

ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 06 January 2015 at 1500 UTC

Note: The following is the output of transcribing from an audio recording of Privacy and Proxy Services Accreditation Issues PDP WG call on the Tuesday 06 January 2015 at 15:00 UTC. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

The audio is also available at:

<http://audio.icann.org/gns0/gns0-pps0-20150106-en.mp3>

Attendees:

Frank Michlick – Individual
Justin Macy - BC
Val Sherman – IPC
Theo Geurts - RrSG
Stephanie Perrin - NCSG
James Bladel – RrSG
Griffin Barnett – IPC
Kathy Kleiman – NCSG
Phil Corwin – BC
Richard Leaning – no SOI
Darcy Southwell – RrSG
Todd Williams – IPC
David Heasley - IPC
Paul McGrady – IPC
Volker Greimann – RrSG
Chris Pelling - RrSG
Steve Metalitz - IPC
Graeme Bunton – RrSG
Vicky Scheckler – IPC
Holly Raiche – ALAC
Carlton Samuels – ALAC
Luc Seufer – RrSG
Susan Kawaguchi - BC
Alex Deacon -IPC
Keith Kupferschmid – IPC
Christain Dawson – ISPCP

Apologies :

Oswaldo Novoa – ISPCP
Sarah Wyld – RrSG
Don Blumenthal – RySG
Kiran Malancharuvil – IPC
John Horton - BC

ICANN staff:

Mary Wong
Marika Konings
Daniela Andela
Terri Agnew

Terry Agnew: Good morning, good afternoon and good evening. This is the PPSAI Working Group Call on January 6, 2015. On the call today we have Graeme Bunton, Holly Raiche, Theo Geurts, Justin Macy, Richard Leaning , Darcy Southwell, Luc Seufer, Val Sherman, Steve Metalitz, Todd Williams, David Heasley, Paul McGrady, Griffin Barnett, James Bladel, Susan Kawaguchi, Alex Deacon, Kathy Kleiman, and Volker Greimann.

We have apologies from Don Blumenthal, Sara Wyld, John Horton, and Oswaldo Novoa. From staff we have Mary Wong, Marika Konings, and myself, Terri Agnew.

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

Graeme Bunton: (Unintelligible).

Terry Agnew: And, Graeme, this is Terri. We are unable to hear you at this time.

Mary Wong: Terry, this is Mary. I don't know if Graeme's dropped from the call. Maybe you could check on that and...

Graeme Bunton: What about now?

Mary Wong: There he is. Welcome back.

Graeme Bunton: Cheers. Nothing changed. There we go. Okay, sorry. Thank you. I was asking if anybody had updates to their SOIs. And it doesn't look like there is any.

So Don is off today, and you are all under my control. Ha, ha, ha. So we've got a couple things, a little bit of work to do before we dig into the draft report. And that's discussions around the work we need to do to move forward.

So there's a document deadline for the Singapore ICANN on the 19th, just under two weeks from today. And if we are to submit a complete draft, we would need to finish Category F between now and then, and that seems at the moment quite unlikely.

It's probably worth having a little bit of discussion around whether or not we should publish the draft report without conclusions on Category F, or whether we should hold back and continue working on that, and publish it as complete. I don't think we need to decide this immediately, but it's worth keeping in mind.

I think there's some concern that, you know, if we have to - if we put it out there, we then get somewhere on - subsequently get somewhere on Category F, and then we'd have to republish the report as a whole, and that's maybe not a wonderful use of people's time and resources. Does anyone have any thoughts on that particular issue? We've got Alex has his hand up, and so does James, and so does Mary. So let's go to Alex first.

Alex Deacon: Hi, thanks. Can you hear me all right?

Graeme Bunton: Yep.

Woman: Yep.

Alex Deacon: I was just curious. If we do delay - looking at this document on the Adobe Connect, if we do delay publishing and continue discussion on Category F, it looks like, if I'm reading this correctly, June 1, 2015 is when we'd - well May 29 is when we would submit the final reports if we do delay. Is that correct? Or is this schedule on the Adobe Connect if we stick with the current schedule?

Graeme Bunton: I believe this is if we stick with the current schedule, although it's not to say we - yeah, actually. Mary, you can correct me if I'm wrong here. I think if we don't get a draft out before Singapore, it would end up being a draft before Buenos Aires. Mary?

Mary Wong: Hi, this is Mary. And I didn't catch the full question from Alex, but what you're seeing on the screen now is an update of the current work plan. And what this update has is a publication for public comment after the Singapore meeting, which would bring us right up to the Buenos Aires meeting for a final report.

