran Malancharuvil, and Griffin Barnett.

We have apologies from Graeme Bunton, Darcy Southwell, Tobias Sattler, Maria Farrell, Christian Dawson and Don Blumenthal. From staff we have Marika Konings, Amy Bivins, Joe Catapano and myself Terri Agnew.

I would also like to remind all participants to please state your name before speaking for transcription purposes. Thank you very much and back over to you Steve.

Steve Metalitz: Okay thank you this is Steve Metalitz, in the absence of our chair or the other co-chair I've been asked to chair this meeting. So welcome everybody, we

have an agenda that you should see on the upper right hand part of your screen at least that's where I see it.

I guess I'll first ask if anybody has any changes in statement of interest to report? Okay hearing none what we have proposed here the agenda is to look at the draft that was circulated by Don yesterday for preliminary confusion on actually three questions.

The new threshold question that was added to section C regarding who should be allowed to use proxy services under the accreditation, C1, which deals with the purpose of the use and C2, which deals with the again it kind of restates the character of the use or of the user.

So you have on your screen there the - what was circulated yesterday and it basically if I can sum it up but of course this is open for discussion either now or on the list as we go forward.

It basically says that there seems to be agreement on C- excuse me the threshold question in C2, which really go to which entities should be allowed to register as - or use proxy and privacy services.

There's disagreements on C1, which I think are summarized there. So let me just open the floor if there are people who have comments on this now I know it was just circulated yesterday but if there are comments on it now we can briefly go through those.

Otherwise I would encourage people to look at this and to communicate on the list your support or not for this preliminary conclusion. Is there any - does anybody want to speak on it now? Okay I see Libby and Volker so Libby go ahead.

Libby Baney: Thanks can you all hear me?

Steve Metalitz: Yes can you identify yourself for the transcript?

Libby Baney: Sure, sure this is Libby Baney. I just wanted to put a note out there for the groups consideration because I have - I'm struggling with the term overwhelming majority as used in the document and I'd like to get some feedback from the rest of the working group on the definition of that term.

It's unclear to me how that is defined if it's by number of people or types of stakeholder groups but it seems to me at least based on last weeks discussions there was, you know, a lack of consensus if I can use that term or maybe just disagreement about how to proceed on some of those issues and certainly on Q2.

And so I'm not sure if I feel comfortable with the terms overwhelming majority although I recognize there is a disagreement within the group and maybe noting that there is a lack of consensus or there's divergent views on the issues it would be more appropriate rather than overwhelming majority unless that's a defined term that I'm - of which I'm unaware.

And I just - I ask that to the group is overwhelming majority defined or - and if not I propose we use something less forceful.

Steve Metalitz: Okay thank you Libby, Volker go ahead.

Volker Greimann: Thank you Steve, with regard to the overwhelming or majority thing I think this is currently mainly a placeholder for what the direction of the group is taking has until we have a formal vote on the matter I don't think we know where we stand as a group where the position is.

So I think put it - leaving this there for the time being point out where we think we are but we should not use the defined terms at this point before we really decide on what the positions are and what's the outcomes of our membership

of the group are to use the defined terms of GNSO policy because that might be premature.

One question I do have with regard to the threshold question though is by phrasing it the way it is as in the privacy proxy service being available to companies non-commercially owned, organizations and individuals isn't that a bit too narrow?

Shouldn't we just say are available to everyone, every entity? I think that reflects the current state very much better than saying - listing these three cases that may be (unintelligible) but may not be.

Steve Metalitz: Thank you Volker. James and then (Christina).

James Bladel: Hi James speaking for the record thanks Steve. I'm going to agree with Libby and (Keiran) in that I don't think that the phrase overwhelming majority is a defined term or is even appropriate.

I think that what we can do however is we can look to the GNSO designations for the various levels for consensus so add working groups, I think Marika circulated those.

And I think that we have - and she's posting some things on the chat here as well but I think there are some things like full consensus obviously not there but something like rough consensus or strong consensus or strong minority or whatever.

And that can - I think that can help key up the, you know, selecting those and maybe it's a little too premature but at least we can circulate a groundwork for, you know, a minority statement, you know, because I think that that is one of the mechanisms that's used to highlight when we have divergent opinions that fall short of full consensus, thanks.

Steve Metalitz: Okay thank you James, (Christina) then Tim.

(Christina): Thanks, I agree with both Libby and James. I would suggest that while I understand the point that Volker is making in the chat I do think we need to start moving towards using the working group guidelines definitions.

Having said that it seems to me that we might not necessarily be in a position where we can confirm that we've received input from all the working group members such that we can make any kind of characterization one way or the other.

