

**ICANN Transcription  
Privacy and Proxy Services Accreditation Issues PDP WG  
Tuesday 27 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 27 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-20140527-en.mp3>

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

Attendees:

Steve Metalitz - IPC  
Kathy Kleiman – NCUC  
Justin Macy – BC  
James Bladel – RrSG  
Alex Deacon – IPC  
Laura Jedeed – BC  
Sarah Wyld - RrSG  
John Horton – BC  
Kiran Malancharuvil – IPC  
Volker Greimann – RrSG  
Libby Baney – BC  
Michele Neylon – RrSG  
Chris Pelling – RrSG  
David Cake – NCSG  
Jennifer Standiford – RrSG  
Christian Dawson – ISPCP  
Osvaldo Novoa - ISPCP  
Don Moody – IPC  
Darcy Southwell - RrSG  
Graeme Bunton – RrSG  
Don Blumenthal – RySG  
Luc Seuffer – RrSG  
Phil Karnofsky (for Phil Marano) – SOI  
Todd Williams – IPC  
Jim Bikoff – IPC  
Frank Michlick - RrSG

Apologies:

Holly Raiche – ALAC  
Susan Prosser- RrSG  
Paul McGrady – IPC  
Kristina Rosette – IPC  
Amr Elsadr – NCUC  
Tobias Sattler – RrSG  
Carlton Samuels - ALAC

ICANN staff:

Marika Konings  
Mary Wong  
Amy Bivins  
Terri Agnew

Coordinator: Excuse me, the recordings have now been started.

Terri Agnew: Thank you, (Laurel). Good morning, good afternoon and good evening. This is the PPSAI Working Group call on the 27th of May, 2014. On the call today we have Volker Greimann, Chris Pelling, Graeme Bunton, Don Moody, Luc Seufer, Osvaldo Novoa, John Horton, (Phil Krofsky), Steve Metalitz, Laura Jeeded, Don Blumenthal, Sarah Wyld, James Bladel, Justin Macy, Todd Williams, David Cake, Alex Deacon, Christian Dawson, Kathy Kleiman, Kiran Malancharuvil, Jennifer Standiford, Todd Williams, Jim Bikoff and Darcy Southwell.

We have apologies from Kristina Rosette, Susan Prosser, Carlton Samuels, Holly Raiche, Michele Neylon, Tobias Sattler and Paul McGrady.

From staff we have Marika Konings, Mary Wong, Amy Bivins and myself, Terri Agnew.

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

Don Blumenthal: I appreciate it. Before we get into the - I just noticed James isn't here. Well, we might have to do some shuffling on the agenda then. Anyway...

((Crosstalk))

Mary Wong: ...James is here. But, you're right, I don't see him on the Adobe. This is Mary, sorry.

Don Blumenthal: Yeah, no that's fine. James, are you there? Okay well...

((Crosstalk))

Mary Wong: Don, he is. There he is.

James Bladel: Which James? James Bladel?

Don Blumenthal: Yes.

James Bladel: Yeah, I'm here.

Don Blumenthal: Oh, yeah, you're the one who...

((Crosstalk))

James Bladel: I'm sorry, I thought you had said some other - I thought you said someone else's last name and so I thought you were talking about someone else but I'm here.

Don Blumenthal: No, I forgot that you just sign in with your last name so I was looking in the wrong place in the alphabetical listing here. Okay. In any event the first thing I wanted to raise is something that - just a little piece of housekeeping.

Please, if you - everybody's got an SOI in, which is great; that's not always the case. But if you could check yours make sure everything's still accurate, there haven't been any changes, appreciate it. I'll just - I'll make reminders like this every few meetings just in case something is different, particularly something that might be relevant to work on the - to the work on this group.

With that - now that I know that both James and Kathy are here - if we could - here a discussion of your extra credit assignment, or extra credit volunteering, that's be great since there wasn't time to talk about it last week.

James Bladel: Sure.

((Crosstalk))

James Bladel: Do you want me to just take it and run with it here and then...

Don Blumenthal: Yeah, yeah, you, Kathy, however you want to divvy it out.

James Bladel: Okay great. Well I think Kathy is still a little jet lagged so I'll start us off here. I'm sure she will weigh in when and if I go astray. This is James Bladel speaking for the transcript. And just as a bit of context Kathy and I convened a very small subteam of two to address some of the questions around the operation of - or the interoperation and compatibility of privacy proxy services with other registrar/registrar functions and consensus policies.