I did have a couple of staff comments about the question that Graeme raised. So, Graeme, I can hold off until you've gone to James, if you like.

Graeme Bunton: Let's hear from James and Steve, and then go back to staff, if that's okay.

James Bladel: Thanks. Was Alex finished? Or - this is James speaking.

Alex Deacon: Yeah, I'm done. Thanks.

James Bladel: Okay, I wasn't sure if you had further comments on that. So this is James speaking for the transcript. You know, I guess that I like where this work plan

is going. Certainly I think that we should be targeting the document cut-off for Singapore.

If there is a sticking point here with Category F or any other categories or open issues, then, you know, one strategy would be rather than allowing the schedule to slip based on that, that we would instead present, you know - see if we could boil down the discussions into two or three possible positions, and present those to the community and say, you know, on this particular topic, we have some divergence.

And here are, you know - here's chocolate, vanilla, strawberry, what we're talking about. You know, and then draw the attention to those when the report is published for comment, and make sure that we are soliciting feedback on those various options. And that might be one way to still hit that deadline, you know, if we have a sticking point on Category F or any other topics that are still open.

Graeme Bunton: Thanks, James. This is Graeme again. I think we are doing that in a number of other circumstances within the report currently, so that could work. I see agreement there from Holly. Steve?

Steve Metalitz: Yeah, this is Steve. I wouldn't support doing that with F. We really haven't had much discussion, as a group, about F, unlike the other issues where we're putting out some alternatives. Like on the commercial transactions issue, we've had a lot of discussion. And we just haven't had that on F.

Possibly that's where we'll end up, but I don't think we should be - there is no rule that I know of that says that drafts have to be discussed at a public meeting. So we don't need to let the timing of the Singapore meeting dictate our timetable.

And I think this is the central issue. We haven't really had much discussion about it. And I think we need to give ourselves time to do that, and see if we

can either reach a consensus or reach a clear articulation of alternative viewpoints. I don't think we can do that in the next 13 days. Thank you.

GraemeBunton: You're right about the timing on the meetings, Steve. It's convenient, in some ways, to be prepared for the face-to-faces, but not mandatory. Kathy, I'm going to make you wait for a sec while I go back to Mary.

Kathy Kleiman: Sure.

Mary Wong: Thanks, Graeme, and thanks everybody. This is Mary again. You know, just looking at this revised work plan and, you know, working around the Singapore meeting, I think from the staff perspective, it would be very helpful to utilize the opportunity at a face-to-face with the community to, you know, present the report.

But at the same time, we also recognize that it would be helpful to have at least another three, four meetings to hash out Category F, for example. So one of the things that we wanted to point out was that the publication deadline for documents for ICANN meetings - you know, the ideal always is to give the community a lot of time to digest it and to discuss it, especially for things that require consultation of the community.

That said though, there's nothing to stop this group from working towards finalizing the initial report in time for Singapore -- and if you look at the date here that, like I said, does give us another three, four meetings -- and present the report in Singapore. Publish it for public comment, but open the public comment forum immediately after Singapore.

So we thought we would offer that up as something that might allow us to maximize the opportunity in Singapore, while giving this group some more time to work out Category F. Hopefully that's helpful.

Graeme Bunton: That seems to me like a pretty reasonable solution. Kathy?

Kathy Kleiman: Thanks. And regards from a very snowy Washington, DC. I think what Mary said was very reasonable. But and I also wanted to just add my own comments on this, that even though we haven't reached consensus on Category F, it is an area we've spent an awful lot of time talking about.

And the questions that are laid out -- I'm looking at Page 54 of the draft interim report -- that, you know, has so much time. So I wanted to thank staff for putting this together so well.

But there are really important questions. In some ways, we may be stuck on issues that would benefit, greatly benefit, from public input. So when I look at Questions, kind of, you know, 4 and 5, Number 5 is talking about law enforcement and access to data by law enforcement. Number 4 is asking about safeguards involving privacy, freedom of expression, and looks at data protection laws there.

So part of the sticking point on F seems to be issues that involve legal and law enforcement questions that we don't have clear answers to, and I think would definitely benefit from not only inviting the community to talk, but maybe going and reaching out specifically to people we know have that expertise that can help inform us.

I would hate to see the Singapore opportunity disappear on us, especially when we're kind of caught on F. Thanks.

Graeme Bunton: Thank you, Kathy. And, Mary, those were good inputs. Like I said, I don't think we need to decide this immediately on this call, but we can ponder over the list and the chairs will discuss a bit about having to move that one forward. But I thank you for the input.

