
ICANN Transcription
Registration Data Accuracy Scoping Team Call
Thursday, 11 November 2021 at 14:00 UTC

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TERRI AGNEW:

Good morning, good afternoon, and good evening, and welcome to the Registration Data Accuracy Scoping Team meeting taking place on Thursday, the 11th of November 2021, at 14:00 UTC.

In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room. If you're only on the telephone, could you please identify yourselves now?

Hearing no one, we have listed apologies from Sarah Wyld and Melina Stroungis. And Olga Cavalli will be joining a little bit later in the call. The alternate for Sarah will be Owen Smigelski.

Statements of interest must be kept up to date. If anybody has any updates to share, please raise your hand or speak up now.

Seeing or hearing no one, if you do need assistance, please e-mail the GNSO Secretariat. All members will be promoted to panelists for today's call. Members, when using chat, please select Panelists & Attendees, or Everyone, depending on your

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Zoom update, in order for all the see the chat. Observers will have view only to the chat access.

All documentation and information can be found on the wiki space. Recordings will be posted on the public wiki space shortly after the end of the call.

Please remember to state your name before speaking. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior.

With this, I'll turn it back over to our Chair, Michael Palage. Please begin.

MICHAEL PALAGE:

Thank you very much, Terri. Hello, everyone. So let's start off as we usually do with a quick update on our administrative stuff before diving into the agenda.

So let's see. We have submitted the project plan to the GNSO Council. Berry, do you want to give just a quick update on what you did there and what should be expected? Is that possible?

BERRY COBB:

Thank you, Michael. Nothing earth-shattering. The document we reviewed last week that had the summary dashboard as well as the project plan was sent to the council earlier this week. It'll basically just be an Any Other Business agenda item on the council's agenda, where it's just an informal acknowledgement of

the project plan by which we're on the hook to deliver to the committed dates.

As noted in our prior call and as part of the message to the council, again, Working Assignments 1 and 2, mostly in parallel, between now and the January ... We'll spend the month of February to analyze or reconfirm or adjust the scope for Assignment 3 based on what we've learned from Assignments 1 and 2 and provide an update to the GNSO Council at ICANN73 to confirm or adjust our timeline accordingly.

And that's about it. Thank you.

MICHAEL PALAGE:

Thank you, Berry. So the only other administrative item is—everyone should all be on their new time zones or their standard time zones—we intend to leave the meeting starting at this time going forward. The only variable will be whether it stays at 60 minutes, which is our desired objective, or whether we will have to use a full 90-minute block of time. So we're reserving 90 minutes, but our aspirational goal, including today, is to try to get our work done within a 60-minute allotment.

So that it is it for the administrative stuff.

Now to dive into the agenda. So one of the achievements, just to summarize what happened last week, was I believe we came close to what I would say is rough consensus on—I want to be careful here—a working definition.

Now, what I did in the chatroom is I came up with a term called a contractual construct. Some of the participants on the non-contracted party side of our working group were concerned that using the term “definition” might somehow have a binding or lasting effect. I tried to address that concern.

So what I’m proposing to call what we have come up with is a contractual construct, and I was hoping that that might be a middle ground. I heard, obviously, from our registrar friends on the working group, how they were always pointing to the contract for [what] their interpretation was. So what we’re going to call it is, instead of our working definition, the working contractual construct. So that is my attempt to thread the needle and keep everyone happy and moving forward.

But if we could go to that proposed wording of our contractual construct ... Marc Anderson, you ... And Steve Crocker. So just to be clear here, we’re just summarizing what we did last week, and I want to get us done in 60 minutes. Marc, you’re on the clock. Go.

MARC ANDERSON:

Hey, Michael. I hate to get too wound up over words here. We have a job to do. And the words we use may be important, maybe not, here. But literally, our assignment—the charge to the scoping team—is to consider whether there is an agreed-upon definition and consider what working definition should be used in the context of the scoping team’s deliberations. Like, literally our job is, what working definition should be used in the context of the scoping team’s deliberations? And now we’re going to call it a proposed contractual construct? I don’t want to make a lot out of a little, but,

like, really? We need a working definition to from as a scoping team? That's all it is: a working definition for the scoping team. Let's just call it that and move on, please.

MICHAEL PALAGE: Okay. Steve, you're up.

STEVE CROCKER: Thank you. Well, I don't know whether or not this is going to be considered with or adverse to what was just said, but I would like to suggest that we do away with the unvarnished use of the word "accuracy" because there are flavors of accuracy. We have all the material. There are three kinds of accuracy that we're talking about: syntactic accuracy, operational accuracy, and identity accuracy. And the language that we use and the language that should appear in the contracts and in the policies should include the appropriate labels. We actually use at least two of these in different contexts for contact information, e-mail, phone number, and perhaps ... I'm not sure we want to apply this to postal contacts. We ask for operational accuracy. But for other information, we don't ask for anything close to that[—]syntactic or maybe less than that.