Most notably we were looking at things like the WDRP, which is the Whois Data Reminder Policy; the ERRP, which has requirements for renewal and redemption, you know, of domain names that have expired. And the IRTP, the Inter Registrar Transfer Policy.

So perhaps we can just dive right into the document that we have here and then we'll go through these - I'll just walk you through them very quickly at a high level and then we can certainly open them up for questions. We'll just

take a queue and then I'll turn it back over to Don and the leadership of the working group.

But in general we're hoping that this will at least provide a framework for recommendations around these areas and certainly understand if this is just teeing up additional work in these subjects.

So starting with the first bullet, Item Number 1, we were looking at some critical notifications that registrars are currently required either by the RAA or consensus polices to present to registrants. And those are in particular the Whois Data Reminder Policy, which is supposed to be sent on an annual basis, and the renewal notifications.

So the ERRP, the Expired Registration Recovery - or I think maybe Redemption Policy governs a schedule of critical or required emails that must be sent prior to a domain name's expiration.

And so what we've determined here essentially is that the working group that - in its recommendations should consider requirements for privacy services when they're acting as the registrant to relay any ICANN critical communications that are received by the registrar to their underlying customer.

So what this means is if a registrar, for example, sends a reminder to the privacy proxy service that it's time to update your Whois data the privacy proxy service must send that on to the registrant. The same would go for the renewal notifications, both pre and post expiry.

Secondly, as you can see there that would include the annual reminders and the renewals. Other messages might also be designated as critical and therefore need to be relayed to the underlying customer.

So for example, we would say any changes to a status; if a domain name has been locked, certainly if it's, you know, the subject of a UDRP the other types of critical communications that would normally go to the registrant we would establish recommendations that the privacy proxy service must relay those to their underlying customer if the privacy proxy service is in fact acting as the registrant.

So that's the first bullet where we're addressing the idea of critical notifications. Would want to point out that we did consider the possibility or that the working group should consider the possibility that bad guys and spammers and people looking to, you know, otherwise flood registrants with unsolicited email messages might find a way to spoof the idea that - or abuse the idea that something is ICANN critical or some registrars or privacy proxy services might have differing interpretations of what is ICANN critical.

And that's something that the working group should consider when making their recommendations that this is - there is a potential here for this to be abused and should be a factor.

Next up, Item Number 2, we looked at transfers which are significantly more complex because transfers need to be authorized by the transfer contact which is either the registrant or the admin contact. And in the case of most privacy proxy services that is both.

Currently registrars and privacy proxy services, as we learned during the presentations, do not permit transfers until the privacy service is cancelled. I think that this is both for practical as well as some theoretical issues about limiting liability but the practical concern being how can you trust the authorization from a party that you do not know who you're dealing with; you're receiving sort of blind authorization.

So we're kind of teeing up the idea that this - if this working group wants to consider making recommendations that would standardize the behavior of

inter registrar transfers with respect to privacy proxy services, that we should consider the four scenarios.

The current - and there's the 2 by 2 grid that currently appears in the document in Adobe. The 2 by 2 grid is potentially, you know, Scenario A, neither the before and transfer would be private, that's current IRTP.

Scenario D would be, if you go down to the opposite corner, would be most complex and that is a domain name is currently under one privacy service and after the transfer has occurred it will be under a new privacy service without exposing the underlying customer at any time in the public Whois.

And then Scenario B and C are one-sided private transfers where it's either private and it's losing that privacy as a result of the transfer or the flip side it is a public registration that is - or a non private registration that will become private after the transfer.

So that's something that we thought about as a way of organizing the scenarios or the use cases or the user stories that would be associated with private transfers. And we want to be careful here not to be overly prescriptive. Certainly we don't want the working group necessarily to develop - to engage in product development when it's in fact just looking to set some standards around these scenarios.

And maybe the recommendations from the working group is that there would be no recommendations for example, for, you know, for one or more of these scenarios.

Then moving on to - I believe - one second here. Just refreshing myself here for 2.3. Both - yeah, I think this is key. Both the Scenario B and Scenario D would require some method for - some protected channel for registrars and affiliated privacy proxy services to exchange protected contact data. And I

think this is key because the contact data would be hidden to both parties but they would need to agree that they were dealing with the same individual.