We have a related issue about the next meeting, which is going to be on the 13th. I believe there is - I believe it's called the inter-sessional -- I could be

wrong -- that I'm not going to, but I believe a good number of the working group members will be at, including my co-vice chair, vice co-chair, Steve.

And Don will be away, so it would be falling under me again. And I just want to get a sense of people on the call, how many people will be away for next week's meeting?

You can raise a hand or agree, if you're going to, let's say, be here next week. Or I might have just confused people. So James is - this is being confusing, but that's okay. I think (Keith) has something to say, so let's hear from him.

(Keith): No, I'm sorry. I was just raising my hand to respond to the vote.

Graeme Bunton: Okay, and (Stephanie) - so you will be away, as will (Stephanie). I believe Kathy is. I'm seeing Justin, and I think James was, too. Okay, so that's something to ponder a bit more. I was joking with the other chairs that registrar-led calls filled with registrars might be fun and productive. It's probably not ideal for the rest of the group.

And Susan, I saw, agreed there, so she won't be able to make it either. So we'll need to ponder that one a bit as well. If you are planning on not being here next week, if you could send your apologies early so that we can make a decision about whether we should move forward with next week's call, that would be great and appreciated. Thank you.

So I think that concludes the work I wanted to do ahead of time. And, Mary, if we could switch now to the draft report and if I can add my thanks to Kathy, I would like to do that now. There's a ton of work in here from staff. It's quite an impressive document, but also thanks to everybody who's joined us on all of these calls.

You know, there's 81 pages here of capturing pretty substantive discussion. And it's been a lot of work, and it's been a lot hard work. And we have something to show for it. We're not done, and there's still much to be done. But I think we can be reasonably proud of what we've accomplished so far.

So what I think we need to do today -- and I'm certainly open to differing opinions on this -- is we're going to work through, I think, at the executive summary level starting at 1.31, which should start on Page 5, and just work through where we're at. Everybody should have scroll capability on their own.

So everyone should take the time to read through this whole document. We're not going to read through the preamble here, but I think we will go through Section 1.31. We'll see how far we get into 1.32 and 1.33, as well as hopefully into 1.4, so the rest of the sort of executive summary on today's call, to give us a sense of how we're feeling about all of this. Any questions about that?

Cool. We do have comments in there from Kathy, and John Horton sent a response via email relatively recently. So, Kathy, when we get to something you had an issue with, let's make sure you remember to bring that up.

Kathy Kleiman: Sure. Graeme, can I mention something on 1.31? And I don't think John has an objection to it.

Graeme Bunton: Yes, please.

Kathy Kleiman: Okay. It was the bullet point 1.31, Number 19, second to last bullet point, in brackets with the customer should be able to choose its own proxy privacy provider. And this is in the case of de-accreditation. And that's bracketed, and I wasn't sure why that was bracketed.

So I thought that we had agreed that, in general, a customer should be able to choose its own proxy privacy provider. I would think that the only

circumstances would be if there's an emergency and, you know, something has to transfer quickly and there's no time to kind of spin off individually.

So I proposed some language that says a customer should be able to choose his/her/its new proxy privacy provider in circumstances where the de-accreditation is known and takes place over time. So basically we can send notices out to people and ask them what they want to do.

Graeme Bunton: Thanks, Kathy. If I can comment briefly myself, I can see that being, you know, you would need considerable amounts of time to be able to pull such an endeavor off. In looking at the de-accreditation of registrars, allowing individual users to pick (unintelligible), all right?

Allowing individual users to pick where they wanted to go would be extremely time-consuming and difficult. It's probably far, far easier to do it en masse, but I think it's a worthy sentiment. I saw Mary's hand up first, and then we'll go to Alex.

Mary Wong: Thanks, Graeme, and thanks, Kathy. I think your suggestion's exactly really one of the reasons why we square-bracketed this particular point. As everyone may remember, this came from the notes from Category G, and this was raised and somewhat briefly discussed at one of the Category G calls.

But in reviewing our notes of the call and comparing, as Graeme noted just now, the registrar de-accreditation process, staff felt that this point really wasn't fully fleshed out. And that's why we square-bracketed it. And I think Graeme's point in response to yours was exactly the sort of input we were looking for. Thanks.

GraemeBunton: Thanks, Mary. Alex?

Alex Deacon: Yeah, thanks, Graeme. I think I just want to make a meta point here, which is we need to make sure that if we make changes or updates or tweaks to

Section 1.3, the summary, we need to make sure they're reflected in Section 7 also. I mean we don't want to cause ambiguities here.