And I say that because I know that I myself have not yet weighed in on this issue and I would find, you know, I'd find myself in the kind of agreeing with the sentiments characterized in the paragraph, however a minority of working group members disagreed et cetera.

Those - that view is definitely consistent with my own. So it would seem to me that perhaps we don't necessarily need to do a vote but just ensure that all members of the working group have in fact weighed in before we start making any determinations at the level of support.

Steve Metalitz: This is Steve, let me just interject here that we've been discussing the use of this phrase overwhelming majority and that phrase does not apply to what - to the characterization that (Christina) just mentioned.

It's used - it's - that statement is contrasted with a majority of working group members if you look at the preceding paragraph. Overwhelming majority is used twice in this and maybe we could focus on the places where it is used.

First it's in the paragraph that begins an overwhelming majority of working group members believe that proxy privacy services should continue to be available to companies non-commercial organizations and individuals. I think

there's some typo's there but I think that's what that says. That's use Number 1.

Use Number 2 is at the end where it says with foregoing in mind it seems that the overwhelming majority of the working group believes that the answer to C2 is no and the question C2 again should use of privacy proxy services be restricted only to registrants who are private individuals using the domain name for non-commercial purposes.

So let's focus on that because I think the question C1 it's - it is presented quite differently in this draft. So if we can focus on this question of whether it really goes to the entity that could use privacy and proxy services should it continue to be available to all types of entities as was mentioned before or should it be restricted only to registrants who are private individuals.

That maybe if we focus on that, that would help to sharpen our view here. I think Tim is next and then (Keiran).

Tim Ruiz: Yes thanks Steve, that was my comment as well I guess in general because if I understood our last discussion correctly an overwhelming majority did believe that privacy and proxy services should be available to all entities.

I thought that's what John said, I thought that was what Libby said of course then they later qualified the comments with when it got down to the use of a private domain name and how that should be used.

Now if it's being used for commercial purposes then they had a different view. So from my understanding there was no - I didn't hear hardly any if - there may have been some but I don't recall any dissent at all with the comment that I would have thought that the proxy privacy services should be available to all entities.

So I think that's what that paragraph is referring to and maybe the last sentence of the second use of the term majority, you know, there might be some question there that some might have where it starts talking about the use.

But in that first paragraph I think if everyone rereads that as you suggest they might have a different view of that, thanks.

Steve Metalitz: Thank you Tim, (Keiran) and then Kathy.

(Keiran): So I - excuse me this is (Keiran) for the transcript. I agree with (Christina)'s statement particularly that for a lot of the members of the working groups and that should be a lot of the constituencies that I work with anyway are still trying to formulate their official position on this as the discussion unfolds. And I know that there has been some preliminary positions put forth earlier in response to the questionnaire. But again there's a lot of us that are still trying to figure out what our answer really is on this.

And I don't think that the use of the word overwhelming majority the context of it really matters at this point because, you know, for that reason because yes okay so on the call there were a number of us who said yes or said no but like (Christina) said there are still people that are weighing in it's still not an appropriate term to use until we've actually received all the input and analyzed it and, you know, taking stocks of the position in the way that it's been laid out.

And even if I do agree that entities is not the question but rather use maybe then, you know, I still am going to stick to my guns and say that whatever side of the issue I end up on overwhelming majority if not appropriate, number of voices is not what we're looking at here and that's what the GNSO guideline set forth.

So those are my two cents and I'm happy to continue this on the list as well since we spent so much time on this issue, thanks.

Steve Metalitz: Okay Kathy.

Kathy Kleinman: Hi thanks Steve, good morning everybody or good evening everybody. Okay I think here's my thought is had - we should have some detail. Why not go ahead and add some of the input we've gotten from the stakeholder groups at this point to talk about whether we keep the term overwhelming majority or not and I actually think it's somewhat accurate.

Why don't we add some detail about who has come in officially or unofficially with statements and provide some background. I think it's still to early I agree with Volker to early to classify this according to the special GNSO guideline terms because I don't think we're there yet.

But now why not add some more details so that we can reflect what we've heard and who in some cases what stakeholders we've heard it from, thanks Steve.

Steve Metalitz: Okay thank you Kathy, Marika I think that's a new hand.

Marika Konings: It is Marika and just to note to Kathy's point of course this language is supposed to go into the template eventually when, you know, once there's agreement on how it should be worded.

And the template itself includes already as well the responses to the survey as well as the statements that were received from constituencies and stakeholder groups.

So and then also, you know, I think to capture some of the discussion and we may lean to some of the conversations that were held on the meeting on this

as well. So I think some of that eventually will be captured in the template where this section is supposed to fit in.