And so one idea that Kathy and I were kicking around was the idea of a hash function where they would exchange let's say a hash of the underlying customer's email address, for example, and that the - if the hash values were equivalent then they would understand that they were dealing with the same person without actually exchanging that email address. So that's something that could be done to alleviate the problem of a blind authorization.

Then moving on to Number 3, we talked a little bit about transfers in the event of a failed registrar. In a privacy proxy situation if a registrar goes under is there enough to recover that as part of an assignment if those domain names to a new registrar.

I think that in fact as we looked into this a little bit more closely we believe that existing policy sufficiently covers these - this situation for two reasons. One is that domains by - domains that are protected by a privacy proxy service are included in the registrar's data escrow deposit as a requirement under the 2013 RAA.

The - not only the public Whois data but also the underlying privacy service data is submitted as part of that data escrow requirement deposit. It is encrypted and if the registrar fails then the data can be decrypted by ICANN as part of the process to reassign that to a new registrant - to a new successor registrar.

So I don't know that between that and then the bulk transfer provisions that are currently included in the IRTP I don't know that we need nay special provisions in this area. I think the only concern or the only gap here would be for privacy proxy services that are unaffiliated with the registrar where they don't have access to that information.

I think that in those cases both before and after this working group if we had names like that associated with a failed registrar I think that that would just be the risk that the registrant would lose the domain names.

So those are the three topics that we examined as a sub team. Certainly not holding this up as a comprehensive answer. In some cases I think we're just framing the questions for further work. And I think that, you know, in some cases, particularly Item Number 2, we'll probably have to take a closer look as a group and determine just how much further we want to dive into - into these issues as far as being prescriptive for these privacy services.

So with that I'll turn it back over to Don. And if there's any questions we can - Kathy and I will do our best to answer them or at least put them on the list for future work. Thanks.

Don Blumenthal: Okay appreciate it. Kathy, anything to add?

Kathy Kleiman: Yeah, just for a second, first, James, thanks for the presentation. I think you captured what we were thinking. I just wanted to give context to this project for anyone who wasn't around when we were working on it.

First, James is right, we're just trying to frame questions for future work. There had been some discomfort at one point among both noncommercial and commercial users that we didn't know that some of these disclosures were taking place. So we were trying to find in some ways the quick low-hanging fruit or the ways to kind of put our finger in the dam and solve problems that seemed to be there but might not be as big as we thought.

I think mostly we found that there were some really discrete items that the working group could work on - James identified them but I'll just highlight them again. And number one, it's about renewal notifications and kind of ICANN-critical notifications.

It's something the working group has already thought about. In some ways we've just defined it a little farther in terms of looking at the transfer policy and what types of reminders the working group might want to ensure get passed on to the proxy privacy customer.

With number two, the real issue here I think is D, private to private, and that not be required to be disclosed. And we think, you know, kind of there are probably ways to do this with making sure that the registrars are comfortable that they're dealing with the actual customer and that the customer doesn't have to have their private data disclosed but something like in B, private to non private, there should probably be some kind of information or disclosures, express agreements so that the registrant knows that the data will be disclosed.

And then three is actually an easy one; in the case of a failed registrar - I didn't know that the proxy privacy data was escrowed and so I think it's a matter of, you know, if we make a quick recommendation we can probably ensure that we don't wind up disclosing lots and lots and lots of registrants inadvertently.

So sorry for that quick summary but I think James got it exactly right. Thanks, Don. Thanks, James.

Don Blumenthal: Thanks for adding that, Kathy. I saw a question from Kiran, appreciate - in chat - thanks for picking up on it, James. And Luc just wrote a book. Are there any questions by voice?

Okay, I don't see any hands raised. Why don't we move on to - excuse me, had to put myself on mute there really quickly. Why don't we move on to the next parts of the agenda?

James Bladel: Don, this is James. Can I just - one parting thought here.

Don Blumenthal: Yeah, oh sure.

James Bladel: Just that this is, you know, we send this information to the list I don't know, maybe two or three weeks ago and, you know, we're just now having a chance in our live calls to cover it. So I think some folks may be seeing this for the first time or revisiting it may be for the first time in a while so certainly just recommends that maybe we can put a little space on the agenda for next time so that folks maybe have a chance to digest this a little bit.