It's important that - we may want to consider that Section 7 is, in fact, the authoritative output, if you will, of the group, in case there is any ambiguities. This happens often in spec writing, so I just want to caution us to - and staff maybe -- request staff that if we do make tweaks to the summary, we make sure that consistent changes are made to Section 7.

Graeme Bunton: Thanks, Alex. That's a very good point. I think I was using the executive summary as a good high-level and more efficient way to move through some of this, but you're right. We absolutely need to reflect those changes in Section 7. And I see Mary is agreeing with you, so we will be careful about that. Steve?

Steve Metalitz: Yeah, this is Steve. I had a question about 16 in this section on Page 10. Is this a good time to raise it? Or are we still on...

Graeme Bunton: Why don't we - sorry, Steve. Why don't we actually move through Section 1.31 from 1 all the way to 19, and get through them all just to make sure we've covered all the bases. And we will get to 16. It'll take a few minutes to do that, hopefully not too long, and hopefully not too contentious. That's okay?

Steve Metalitz: Sounds good.

Graeme Bunton: Right. And, Alex, is that hand lingering or new?

Alex Deacon: No, it's an old one.

Graeme Bunton: All right, so let's start this off at 1.31. And we're going to start on Point 1. I'll read them out and if you have a comment or an objection or input, just raise your hand and we'll see if we can work that in.

So Section 1 is privacy and proxy services could potentially be treated the same way for the purpose of the accreditation process. I'm going to put my own comment in here in that we might be able to word that a little bit stronger in that privacy and proxy services should be treated the same way for the purposes of the accreditation process. Thoughts on 1? No? Okay, there we go. There's James.

James Bladel: Sorry, Graeme. James speaking for the transcript. Yeah, I think that's fine. This is just a summary, so we probably don't want to go down the path of opening up why there could be some important differences between them. But, you know, I think we're good here. Never mind. I'll (unintelligible).

Graeme Bunton: Thanks, James. Moving on, 2 is domain name registrations involving privacy proxy service providers should be clearly labeled as such in the Whois. And there's an asterisk there, and I believe the footnote says that we're aware that this may require analysis of possible implications for adding another field to Whois. I think that one's pretty straightforward.

3 was proxy and privacy customer data is to be validated and verified in a manner consistent with the requirements outlined in the Whois accuracy specification, 2013 RAA. In the cases where validation verification of the privacy and proxy customer data was carried out by the registrar, re-verification by the privacy and proxy service of the same identical information should not be required.

I see two hands -- one from Alex, one from Kathy. Let's start with Alex.

Alex Deacon: Thanks, Graeme. Do we need to clarify in this Point 3 that we're talking about registrar-affiliated privacy proxy services here, when we mentioned registrar in the second sentence? Would that clarify things?

Graeme Bunton: Something like in the cases where validation verification of the privacy proxy customer data was carried out by an affiliated registrar?

Alex Deacon: Right. I think that's what this is really referring to, right? This requirement, if you will, would only apply to affiliated registrars, unless I'm misunderstanding. But yeah, I think if we made that change and I'm understanding things correctly, that would be a good clarification.

Graeme Bunton: I think that's correct. Like all registrars would have to verify the Whois information as per the 2013 RAA anyway. So I think we are talking about that particular scenario where it's an affiliated service. So I would be okay with that. See if any registrars pipe up or if there's any comments on that. Seeing none - oh, there's Darcy. Kathy, was it on this particular point?

Kathy Kleiman: Please go onto Darcy. Thanks.

Graeme Bunton: Thank you. Darcy? Can't hear you if you're talking, Darcy. Still radio silence. Not hearing - excuse me, Darcy? Maybe give her a moment to sort that out. And we'll hear from Kathy and come back to Darcy.

Kathy Kleiman: Graeme, I wanted to take us back to Number 2, so if there's anybody who wanted to talk about Number 3, I'm happy to wait.

Graeme Bunton: No, I think we can go ahead, for the moment anyway.

Kathy Kleiman: Okay, cool. On Number 2, I think the footnote - I don't know. I wanted to clarify because Number 2, which is that domain name registrations involving proxy privacy providers should be clearly labeled as such in the Whois, the implementation could be done with current fields.

And we also explored the possibility that it could be done with the addition of another field. But I think we should point that out, and I think the footnote

should acknowledge that, or the text, that it could be implemented with the existing fields.

Graeme Bunton: That's a good point.

Kathy Kleiman: Thank you very much.