Steve Metalitz: Okay that's a good point this is in context it's not - it's at the end of a - of something that includes those others as other statements. Tim is that a new hand or is that an old hand?

Tim Ruiz: Old hand sorry I'll put it down.

Steve Metalitz: Okay that's fine, okay well yes we've spent quite a while on this let's continue this on the list but let me urge people to actually read this carefully and see where this phrase that people don't like or some people don't like is being used and just suggest a change to it.

I do think that this statement tries to distinguish between C and C2 or threshold and C2 on the one hand and C1 on the other hand. So those are different questions where I think there was a very different - my sense is it's a rather different split within the group.

So I encourage people to look at that and to if they can to sharpen their views because I also, you know, if you look back through the statements that are in the template already coming from individuals and then later statements they don't always line up. So let's ask people to look this over and put in our suggestions on the list and see if we can come to a conclusion on it by next week.

Our next agenda item is C3, this is asking the question there asks should there be a difference in the data fields to be displayed if the domain name is registered or used for commercial purpose or by a commercial entity instead of a natural person?

And again we have the template that is in front of you has some of the questions that have been identified, some of the discussion, the statements

that came in from the constituencies and other groups prior to this and then we don't have a conclusion based on this.

I mean in some ways it's a little difficult to - I guess if your answer is that a domain name that's registered or used for commercial purpose shouldn't be eligible for privacy or proxy services then this question is kind of irrelevant because, you know, there shouldn't be, you know, should there be difference in the data fields to be displayed.

So it might be useful to focus on the second part of this, should there be a difference in the data fields to be displayed if the domain name is registered by a commercial entity instead of a natural person.

And I say that because again my perception is that there is more support for the proposition that a commercial entity should not be per se excluded from using privacy proxy services.

I will say that is clearly the viewpoint of my constituency. So but I think it's also reflected in the discussions that we've had and statements in the white paper and so forth that was circulated.

So let me open the floor for comments on this question C3 and we'll take a queue. I've got James and Magaly, James go ahead.

James Bladel: Thanks Steve, James speaking for the transcript and I just wanted to interject and point out one practical or technical reality that we should keep in mind when looking at this question regardless of how we ultimately answer it or what our conclusions are.

We should bear in mind that the privacy proxy service does not necessarily control the format of Whois or the different data fields that are or are not displayed or the structure of the output.

They can, you know, so we can for example construct guidelines about what information they put into the Whois record but they would not have the ability to make, you know, really radical alterations to what's displayed, they would have to use the existing fields in the existing format.

So I just wanted to make sure that we were all synchronized on that one point, thanks.

Steve Metalitz: Thank you James, Magaly.

Magaly Pazello: Hi, Magaly for the transcript. We've - okay what James said, you know, totally agree with obviously. In the EWG we've been looking at, you know, an entirely different paradigm with respect to both the collection and potential display of registration information.

So I think, you know, within that context yes grand, you know, if you want to have an extra field for whatever purpose as long as that purpose is, you know, reasonable so be it.

The only concern I would have is whether or not this is a mandatory field or an optional field, you know, that I think is where it becomes kind of an interesting thing.

I mean, you know, for an example if it's a business you feel that your web site should be 100% secure, you optionally get a digital certificate, you optionally sign up to have your web site scanned for pen - pen tested and do all sorts of these other things.

And, you know, you can do lots of things there but I mean are we - is the question here making this mandatory or just, you know, potentially having that as an option that it could exist. I mean that's my real question I mean where does this stand.

I mean at technical level yes fine but if it's obligatory or simply a matter of choice then that would have quite a bit of a difference as far as I'm concerned, thanks.

Steve Metalitz: Thank you that's a good point Magaly. Kathy go ahead.

Kathy Kleinman: Hi it's Kathy Kleinman and I'm not responding to Magaly who has given me something to think about with these optional fields. Raising some general questions, one is this concept of data fields displayed.

We're talking about proxy and privacy services so the fields that are displayed I think James mentioned it but I had gotten into the queue to talk about this also.

We're going to be for proxy service for example we're going to be displaying the fields of the proxy service provider. So I don't understand about the data fields because I'm not sure it's going to reveal anything.

The other is, I wanted to point out that for a number of people on the call the lines are very clear, you know, large brand holders versus individuals, you know, this may be fairly clear but in my world the vast majority of registrants that I deal with register domain names for uses that change and morph and grow and divide over time.

So that kathykleinman.com for example mine is used for business purposes and personal purposes and hobby purposes and education purposes and research purposes.

And this is true for that whole area of evolving small businesses, senior owned businesses, mom owned businesses, entrepreneur's there are many, many, many gray areas.