And then if they have questions or things shake out as part of a discussion on the list over the next week that maybe next week will be more appropriate time to just see if there's any folks that want to discuss these points any further. Thanks.

Don Blumenthal: Yeah, good idea. I hadn't thought about the lapse in time and it may give us a chance also to circle back on the point that Kiran raised. Well, I just stole Kathy's circle back so yeah, we can look at that issue again later on.

So any rate let's go on to the next. I don't want to spend too much time on C, particularly 1 and 2. We've done a lot of going back and forth. I think we are at a good place in what we wrote - what we've written.

But two things, as we said all along we'll be revisiting these issues a lot as they come up in context again. But in the meantime there is room for tweaking this language, there's no question about it. You know, Kathy had some thoughts and I appreciate your suggestion to do more editing in email. I don't know how much - well I'll leave it at that. It's tough to do that fine tuning editing online.

Having said that, you know, finalizing the conclusion I think is probably a little bit off. But I do want to keep revisiting it and certainly keep the discussion open. There's a lot in C1 and 2.

I'd like to move on from those two pieces because they have been discussed a lot that I do want to make sure there's no objection to doing that. And show of comment you know, anybody who's concerned put your hand up. Okay I'm jumping screens, I see that it's - the document is up in Adobe now.

Okay, we haven't quite spent as much on 3. And I think it's fairly - I think it's fairly straightforward. That's always a dangerous statement to make in any ICANN process. Okay, I'm refreshing myself.

Is there any - anybody have any comments on what we distributed - what Marika distributed the other day? Steve?

Steve Metalitz: Yeah, this is Steve Metalitz. We did discuss this on the call last week somewhat and I then circulated a question which may have been a little bit convoluted but really just asking whether there was any support for having a different display.

To the extent that people agreed that commercial users or registrations for commercial purposes would be allowed to use privacy and proxy services and recognizing that we don't have agreement on that foundation in question, but to the extent that they were should there be a difference in display?

And I think the - there was a lot of discussion on the list about flags and so forth. But I think the - where we came out the answer was no that's people felt that that shouldn't be mandated. Again, this is distinct from the question of whether you should be able to tell by looking at Whois whether it is a proxy or privacy registration. I think we've already resolved that question.

But as far as the character of the registrant or as a legal entity or a natural person or as far as the purpose of the use I think the view was that that would not be required to be displayed in Whois. So I think that's kind of where we ended up on this. But obviously if it isn't then I'm sure people will step forward.

But my effort was to try to just kind of frame that question in a way we would have a yes or no answer. Thank you.

Don Blumenthal: Appreciate it. That's kind of how I read the transcripts, phone and chat also. Kathy.

Kathy Kleiman: Yeah, just supporting what Steve said, it was a very valuable question to be circulated. And I think it could be reflected a little more what he said that they're not to be a requirement to be displayed what type of user it is. I think that could be reflected a little more into discussion notes that we are looking at so that might be a revision for going forward.

Don Blumenthal: Well as long as we're whacking at the C template might as well include Question 3. Sure. Yeah, one question I had is part of a discussion that I thought after the meeting ended just touched on the issue of the ability to add flags or fields or whatever to who is records whether that's even in our bailiwick. That's okay, we can keep editing on that went online too.

Kathy Kleiman: Well actually can I say - this may be one that staff can capture, Don, because...

Don Blumenthal: Yeah.

Kathy Kleiman: ...you know, it says that last paragraph is working group members were encouraged to discuss common we did discuss so it may just be an area for - I hate to volunteer anybody - Marika or Mary - to summarize that discussion as Steve has summarized it and just include it. Not sure they're still any ongoing debate. Although I could be wrong.

Don Blumenthal: I was just enough if there's any particular wording so - but, yeah, you're right. No, I think this one resolved well for now. Any other comments? Okay why don't we move on to D1?

Waiting for it to come up in the Adobe room. Again, this was - there was some discussion of this last week but I wanted to - I wanted to - I want to reopen the floor to see if there's any continued discussion or concerns that we - sorry. I will be going on mute frequently.

Okay. I apologize. Just welcome to the weather and the allergens in the great state of Michigan.