Graeme Bunton: I also see no problem with that. I see Steve is typing. Darcy, did you get anywhere with your audio? No? Okay, so maybe if you can type your comment in the chat, or if you sort that out we can come back to it. That would be good.

I'm aware that this process is going to take quite some time, although I think there are large chunks of this entire document that we don't need to go through line by line. But ultimately we do need to, so this may be a little bit slow work. But, you know, we need to make sure we're all aware of what's in here and we're all agreed on the wording. So please bear with us as we work through this big guy.

I think that brings us to Number 4, which is all rights, responsibilities and obligations for registrants, as well as privacy proxy providers, need to be clearly communicated in the privacy proxy registration agreement, including any specific requirements applying to transfers and renewals. Note that further details to minimum requirements for rights, responsibilities and obligations may need to be developed.

I don't think there's any disagreement on that, or I don't recall any. That seems pretty straightforward. Any comments?

Moving forward yet again Number 5 the following should be mandatory or comments of a privacy accreditation program.

All privacy proxy services must relate to their customers. Any notices required under the RIAA or an ICANN consensus policy. And all privacy proxy service registration agreements must take the customers rights and responsibilities and the privacy proxy service obligations and managing those rights or responsibilities.

Specifically all privacy proxy services must disclose to their customers the conditions under which the service may be terminated in the event of a transfer of the domain name.

We also have a footnote off the top there that says see recommendation Number 17 in 131 concerning mandatory provisions and provide those terms of service and generally Section 7.

I see a comment from James.

James Bladel: Hi Graeme James speaking. Not a comment but a question or really more of an edit I guess for the second bullet point under 5 about the conditions under which the service may be terminated in the event of a transfer of the domain name.

And I think that that was still kind of an open to do which was to understand what, you know, whether there would be a standard procedure for privacy proxy services and handling transfers.

Like they would (nac) transfer requests or they would cancel the service or that we would work out some sort of process by which the domain name could change registrars but still be, you know, transferred between privacy proxy services or something like that.

So I guess my question is should we modify this and say the under which the service may be - may be terminated, and how the privacy proxy service will handle transfer request for the domain name.

Something like that I think would probably more capture I think the open endedness of our work on transfers.

I did miss a couple of meetings in October November. So if we, you know, actually pin down this question I don't want to reopen a debate. It's certainly not my intention.

I just I felt like we were still leaving this one kind of dangling. And it sounds like this is backing the service into one and only one option. Thanks.

Graeme Bunton: Thanks James. This is Graeme again for the transcript.

I think you are probably correct there. The concern was that people may not know currently in order to transfer a domain name from a privacy and proxy service that service almost uniformly needs to be turned off in order to facilitate a transfer.

And the concern was that registrants may not know that. So I think we can make that clearer in this language. James?

James Bladel: Graeme can I jump back in? Thanks. James speaking. I actually think this bullet point is at least two bullet points. The first one is the privacy proxy service agreements must state the customer's rights and responsibilities and privacy service obligation in managing those rights and responsibilities.

Then another bullet point, privacy proxy services must disclose to their customers the conditions under which the service may be terminated.

And then another bullet point talking about disclose to their customers their handling of transfer requests for the domain name.

So I think that really I think by - I think by combining them into a single bullet point it confuses and comingles a couple of different issues which really in some respects are separate topics.

So I would propose that to the group to see if that helps clarify what we're going for in this bullet or if that just muddies the waters a little bit? Thanks.

Graeme Bunton: Thanks James. I see agreement there from Holly. And I agree as well. I think that's a sensible choice. Mary has put her hand up. Mary?

Mary Wong: Thanks Graeme and thanks James. It - as I noted earlier the language here and the numbering basically follows what we had developed as our preliminary recommendations, you know, point by point following each of the charter questions.

In preparing this draft we had staff considered, you know, combining all these, you know, specific mandatory requirements between what we now have as .5 and what's later on in Recommendation 17.

But we've thought it would be easier for the working group to follow, you know, where we were and where we are if we kept the numbering the way it is.

But having discussed it, it does seem clearer and preferable perhaps too literally just have one, you know, recommendation that has all the bullet points out about what should be specified in the terms of service if that's what James is getting it. I'm not sure I got the whole thing but I think that's what he meant.

Graeme Bunton: Thanks Mary. Yes it does sound like that there is a little bit clarity, a little bit more clarity required on that on the terms of service stuff. So perhaps we take a crack at looking at it that way as you suggested.

Apologies to everybody. my chat had stopped scrolling so I've missed lots of it including (Darcy)'s previous comment as well as some of the discussion.