And so where that line is and then penalizing people because the - what, you know, they registered their name and the use has shifted over time this seems to me to be an unbelievable burden.

So I would say no there shouldn't be a difference in the fields displayed because I think it would get very ambiguous and very difficult, thanks, thanks Steve.

Steve Metalitz: Okay thank you Kathy, Magaly is that a new hand?

Magaly Pazello: Yes it is, yes it is now just following up on Kathy's thing around the data fields. Kathy this is more of a technical thing in that regardless of how a domain name is registered certain data fields would appear in the Whois output.

So whether the domain name is registered to me as a private individual and under the current paradigm or my personal data is published, thank you ICANN.

If that's - for me as a private individual for a company, if it's registered via privacy, registered via proxy, registered via a lawyer or whatever, you know, so the data fields be that, you know, registered name, organization all of those fields are going to be the same.

What goes into the fields obviously is going to change. So if you have a domain name registered via let's pick on GoDaddy domains by proxy then the domains by proxy contact details populated not my personal details.

So I think what they - what this is in relation to potentially I mean Steve correct me if I misunderstood this, would be to add another data field into the Whois output across the board because otherwise I can't see how it would work.

So I can't see how you would add a data field just for domains that are registered by a proxy or privacy service, thanks.

Steve Metalitz: Okay, Kathy did you want to respond?

Kathy Kleinman: Yes I did just because I think that's outside our scope. We're looking at - and I appreciate the clarification from Magaly but we're talking about registration and proxy privacy services.

So I don't see how it's within our scope I know it's within EWG scope but how it's within our scope to add the data field to the whole of the Whois. What we - what I would think question three - what I would think is the scope of question three is that is whether we're adding a field for domain names that are registered in proxy privacy services and it seems to me we're converging the answer is no, thanks.

Steve Metalitz: Thank you, let me just offer two comments here and then we'll, you know, if there's others that want to speak on this we'll keep that queue going briefly. First I think Magaly made an important point about - and others about optional versus mandatory.

So we're talking here about throughout C we're talking about what would be the accreditation standard. So even if the accreditation standard were, you know, that anybody could use a privacy and proxy service let's say, any registrant could use that.

That still wouldn't prevent a individual privacy and proxy service from having a different, more rigorous role in saying no we won't accept registrations from legal entities or we won't accept registrations for commercial purposes. I think that describes as we heard a few months ago some of the privacy proxy services that exist today, proxy services.

So that it is important that we're talking here about what would be the minimum standards in effect and so there could be some variation as long as you're consistent with that minimum standard, so that's the first point.

The second point is yes I think when this is - this is phrased as difference in data fields as in is there an additional field I think it's hard to answer yes to that because the data fields are not, you know, necessarily within our arena.

But another way to interpret this and I'm just throwing this out to see whether this might be what was meant by this question is that you'd have to fill it in differently.

So for example if you believe that some people might take the view that if a commercial entity registers in a proxy service that - the fact that a commercial - that a legal entity is registering there should be clear from the result.

So where now you simply have in the proxy setting the name of the proxy service you might have as an accreditation standard that it be the name of the proxy service dash legal entity or something like that.

I mean that's- that I don't know if it's a difference in the data field or it's actually a difference in the data but that's one way to interpret this question as saying that even if a legal entity as opposed to a natural person is allowed to use a proxy service that that fact ought to be known to people consulting Whois.

So that's just another potential way of looking at this question. Again I'm not putting forward a viewpoint I'm just trying to interpret this question in a way that allows for a possible range of answer.

So Magaly and Volker are in the queue anybody else want to get in the queue please raise your hand, Magaly go ahead.

Magaly Pazello: First off are you saying that the proxy privacy would output the name dash legal entity, exactly those words, or dash, the name of the legal entity. I'm sorry. I'm just trying to clarify what you're suggesting there.

Steve Metalitz: My hypothetical it would be that it would say dash legal entity so that the...

Magaly Pazello: Okay, so it wouldn't specify the legal entity's actual name?

Steve Metalitz: Maybe not. Maybe because otherwise you have what I think we're defining as a privacy service where the registrants name is displayed...

Magaly Pazello: That's fine. I'm just trying to understand what you're suggesting first off. I mean, but I mean I'm opposed to it for a multitude of reasons. But I'm just trying to understand exactly what you're saying.

I mean it the way I look at this is if I go to a web site and I want to order goods and services, and I want to contact that web site. The Whois is not going to be the first point of call. I'm going to go to the contact us page or the about us page. I might look at the terms and conditions page.

You know, I just don't - I find it quite confusing where this kind of assumption that people are - that lots of people are using Whois all the time. Now sure, people on this call obviously are because some of you are paid to do it, some of you end up doing it because, well you kind of end up having to do it.