Was there additional discussion, reactions to the entries in the template that was circulated? Steve.

Steve Metalitz: Yeah, this is Steve Metalitz. I think Kathy had raised a question on the list about the phrase "public register" or - I guess at one point in the second or third paragraph it says "public registry" but maybe that's not right. I mean, I think the public register of accredited providers that people were talking about is just the same thing as we now have for accredited registrars.

You can go to the ICANN site and there's a list of accredited registrars and it's sortable in a couple different ways. So this would be the same thing. So you would have the ability to know who was an accredited provider. And I think that would be very valuable for a lot of purposes. So that's all that was meant there by public register. Thank you.

Don Bluementhal: Yeah, appreciate it. Yeah Kathy did raise that in e-mail. And I was going to circle back to it, but she's got me saying circle back a lot here. But yeah. I'm just reading Kathy's comment there, that is used within our scope to talk about how registrars should publicize or not publicize their accredited providers and that's not a challenge. It's a question. Kathy?

Kathy Kleiman: Right, yeah, let me - two different points. Thanks to Steve for raising my point. I get confused when we talk about public registers and public registries.

And I know in our world these words are used so - they're terms of art. So can we just call it ICANN publish a list? So it sounds like at least Steve and I think this information could be published on the ICANN Web site.

Let me raise a further question specifically to registrars. Would there be any discomfort in having a link somewhere on the Web site to your accredited proxy privacy providers? You know they may be one, they be multiple, and then this contact information. Would that be a problem or is that maybe stepping too far? Thanks Don.

Don Blumenthal: Sorry. I hit the mute. Marika.

Marika Konings: Yes this is Marika. It's not specifically to this issue so I'm happy to wait in the queue if Steve and (Makali) are talking about - talking to Kathy's point.

Don Blumenthal: I appreciate that.

Steve Metalitz: I was going to respond to Kathy's - I mean build on Kathy's second point. Another way to approach this would be to say when you have this ICANN published list of accredited providers they could disclose there whether they are affiliates of registrars. Or they could even have some other information could be included there. That's one way to handle this. Thank you.

Don Blumenthal: Appreciate it. I was hoping a registrar would step up in here (Makali)? Oh three in a row.

(Makali): Can you hear me? Hello?

Steve Metalitz: Yeah.

(Makali): Sorry. I'm in a hotel in Brussels. The Wi-Fi is flaky, so I keep on being disconnected from everything. Just speaking personally, I'm not overly

concerned about this at this juncture, but I think in some ways we're kind of - we're running before we've learned to walk.

If there is an accreditation process - whatever that may be at the end of all this - then I would assume that ICANN would have a list of entities that have been accredited that will be listed somewhere on an ICANN Web site. I honestly don't know whether registrars have issues with that or don't have issues with that because it's - with this idea of the decoration on their own Web sites because I don't think we've really had any chance to discuss that.

So I would say let's discuss it if you want or whatever but I wouldn't rush off to make any statements on that at the moment. But as for the list on an ICANN Web site, I don't really see that as being an issue. Thanks.

Don Blumenthal: Thanks (Makali). Graeme?

Graeme Bunton: Hi this is Graeme for the transcript. I guess at first blush we wouldn't have a problem with it - our privacy and proxy service being published both on ICANN or off our own Web site as we do that currently. And it's a service we're trying to sell and offer and encourage look at. So does that apply to all registrars? I think we'd have to think about it a little bit but initially it doesn't present me with huge problems. Thanks.

Don Blumenthal: James?

James Bladel: Hi, thanks Don. James speaking. And I think I'm going to agree with my two colleagues here. Just wanted to point out that if the output or the ultimate objective of this work is to have an accredited registrar or I'm sorry, accredited privacy proxy service program, then I think the assumption should be that there would be a list of accredited services and that that would include links to the services Web site. I don't think there's any heartburn over that.

As far as declaring affiliations with registrars, I think that can probably be handled. I think that you might get some resistance, you know, the idea that in the last couple of years especially there's been some notable consolidation and mergers and acquisitions going on in our industry.

So I think that keeping that updated might be challenging, whether that's a staff function or whether that's on the service provider to keep their records updated. But I thought one thing that I believe would achieve the same result and would be very simple to implement.