So I think that's where we're at with 5. We can move on to 6 unless there's anybody else would like to comment on that one?

No, okay. So 6 is in addition the Working Group recommends the following as best practices for accredited privacy and proxy providers.

And we get a list here of two items. Privacy and proxy services should facilitate and not hinder the transfer renewal a restoration of a domain name by their customers including without limitation a renewal during the redemption grace period under the ERP and transfers to another privacy and proxy service.

And the privacy and proxy services should use commercially reasonable efforts to avoid the need to disclose underlying customer data in the process of renewing, transferring or restoring a domain name.

May run into a similar issue on 6 as we were just discussing and five excuse me specifically around transfers in that as far as I know there are no commercially reasonable efforts available to avoid ICANN having to disclose underlying customer data in the process of a transfer.

I see James has raised his hand again so and then we have Kathy. So let's go to James first.

James Bladel: Hi Graeme, James speaking. Thanks.

So just unpacking this a little bit I think that to facilitate and not hinder transfer or renewal and restoration of a domain name by the customers, you know, as long as it's not presumed that a transfer will preserved the privacy proxy service I'm fine with that.

I mean if it's going to a new registrar a new registrar may not or may choose not to accept a registrations that use a particular privacy proxy service because that would make them responsible for the conduct of a different business entity.

So I, you know, I guess I'm okay with this. It's a little rough but, I'm okay with it. And I think that that part probably, you know, if we need to clarify it we should.

And then the other bit was and this is more of a question to the registries -- I don't see (Don) on the call -- but during redemption of a domain name I think we have currently established the domain can only be redeemed when there is a redemption grace period by the registrar at which they expired.

And so I want to be sure that that is preserved so that we don't have a situation where the redemption is attempting to put a registrar in a position to redeem a domain name that using a privacy proxy service for which they do not have access to the underlying customer data I think that might be a little challenging to facilitate and not hinder the redemption of that domain name.
Thanks.

Graeme Bunton: Thanks James. I wonder if we need to take a look at the language, the more detailed language in the subsequent sections around this because I think you raised some good points.

So let's make a note of that while I do that. I see Kathy has got her hand up too. Kathy?

Kathy Kleiman: Yes, thanks Graeme. This is not a direct response to James since I raised my hand at the same time.

But in Number 6 following the second bullet point it seems like we should probably drop the footnote that says as someone as I think you noted that the working group notes that implementation of, you know, of this point may involve the development of some new procedures because it is difficult to transfer between proxies now.

So, you know, so this isn't going to - this one probably won't implement itself. So just thought a footnote there might be useful to kind of tell people what stage these procedures are. Thanks.

Graeme Bunton: Seems reasonable, thank you Kathy.

Man: Yes.

Graeme Bunton: And I see Mary is capturing that. Holly I saw your hand up. You decided against it?

Holly Raiche: I agree with Kathy and that's in the chat.

Graeme Bunton: Okay. Thank you. Thank you Kathy. So that's some good input on 6. Let's keep plowing ahead with 7.

The status of a registrant as a commercial organization, noncommercial organization or individual should not be the driving factor in whether privacy proxy services are available to the registrant.

Fundamentally privacy proxy services should remain available to registrants irrespective of their statuses and commercial or noncommercial organization or as individuals.

Further, privacy proxy registration should not be limited to private individuals who use their domains for noncommercial purposes.

This is generally a topic we've discussed a lot. And there is a footnote in there as well that refers us to Sections 7 and 1.33 where we discuss in a little bit more detail. So here as I'm getting a bit of echo if someone could ensure to turn off their mic.

The footnote states that no - that while the working group agreed on there being no reason to distinguish between commercial and noncommercial registrant simply because of their organizational or entity status there is not yet consensus view as to whether certain types of commercial activities should not be permitted to use privacy and proxy services.

And that's in Section 1.33 and 7.

I see James' hand up. I think that covers it reasonably well where the working group is at. James?

James Bladel: Well I don't want to throw any kerosene on the fire here but I think when we say in the footnote commercial activity, types of commercial activity I think we mean activities but anyway that's a grammar thing and that was never my strong suit. I was a math major.

But I wonder if we should say something like commercial activities and services associated with the domain name.

Because the domain name, when I heard domain name commercial activity the only commercial activity I know of that you can do with just a domain name is, you know, sell it.

If you're going to do commercial activities and services associated with the domain name then that includes things like Web sites and email and things like that.