And some of us are involved in selling goods and services around the domain names and Internet stuff in general. But I'm just - I'm still having a kind of a difficulty understanding what the - why this kind of thing needs to be so kind of, I don't know, so heavily highlighted in Whois when it's only going to be looked at by a very small number of people to begin with.

Whereas if I'm not comfortable buying something from a web site, I'll go somewhere else. Or if I feel comfortable buying from a web site, I'll buy from

it because I don't know, they got (unintelligible), they've got a proper privacy policy, they've got their cookie - EU cookie compliant, et cetera, et cetera, et cetera. Thanks.

Steve Metalitz: Thank you, Tim.

Tim Ruiz: Yes, I just wanted to I guess maybe ask a question to point something out. And that is that if, you know, before a privacy or proxy service could put in some sort of a note in the field or whatever, or even if there was the whole new field, you know, they first have to know that they are dealing with the commercial entity in the first place.

And I think that's where everything starts, in my opinion starts to fall apart because all you can really do then is say - is require them to ask. And if they're told that yes, I'm a commercial entity, then they can fill in this field.

Which really means, you know, that what's in this field is, you know, the accuracy of what is or isn't in this field then is really brought into question. Unless there some way, you know, to confirm that that's done.

And I thought that what we had talked about in the past was, you know, if we were going to go down that road, it would just be - it would be sort of an after-the-fact thing that, you know, you would put in your terms and conditions perhaps somewhere that you can only use this domain for this, that and the other thing.

The way we do with other, you know, illegal activities and things because if you ask somebody well, are you going to use this to, you know, infringe on somebody's copyright, they're not going to say yes. But if they do later and it's discovered, then you come to, you know, whoever's in authority -- the registry, the registrar to try to get this site taken down.

So it would be the same way here. If we were going to go down that road and say well you can use the domain - private domain for commercial services. It's only something that could really be accurately enforce after-the-fact. In other words when someone discovers this happening, then you reported to the privacy or proxy service. And they have to take some sort of action.

So I think that, you know, going down this road of saying well, there's got to be some field. Then you've got to figure, well now how do we validate what we put in that field. And, you know, we're not even - we're just now starting to go down the road of Whois validation.

And, you know, I don't know who Whois through the new registry - the new RAA. And in this, we've got problems with it. And it's not working exactly like everybody thought. And we don't even know if it is working. It seems a little premature, you know, to jump into this with the privacy and proxy services now too. My opinion. Thanks.

Steve Metalitz: Thank you Tim. I've got John next and then Volker. John go ahead.

John Horton: Hey good morning. Can you all hear me?

Steve Metalitz: Yes.

John Horton: Okay great. So I just wanted to briefly respond to what, and part of this cut out on my phone, so I apologize if I didn't quite hear right. But I think Magaly's points and some other points that people raised suggesting that, you know, Whois isn't really widely used. Only, you know, a very tiny fraction of people use it.

And, you know, certainly I would agree that the average Internet user is sent, you know, looking at, you know, Whois when they visit a web site. But I think it's really helpful to think of not only direct use, but derivative use as well.

And certainly what we see is a couple of things. We do see some people that use Whois. And, you know, again I think this is often in the, what I would call the amateur abuse citing space. I mean these are not paid professionals, but people certainly in our field that, you know, sort of have this as a hobby. I mean people have all sorts of crazy hobbies.

There are people that go out there and find spam web sites, illegal Internet pharmacies, illegal pornography web sites and so forth. Whois is an important tool. And I think that there are some benefits to the Internet users as a whole.

And that's where some of the derivative use comes in. And let me use - I think I mentioned before to the group, one of our clients is Visa, the credit card network company. And, you know, I was just talking with them yesterday about some web sites.

And having accurate and transparent Whois is a really, really critical thing for companies like Visa has to do the evaluation of a potentially illicit merchant. And so in that sense I think that there is derivative use.

It's important to understand that, you know, one company that is serving, you know, a whole bunch of different other companies and individuals may use Whois in ways that that downstream users don't even know.

But, you know, we see a fair amount of that. So I, you know, and the final point I'd make is we don't know what's new tools can be developed over the next four to five years. You know, (grow) so fast.

I would just hate to spend any, you know, potential innovation that some company or some individual might come up with based on Whois data that's really, you know, creative and interesting. So I'll just stop there but I wanted to push back on that concept a little bit.

Steve Metalitz: Okay thank you John. Let me just ask people if we could focus on C3. I think there's some good points being made here on the more general question of how Whois is being used. But we're looking right now at this particular question. So Volker and then James.