The new RAA requires registrars to - on their Web site - to disclose their ultimate parent entity. So their various registrars, they're all co-owned by a single parent entity. And this could be gathered by looking at their Web site. And I think having a similar requirement in the accreditation of the privacy proxy service to declare its ultimate parent entity would probably do the same thing that we're trying to do here.

And while it may not say, "Well I am affiliated with Registrar X," it could say, "I have a parent entity of X." And the registrar has a parent entity of X. And I think it would be then fairly obvious that they were affiliated. So that's just one thought of something that we're already doing today that could be mirrored in the accreditation requirements that would be I think fairly straightforward and achieve the goals that we're looking for. Thanks.

Don Bluementhal: I appreciate it. Okay back to Marika.

Marika Konings: Yeah this is Marika. I actually want to go back to the second part of the question here because I think at least from a staff perspective, writing up a preliminary conclusion, there does seem to be agreement. Indeed I'm having a list posted by ICANN on which entities have been accredited. And I think James has made a very constructive suggestion on how it may be done as well in relation to parent entities.

But I think we still haven't really dived into the question of response and what does response mean. And I raised it as well I think on last week's meeting because there seems to be agreement that there should be a response, but we actually haven't discussed what would qualify as a response.

And this is definitely something that could be considered as part of implementation, but I think it's definitely something where staff would welcome some further guidance as what would consist of a response. Is it an automatic e-mail response? Is that considered response? Is a phone call considered a response?

Is there a certain time frame associated with when a response is expected or should be received? I was hoping that maybe we can have some further discussion or details around that so we can also incorporate that in the notes as well as possible recommendation around this issue.

Don Bluementhal: Yes thanks Marika. I've noticed a little bit here that we have been drifting back and forth to policy and operations. I guess implementation's the right term. But good to hear you say that even if we do that in the informal phase, it'll be useful as we go along. Steve?

Steve Metalitz: Yeah this is Steve Metalitz. I agree those are legitimate questions. It may be that we can best deal with them in the context of the next question, which I think is D2. I think it's the next one...

Don Bluementhal: Yeah it is.

Steve Metalitz: ...which deals with point of abuse contacts. You know, because when you say you have to respond, you know, there's going to be different categories of queries. Some will be abuse queries, and others won't be. And we might want to make that distinction.

And I think the abuse queries - depending on how that's defined - may be the more important aspect of it. So perhaps we can profitably discuss that question in the context of D2. Thanks.

Don Bluementhal: Which is an absolutely perfect segue - which, and since there are no other hands up, why don't we move along to D2? This is a follow on to some discussions - not a follow-on, but similar to some discussions we've had on some other issues that have certainly been floating around ICANN for a long time, just the issue of point of contact whether you want to capitalize (PNC) or not.

Folks who've been in these battles for a while will appreciate that distinction. Why don't I throw it open to the floor? Should there be a specific point of contact? What does dedicated mean? And how much I guess can we just borrow from the RAA? Any - Steve?

Steve Metalitz: Yeah, this is Steve Metalitz. Just to kick this off, I'll just report as you see in the document on the third page, the position of the IPC preliminarily, which is that yes there should be a designated point of contact. Again when we think about this list, publicly available list or register of providers - so that's great if you can - and I agree with James. You probably should include a link to the Web site where you can see what their policies are and so forth they would be required to disclose.

But if you have a problem then you need to know a place where it can be - to which it could be directed, so including in that a designated point of contact, whether it's an individual or a function, e-mail address if it's a particular function. I think this is where you really need to have some channel that you can rely upon to bring problems to the attention of the provider. So we would definitely support that requirement.

And I think we reference in there the provision of the 2013 RAA that also has some time limits for response. So without getting into what those time limits

necessarily would be, we think that's the approach that ought to be followed.

Thank you.

(Chang): This is (Chang) (Unintelligible). Okay I'll back off James.

James Bladel: Hi thanks. James speaking, and just to follow up on Steve's comment, you know I agree that the RAA is probably a good framework to follow or has provided us a path forward through some of these questions. I wanted to point out that there are two different channels for reporting abuse laid out in the RAA.

And I think that we should make sure that we're distinguishing between the one that is public that's on the registrar's Web site or in another standardized place and then just - it doesn't give specific time frames. It says "reasonable and prompt."