So, I feel like, you know, we need to emphasize in the footnote that commercial activities would be beyond just the buying and selling of domain names and would involve, you know, Web sites that are - or emails that are - or other services, maybe an app, you know, that other services that we haven't considered that might be associated with the domain name. Thanks.

Graeme Bunton: Thanks James. I think that does help clarify what bad bullet points was trying to get at though I'm happy to hear more from someone who is arguing for that position previously. Kathy?

Kathy Kleiman: Okay so for 7 I think the point makes sense. It's the footnote that I kept reading late last night.

And I'm going with James. I apologize, you know, grammar. But it seems like a double negative. And I'm just getting tripped up over this.

There is not yet a consensus view as to whether certain types of commercial activities should not be permitted to use proxy privacy services.

Can we say that more directly there's no consensus agreement on borrowing proxies to certain types of legal commercial activities? I can say that more slowly.

Graeme Bunton: Mary were you able capture that? I think she's right it is phrased curiously negative. And perhaps we can advert that?

Mary Wong: This is Mary. Yes certainly we can change it that way. I think I was just trying to be very careful and ended up being overly careful and confusing now myself as well. So thanks Kathy.

Kathy Kleiman: Okay. I'll try to put something in the comments Mary, just some thoughts. Thanks.

Graeme Bunton: Justin?

Justin Macy: Hey, it's Justin Macy speaking for the transcript. As far as that change that James proposed I believe regarding adding and commercial activities associated with I think that makes sense. (Unintelligible).

Graeme Bunton: Thank you. Appreciate it.

Okay we seem to have some pretty good agreement in the chat around Kathy's suggestion. Kathy that's not a new hand is it?

Kathy Kleiman: Sorry, old one.

Graeme Bunton: I was going to try to phrase that in a double negative and make it confusing. That isn't not a new hand?

Right, let's keep going. Number 8 ICANN should publish and maintain a publicly accessible list of all the credit privacy and proxy providers with all appropriate contact information.

Registrars should provide a Web link to privacy and proxy services run by them or their affiliates. And privacy proxy providers should declare their affiliation with the registrar if any as a requirement of the accreditation program.

I don't recall this particular discussion but it doesn't to me cause any problems. Any other registrars who also run an affiliated privacy and proxy service have a comment?

James, bless you. Please.

James Bladel: I don't have any problems with this. I think that I also don't remember a spending a lot of time on this but I think it's okay.

We're currently doing this in the RAA. We have to, you know, registrars that are all affiliated with one another have to declare their appearance entity, the ultimate appearance organization. And I think this would be something similar.

I wonder however if it needs to be bidirectional, if we need to have the registrar declare that this is my affiliated privacy service and then the privacy service declare this is my parent registrar.

I - you know, it seems like maybe just the latter one would be needed. But, you know, maybe we can just table this and talk about it later. I realize we're wordsmithing these right now but I don't remember a spending a lot of time on it.

I don't think it's that burdensome of a deal. I just think it could get a little confusing particularly if we get into a situation where there are independent unaffiliated service providers that registrars, you know, that if you don't say who they are then everybody's going to think that they're somehow noncompliant when in fact they're independent. That's just a thought. Anyway I'll drop my hand. Thank you.

Graeme Bunton: Thanks James. Holly was asking in the chat have we discussed what is part of an accreditation requirement?

Holly Raiche: I don't remember it.

GraemeBunton: Not - this particular section you mean Holly?

Holly Raiche: I just don't - Holly Raiche for the transcript record. I do not recall us going into a lot of detail as to what amounts to this sort of requirements for accreditation.

So I'm just a little bit surprised to see the second sentence in Number 7.
That's all.

GraemeBunton: It appears that no one remembers us discussing this particular section in any detail. I think that could be because it's for the most part uncontroversial. It's pretty straight forward that registrars should be explicit about their relationships with privacy proxy providers.

And James is suggesting bidirectional. I don't see any problem with that either.

Holly Raiche: You don't?

Graeme Bunton: Mary has got her hand up. Mary?

Mary Wong: Hi. It's Mary again. And I was just trying to find the notes and the templates for this.

What I do recall is that this discussion arose in the context of requiring a contact point or at least some sort of measure to ensure contact ability and responsiveness of a provider.

And I think that this is one of the things that wasn't too controversial when it came up and was suggested as part of I think this might have been the first question in Category D.

I can send a note to the list when I find the actual template if that would be helpful.

Holly Raiche: Not an issue. That's not an issue (unintelligible).

Graeme Bunton: No, thanks Mary. I think James's suggestion is a good one. And but I don't also think we need to dig too deeply into that.