Volker Greimann: Well one of the points that Kathy was making I think also chimes in with what Tim was saying. First of all, the privacy service provider needs to know what his customer is and not be lied to. That's one thing that is a problem here.

And the other thing is the customer also needs to know what he's going to be doing in the domain name, with the domain name. And as Kathy has pointed out, there's many, many different ways that one might use a domain name.

And a registrant might say okay, I'm only using that domain name 10% for commercial purposes and 90% private purposes, so it's a private domain name. And this would have to be very, very closely defined.

And that's the (I see) that this will - creating such a category that would have to be output in some form creates a lot of problems - tagalong problems that we'd also have to serve and that would maybe not be the best investment of our time in the long run.

Steve Metalitz: Okay, James and then I'm assuming that Tim and John are old hands. But if not, you can get back in the queue. But James go ahead.

James Bladel: Thank you Steve. James speaking for the transcript. Just a couple points here, and I know you don't want us to beat up on Whois. I just wanted to point out that we really don't have to engage in a whole lot of, you know, speculation and conjecture here.

The Whois review team actually did a study on this back in 2010, and we got some really sort of amusing videos about how, you know, what, you know,

what sort of ways people would - casual and even somewhat tech savvy users would use to determine who is behind a web site or domain name.

So, you know, I would just point the group (unintelligible) the idea that that is out there. That is part of ICANN's body of work. And we should maybe consulted that in trying to wrestle with this question.

And then to go back to something Tim was saying and something Volker was saying. I think I want to agree with that. I think perhaps just emphasize for the group that when a person registers a domain name, sometimes they do so, you know, in a let's say in a heat of passion.

You know, they have a business idea or they have a web site idea or they have something or a product that they want to feed. And, you know, so and I'm guilty of this myself. So I'll register web site and I'll put - maybe put the registrant because we are required to collect an organizational field. And I'll collect the field and I'll put in Jimco or something like that.

Not really because it's representing a commercial entity. But it's more of an aspirational response to how I see this idea playing out. And then unfortunately sometimes those registrants come back later and find that they have difficulty transferring a name. Or that other products and services may not be available to them because they've declared themselves now to be a, you know, a non-natural person or registrant.

And so I think that, you know, this is a challenging thing to not only to get them to tell the truth when they respond here. It is somewhat on the honor system or on a reactive policing mode. But also to make sure that it is completely understood by the registrant that this covers their future intentions as well. And they may have to change that declaration, you know, if their intentions change or if their uses change over time. So I just wanted to get those two points into the conversation. Thanks.

Steve Metalitz: Okay, (Karen) on C3.

(Karen Maltrunovolvo): Hi yes, this is (Karen). I just wanted to respond to what Volker and I guess also what Kathy said about C3 and uses changing and evolving. I really don't understand why that's such a big deal because if I move apartments or condos or cities or whatever, I have to update my Whois contact information. So if you change the purpose on which are using your web site, you would be expected to change it your declaration.

I don't see that as an impossible task. I also don't really think that the question of what percentage of your web site is used for commercial purposes matters either because if you, you know, are positioned in any rates, is that if you're using it for commercial purposes in any way?

And that of course has to be defined more clearly to, you know, include and think about, you know, what that means, donation links and, you know, and advertising and things like that.

But if you're using it as we determined what commercial means in any way, then you would be required to tell us who you are. You know, consumers largely have the right to understand who they are giving money to and who they're buying goods and services from.

So yes, that was just kind of in response to Volker and Kathy. I hope it's (on message thing).

Steve Metalitz: Okay, let me just - I see we have two more people in the queue, but let me just see if we can come to any - make any progress on C3.

I'm hearing a lot of people say the answer to this question should be no. So I guess I'm asking, and again I'm focusing here on the area where I think there's greater level of agreement, which is that someone other than a natural person should not be barred from using privacy and proxy services.

So let's just take that case where a legal entity uses a privacy and proxy service, if you think that is acceptable. Is there anybody who thinks there should be a difference in what data is displayed?

So I would encourage anybody who thinks the answer to that question should be yes to step forward and explain what you think the difference should be. Again, so if you have a legal entity using a privacy or proxy service, you may think that they should never be allowed to use it, in which case I'm not directing this question to you.

But if you think there are circumstances in which they should be allowed to use it, but you think there should be a difference in the data field that we displayed compared to if a natural person is using it, then please step forward. Volker your hand was up before. So I'm not assuming your answer is yes, but please go ahead.

Volker Greimann: Yes my answer to that would be no. But I'll start out with I would ask to give me some more time to explain that position a bit more, but on the mailing list.