But then the one that is a little more prescriptive - it talks about time frames for responses - is not necessarily a public facing contact but it is something that is made known to - and I think it's fairly vague here but it's just appropriate law enforcement and consumer protection agencies.

So I think that making sure that we understand that there are two parallel channels and that they are treated somewhat differently in the RAA might also help us model the contact requirements for privacy products and services. Thank you.

Don Bluementhal: Okay. Apologize for the hesitation but my land line was ringing and it would have been awkward to hear it come through the line. And I note (Makali)?

(Makali): Hello can you hear me?

Woman: Yes.

Don Bluementhal: Yes.

(Makali): Okay, still having fun with this terrible connection. I'm trying to get back into Adobe and of course I can't.

I mean from our perspective again - speaking personally - I mean okay obviously I'd agree with what James was saying. But what you want it is an abuse point of contact that is responsive. And if that means like in our case - I'm sure others might be fairly similar - I mean maybe you'd end up where you're channeling all of the abuse complaints through one point of contact initially and then filtering them out then to the appropriate departments afterwards.

The one weakness within the 2013 contract is it refers specifically to e-mail, which may not be the sanest way of collecting abuse complaints from registrars. And it might be better if we were able to use a form on our Web site or something similar where we'd be able to say okay this is an abuse complaint in relation to Service A, Service B, Service C, whatever that is, including privacy proxy. Thanks.

Don Bluementhal: Thanks. Thanks (Makali). James?

James Bladel: Yes just a follow-up with what (Makali) is saying. Registrars are working with ICANN, with compliance, with some other folks to make sure that we are both correctly implementing these requirements and also dealing with some of the realities of the Internet which is that some people have a very generous idea of what constitutes an abusive emergency.

Like for example, "I hate your commercial I just saw on TV," or, "Why don't you give me a job immediately?" sometimes constitutes abuse - use of the abuse channels that we're required to publish. So it's filtering those, sorting them, categorizing them, has become an important discussion between

registrars and ICANN while fulfilling these obligations but also managing the tsunami of complaints that sometimes will flood into public facing e-mails.

It's not - you know, I don't think it necessarily takes us off course for our work. It's just something that should be a consideration and a lesson learned as we look to perhaps mirror similar requirements is the privacy proxy accreditation program. Thank you.

Don Bluementhal: I appreciate the refinement there from (Makali) and from James. I'd like to just - following up on what I opened with is - and maybe I'm parsing words a little too much but are we really suggesting a dedicated or - to use I think Steve's term - designated? And to follow on, do we want to be discussing what contact details should be there or is that an implementation issue? And I guess (Makali) got Adobe to work again.

(Makali): Hopefully you can hear me? Can you hear me?

Don Bluementhal: Yes. Yeah, I got you.

(Makali): Sorry, this mute button gives me no indication whether it's on or off. I think it would be a good idea to - if we're going to go down this route of providing anything in any reports that we do make it clear that we have given some consideration to the contact method.

I mean I'd hate to see a situation where we discussed this. Everybody kind of goes yes, you know, having the option to do it this way or that way makes sense, etcetera, etcetera, etcetera, and then somebody goes off and writes a document saying, "Registrars must do X," or, "Proxy privacy providers must do Y," without giving any leeway.

In terms of whether it's a dedicated point of contact of a designated point of contact, I'm not a lawyer, but it sounds to me like designated probably works better. Or am I missing a subtlety between the two? I'm not 100% sure if I

really understand the difference between the two. So maybe I'm missing something. Thanks.

Don Bluementhal: I don't know if you're missing something or if I'm parsing too tightly. When I've looked at dedicated, my first thought was somebody who sits there all day long and that's all the person does. And I've seen that use of the term in non-ICANN chattings. Somebody is dedicated to that job.

I may be getting a little - my lawyer background may be getting a little out of control here because (unintelligible).

(Makali): Okay so can we just take a moment just to contact and forget the designated, dedicated thing? Unless somebody has a strong feeling about a particular adjective to be put before the noun, then we can add it. But just say "a contact" for now.

Don Bluementhal: We could. Just could be designated as the person who's mentioned, whether in the person's lineup of responsibilities. That's why I erased it. Thank you (unintelligible).