So, we can try and capture that. And maybe we should send out reference to the more detailed section about that change but it seems reasonable to me.

Let's keep going. We've got about seven minutes left. We should be able to get to another one or two of these.

Nine is a designated rather than dedicated point of contact will be sufficient for abuse reporting purposes since the primary concern is to have one contact point that third parties can go to and expect a response from.

If I can editorialize for a moment I think this was - this is a response to the specific wording of the questions we were given where it said it had to be a dedicated point of contact.

Fellow registrars or privacy and proxy service providers sort of said well dedicated means a very specific thing.

And, you know, you're running a relatively small privacy and proxy service. You don't need to have full-time employee for this particular task, designated as language just makes more sense.

I think that's where we got to on this. And hopefully that's not too controversial in opinion. I see agreement there from Mary. Great, we'll keep going.

Number 10, privacy and proxy provider should be fully comcontactable but note that the Working Group has yet to reach agreement on whether adopting Section 2.3 from the 2013 RAA. And term privacy and proxy specification will be sufficient in this regard.

So that just seems to me like we're going to be looking at more detail in this particular point later. So we haven't fleshed out exactly what fully contactable means.

I think we can move forward from that one too. Number 11 is requirements relating to the forms of alleged malicious conduct to be covered by the designated published point of contact at and ICANN accredited privacy proxy service provider should include a list of the forms of malicious conduct to be covered.

These requirements should allow for enough flexibility to accommodate new types of malicious conduct.

Section 3 of the public interest comment specification in the new gTLD registry agreement or Safeguard 2 Annex 1 of the GAC's Beijing communiqué could serve as examples for how this was - could be achieved.

I think we did spend a bit of time around this wording and we wanted to keep it reasonably open. James I see your hand.

James Bladel: Hi, James speaking. I just have a little bit of an issue of the - it's a minor issue but and I don't think it changes the substance at all.

But I just have a little bit of an injection to referencing something that's in a Beijing communiqué of the GAC which is part of GAC which is, you know, really not directed at working groups. It's directed at the board.

And certainly everything that was contained in that and subsequent communiqués are still up for discussion with between the GAC and the new gTLD program committee of the board and I just I really don't see that as a good push off point here for us.

I - maybe I'm alone on that. I just I don't I don't think that's an appropriate inclusion thanks.

Thanks James. I see Steve and Holly. Steve?

Steve Metalitz: Yes this is Steve. I think again just given as examples and of course that safeguard is what the board thought it was implementing through that, the public interest commitments.

So and it's simply an illustrative list. And the idea here was we should - there should be some kind of list so people know what is covered by this but it does need to be flexible as well.

So these are simply examples that would be could be useful in implementation. But I think it's appropriate to keep (unintelligible). Thanks.

Graeme Bunton: The language of that particular bullet point does mention that they could serve as examples for how this could be achieved. So as long as we're - that's in their night we might be okay on that point. Holly?

Holly Raiche: I tend to - well I agree both with Steve and James. I just think unless people actually live and breathe ICANN this - that the wording of this doesn't tell you anything.

So it would be more useful to either have a footnote and a link because this is actually only just a summary or then refer to, you know, and put more text back in Section 7.

But I had to read this and then go back to the Beijing communiqué, hunt down what this meant.

As a summary this doesn't work very well at all. And it would be better to have this in the text with a footnote to refer people there. Thank you.

Graeme Bunton: Thanks Holly. It could be that this is - and I am not a grammarian so direct me if I'm wrong. It could be that it's just in the passive voice.

And rather than listing the things and saying they could be examples you could start it with potential examples could be these things and that might alleviate some concerns.

James I see your hand went back up. And Steve I think that's an old hand. So let's go to James. And keep it quick.

Actually you and Holly covered it very well which is, you know, if there's something particular in the Beijing communiqué let's say that. And then let's link it back and say, you know, as an example and then just link that it came from the Beijing communiqué.

And then you said it I think very well Graeme is take this out of the passive voice, put examples at the beginning of the sentence.

I just I'm, you know, I'm on record with my objections. I don't like the idea of citing GAC advice in the policy development working group things.

Graeme Bunton: Thanks James. That takes us to the top of the hour. So I suspect we should call it there. That was good progress. I thank everyone for coming.

As I mentioned at the beginning of the call if you are not able to be here next week please send your regrets as early as possible so that we can make a decision as to whether we should meet next week or not.

Thank you very much for attending and we'll talk to you all soon. We can stop the recording now.

Man: Thanks Graeme.

Man: Thank you.

James Bladel: Thanks Graeme. Thanks everybody.

END