I just wanted to respond to (Karen)'s request where I think that there's good reasons not to have that designation, or having to change that designation. For example, I own a couple of domain names which bear my name, my family name. And I use private services because I do not want those name - my private address to be publicly available in the Whois.

Now if I (photogram) and decided to open a company in my name, which also bears my name, Greimann and Sons, Greimann Incorporated, whatever, and I wanted to use that domain name for the company but still retain ownership of that company, would I then be required to publish my private name or transfer the domain name to my company?

I want to have those separate. Would I not to be able to do that anymore? I think there's sufficient reasons why we should be able to recognize that there is multiple users over a domain name. And it was registered for private and noncommercial use can be...

((Crosstalk))

Volker Greimann: Even if I also use it for commercial purposes at a later time. Domain names are multi-used. And ownership can be a difficult thing to determine. And does it make sense to have that distinction out there?

So having to force me to decide commercial use in the Whois and then maybe later before when my company goes belly up to return it to - my domain name to a third party might not be what I desire.

And that might be a consequence because the Whois is evident think of the ownership of the domain name. And if I put commercial in there or commercial owner in there, then it might be taken as evidence that this domain name belongs to the company that went belly up and has to be turned in for some purpose.

Steve Metalitz: Okay thank you. Tim is that a new hand, I think?

Tim Ruiz: Yes. I've already said that this in chat of course. No, I don't think we should make a distinction. And just another example that I wanted to point out here that we would be, you know, causing a problem for. And that is the, you know, plethora of small businesses and mom and pops, by at least in the US and I think in most of the rest of the world is really the backbone of the economies of these countries.

And because, you know, for a small business that may be operating out of their home, you know, they may want to be using their home address and

personal contact information for this domain name. And they want to keep that private.

But that may not necessarily be the contact a number and mailing address, et cetera, that they're using for their business. And that may be something completely different on their web site.

So they're not trying to hide or two, you know, abscond with their customer's funds clandestinely or anything. They just have different contact information for different purposes, and they want to keep it that way.

And so they may be perfectly legitimate way to contact them and their business from the information that they provide online. But that may be completely different than what they want to provide to their hosting provider or to their domain name, registrar. And so they want to keep that information private. And so, you know, they're using their privacy or proxy service.

So if we go down this road, then what we're doing is we're making it difficult for, you know, the vast majority of small businesses and mom and pops that, you know, are using these services already because in many cases that's why they're using it.

And then I think that's, again something we haven't talked about today. And that is that, you know, if we go down this road we've got, you know, a huge problem with how do we go and tell all these current commercial entities that are using these private and proxy services now that they can no longer do so, and what kind of havoc that that's going to create for them. So that's something we need to consider as well. Thanks.

Steve Metalitz: Okay Magaly and then we're going to wrap up on this question.

Magaly Pazello: I'm going to sort of pick up a little bit of what Tim was getting at. I mean as a registrar we send out thousands of emails every month, hundreds of thousands probably. And I imagine larger registrars are sending out millions.

We send out emails for domain name renewals. We send them out for a bunch of other things. And I look at, you know, the stuff that comes into us, the responses we get from people.

So this entire thing about, you know, asking people to reclassify what they're using a domain name for, I can't see it being effective. Now I can see, sure, a big corporate that is probably spending thousands if not more, hundreds of thousands of Euro per (antim) on digital might have the knowledge, might have the skills, might have the interest and doing those kind of things.

But I mean even when we tell our customers that, you know, please make sure that you update your email for us because a random free email provider has gone out of business, we still discover that months later hundreds of them haven't updated. And, you know, everything is expiring because, you know, they're ignoring the emails we're trying to send them.

So I just, you know, I'd be very wary of the like the impact that something like this could have if you want to make it obligatory. Thanks.

Steve Metalitz: Thank you. Okay, well on C3 let's take it to the list. I'm going to put out this question that I asked to see if anybody has a different answer to it. Otherwise I think the answer to this Question 3 is going to be no, but we will circulate that on the list.

Our final agenda item, and we just have a couple of minutes, is D1, which is what measures should be taken to ensure contactability and responsiveness of the providers?

We did have some good discussion about this I think on the last call or maybe it was two calls ago, but in any case recently. And that's reflected in - it's in this box under working group response discussion on about the third page about requiring a public register of accredited providers.

And what remedies should exist for inaccuracy? And then the requirement to respond. So I would welcome any further comments on either of these. I think James posted some information about the (TX) system in the IRTP category.

Transfer emergency action contact. I'm not sure that it's - that's a useful model in a sense because that seems to be focused solely on issues where there used to be an immediate response.

Whereas I think, my sense that in this case the queries to which that might be directed to these providers, some of them might require an immediate response, but some of them might not. So there could be a - something of a range there.