That may correct too, that I'm going a little nuts here. Any other comments on D2, either the whole issue of point of contact and how that would work, the extent to which we should be looking at the RAA list or as a guide or exact language? Steve?

Steve Metalitz: Yeah, this is Steve Metalitz. There does seem to be general agreement if you look in the comments that were received early on that there should be this requirement and as part of the accreditation and that the RAA may be a useful model of...

Again our view - and I think we're a little concerned with simply saying there has to be a reasonable and prompt - in other words, we would have some concern with

just following 3.18.1 which is up on your screen here because of it's reasonable and prompt steps to investigate and respond appropriately.

But I understand the preference for that from service providers. I guess I would have a question about what the experience has been so far under the RAA. And obviously from the registrar side, we may be able to have a response here.

From the staff side we might be able to get a response as to how that requirement for reasonable and prompt steps to investigate and respond appropriately has played out for those entities that have been under the 2013 RAA for the past several months. So I guess I'm putting that out as a question here. Thank you.

Don Bluementhal: Looks like (Makali) is ready to answer it.

(Makali): Assuming people can actually hear me. I would look at it in simple terms. And I wouldn't look at it in terms of which contract a registrar may or may not be under. If it's a real emergency then the person submitting the complaint is probably not going to just rely purely on an e-mail or whatever, or a Web form.

They're probably going to pick up the phone and they're going to want to get through to somebody and get something resolved quickly. I mean in our case, for example, we might receive 20 or 30 abuse reports per day for a variety of services we may or may not offer because we also get abuse reports for stuff that has nothing to do with us whatsoever.

If it's a real emergency, if it's something where something has to be dealt with very, very quickly. I mean we'll get phone calls or I'll get a phone call personally from (unintelligible) or from - I don't know - one of the big info sector companies.

You know, I'm not really sure - I mean I understand the issue in that if somebody acting in good faith has a real emergency that they want to deal with, and they need to deal with it very, very quickly, that they want to get a quick response, etcetera, etcetera.

But the problem of course is that while many of the people who may be involved in this discussion might be reasonable and might understand complaining about Go Daddy's latest advert is not an emergency, unfortunately there are people out there who will lodge those kind of things and consider them to be an emergency.

So how do you actually write a policy in such a way that it doesn't put an unreasonable burden on providers? Because if every single complaint is "an emergency," then there's no escalation because they're all escalated. So I'm not giving an answer, I know, but I'm just saying what is the barrier? How do you decide what the barrier is? Thanks.

Don Bluementhal: Yeah, I appreciate it. Even if it's not an answer there, it helps. It helps frame considerations as we keep looking at this. Any other points - either in the chat or Kathy?

Kathy Kleiman: Yes, more question as we close in follow up to (Makali) which is how - and to everyone - how far do we want to go as a working group in this inquiry and kind of parsing out what's an emergency, what's not an emergency? Or is this one that we should be leaving for the proxy privacy service providers? So I raise that as a question for the future. Thanks.

Don Bluementhal: Yeah, good point. That's where we're - it's a policy versus implementation. James?

James Bladel: Hi thanks. James speaking, and just to build on I think Kathy's point and going back even further to (Makali) and Steve I think that any recommendations that we have here that particularly, that are modeled after

the RAA, would need to emphasize, you know, requirements or guidelines around the responsiveness of the channel where abuses are reported and not even attempt to put boundaries around the resolutions - any issues that are raised.

I think that hopefully everyone is going to stay sufficiently aware of all the weirdness that goes on on the Internet that I certainly cannot offer any guarantees in a contract like this that any given case would be resolved in a time frame, only that the complaint would be fielded and responded to in a certain time frame. And I think that the other parts of it need to be open ended to reflect the reality of the types of things that we see raising complaints. Thanks.

Don Bluementhal: Thanks. I like your technical description of weirdness on the Internet. Any other points to raise? Okay, for a change, why don't we wrap up a couple minutes early as an alternative to the usual having to cut things off? We will talk to you all next week.

Again templates are open for comments and editing - not just (C). Others if you have some thoughts as we go along, please bring them forward. None of these topics are closed until we - at least in the first instance until we finish writing our draft recommendation. Appreciate it.

Man: Thanks Don.

Woman: Thanks Don. Thanks everyone.

Woman: Bye.

Man: Thanks Don.

Man: Thank you.

END