So I'm not sure whether that's a useful model, but I'm glad to hear other views on that. And I think you can, yes I think everyone can scroll down. If you see on Page 3 and 4 the little summary in green, at least it's in green on my screen, of what was said before about this.

I'd welcome any further thoughts either on public registry of accredited providers with contact information. Again, similar to what we have now for registrars, and about the requirement to respond.

So are there any comments on either of those points? Magaly, anybody else want to be in the queue on this? Magaly go ahead.

Magaly Pazello: I mean if, you know, if we end up with accredited providers, then having a full list of the accredited providers somewhere with their contact details seems completely reasonable and logical to me. I don't have an issue with that.

Steve Metalitz: Okay.

Magaly Pazello: With respect to the entire responsiveness angle, again I don't have any issue with that. You know, the key thing - I've always thought that, you know, responsiveness is not the same thing as, you know, anything beyond that.

I mean I can respond to something. And I will have to respond to certain things, but that doesn't mean I have to take action or anything like that. But just responding - there's no way (way to web) account be an obligatory thing. So, I mean I'm perfectly fine with that.

Steve Metalitz: Okay. Any other comments on this? Let me just pick up on James's point in the chat here about homework regarding transfers and other transactions. I think it was James and Kathy who formed a little subgroup and came back with some material on that that's been circulated. And we have not actually discussed that.

So maybe we need to look at that if there's discussion that's needed on that. Again, I'm not sure that was changing the answers or supplementing what we've done back in Section B of our questions. But I think let's take a look at that and see if there's something that we need to discuss, unless James or Kathy, you're welcome to speak. Both of you have your hands up, so go ahead James.

James Bladel: Well I can defer to Kathy. I just wanted to say, you know, at least having an opportunity to present that to the group, those materials that we came up with. I think they are more structured as questions for further discussion. You know, and something that we could look at.

I don't think that we necessarily, or at least not on every point did we come back with a fully-based answer. It's more of here are the issues that we need to consider when presenting this topic, particularly around transfers.

So, and I'll defer to Kathy. But I think we do want an opportunity to at least go through those (thoughts).

Steve Metalitz: Okay, point well taken. Kathy anything to add to that?

Kathy Kleinman: Yes actually, well first I agree with James. We'd love to present, and we think it's structured. And it will be an efficient and fast discussion, but an important one.

But actually I wanted to talk about - very, very briefly about Category C, Question 1. And now that I've had a chance to read the green, just to add.

Steve Metalitz: D1 you mean.

Kathy Kleinman: D1, sorry. This is the contact point right?

Steve Metalitz: Yes.

Kathy Kleinman: And just add something as I've been thinking about this question, which I was hoping we'd talk about more today actually. Contact point should also be for users, not just for those making inquiries into the user, but also for the users.

So I just wanted to point that out that right now I deal with a lot of registrants who gets very confuse even though it's their own proxy privacy service. But they are, you know, they're buying and selling domain names or there transferring domain names or their companies are being brought, often very small businesses.

And so at the point of contact, I just thought we should add a bullet point (myself) to be for the registrants themselves or for the customers of the proxy privacy service to make every - you know, to facilitate whatever questions they have. Thanks.

Steve Metalitz: I think that's a good point. And I don't think that what we had there excluded that. But let's - we could clarify that. So let me ask Marika, I think you have the last word here before we adjourn.

Marika Konings: Yes this is Marika. And just to note, as people start thinking about, you know, this question and, you know, Magaly hinted that it may need to be or there may be agreement to have a requirement for response. I think it would be really helpful as well if the working group could think a little bit more sort of details about, you know, would an automatic email response, does that qualify as a response?

Is there any kind of specific timeframe that would be need to be associated with it? Right, thinking ahead of it, you know, as we move towards implementation at some point. It would be really good to have a bit of guidance around, you know, what the working group is thinking in relation to those issues. So maybe just some homework for fun actually.

Steve Metalitz: Okay great. Well we're slightly over time, but we did get started a little bit late due to our slowness in getting the bridge going. So I want to thank everybody for their participation.

We - let me just summarize briefly. I think we very much want people to give their input to the draft that John circulated. If you think there's wording that should be changed there or deleted, please spell that out on the list.

On C3, similarly we will reformulate this question. But I think there's a pretty strong answer on C3 for those to whom that question applies.

And then on D1 we'll reflect the additional points that were brought up here. And perhaps we can push on in our next call.

So please watch for those on the list. Please use the list. And we thank everybody for their participation today.

Man: Thanks Steve.

Man: Thanks.

Woman: Bye.

Man: Thank you.

Coordinator: Thank you everyone for joining.

END