We've spent an awful lot of time going back and forth over all of this, and it would get very much easier if, instead of using the single word "accuracy" and trying to say, "Accuracy means the following," ... You're force-fitting it. So just get rid of that, and then things would get much, much easier.

MICHAEL PALAGE: Alan, you're up.

ALAN GREENBERG: Thank you very much. I guess I tend to agree with Steve, although I'm not sure the specific modifiers are the ones we need. But "accuracy" is a loaded word and it means different things to different people and in different contexts.

So in terms of your proposal, Mike, I could live with the word "definition," but it would have to be modified also. So if we're saying this is the definition of "contact accuracy" ... Because what's on the screen says it's accuracy for registration data elements, and that's not true. It is only with respect to the contact elements and specific contact elements. For instance, it doesn't refer to accuracy of the technical contacts, if they exist.

So it has to say what it is in respect to and in respect to the 2013 RAA because what people are potentially afraid of is, once we have a definition of accuracy, we'll, that's accuracy for all time forward. And if we say it's accuracy with respect to the 2013 RAA and contact accuracy, I can live with that, but there's no way we're going to forward saying this is a definition which implies stability and no changing without suitably modifying it. Thank you.

MICHAEL PALAGE: Beth, you're next, please.

BETH BACON:

Hi, everybody. Good morning, good afternoon, evening. I'm not sure what time it is for everybody. I don't care what we call this because I think it's very clear in our instructions that we are starting with an explanation of the current state of affairs. It's our jumping-off point. It's not something ... And for those things that we want to talk about in the future, this is our reference point.

So I think the real question here is, do people agree that this is an accurate capture of the current activity that is referred to as accuracy in our contracts? We're not saying that it's the end-all, be-all, but this is we're starting. Do we agree that this is the starting point? And I think this is very important because, as we've seen in every other discussion we've ever had in ICANN, if you don't start from a shared point, then it's just messy for the rest of time.

I do want to just flag one question with regards to Steve's comment. I understand that there are three types of accuracy that he has defined and that appear in some of the materials, but that's now what we're talking about now. That's Questions 3 and 4. I think that's digging into, are these things that we need to consider? Are these things that are lacking that would require some future work? This is about, what is it? What do we do now? And can we agree on that this is what we do now? It has no reflection on whether we will change it or have different comments down the line in our Assignments 3 and 4.

So I just want to say I think, at this point, that certainly the registrars' definition has captured the activities that go on as we currently refer to as accuracy. Everything else is discussion. So I just wanted to say that and put that distinction as to how I'm

thinking about this so that, again, we have a nice foundation and move on with shared views. Thanks.

MICHAEL PALAGE: So, Beth, that actually ... Alan, you've got thirty seconds. Go.

ALAN GREENBERG: Thank you. I have no problem with what Beth says as long as the words we put on the paper say that. And right now, they don't. So if we modify it, saying it's the current definition with respect to that and it's the definition of accuracy of specific context, fine.

MICHAEL PALAGE: Okay. So, Steve and Lori, with what Alan just said, could you live with that? Steve, yes or no? Go ahead. You're on the floor, Steve.

STEVE CROCKER: I have to push back on what Beth said because it's not the case that anybody of us are trying to sell doing more work. It's trying to nail down what it is that we actually are talking about. And in fact, you do a different level of checking for e-mail and phone than you do for names or you do for addresses, even. And you need different words to describe the different levels of checking that you do for the different parts of the registration. That's the part that's relevant here. That's the part that's relevant in this part of the exercise. Whether we should be doing more, whether it's fit with purpose—I agree with you—is part of a different exercise.

MICHAEL PALAGE: Okay. So we are now at time. We are going to close the discussion on this topic to move forward with other substantive work.

So, Terri or Marika, who is ever driving in the Google Doc, I came up with something a little more cheeky/light, instead of “contractual construct,” which sounds like it was come up with by an attorney. So our new terminology—and Beth, I’m giving a nod to this to you—is we’re going to call it the “the current explanation that shall not be named.” So there we go.

STEVE CROCKER: No, no, no.

MICHAEL PALAGE: Why not, Steve?

STEVE CROCKER: Be serious.

MICHAEL PALAGE: Steve, excuse me. I’m being very serious. We have a lot of work. Now, we could spend hours, whether—

STEVE CROCKER: Fine.

MICHAEL PALAGE: Okay, great. We're moving forward. The current that shall not be named. If we can agree via e-mail list over the next week or two, we'll change it, but for now, we need to move forward.

So let's talk about when we can use the term "definition" because this is what last week's assignment was. We were talking about definitions, and aspirational definition. So, to Steve, to Lori, to everyone that wants to talk about what you want that definition ... Okay, Marika. You have your hand up.

MARIKA KONINGS: Very sorry, Michael. I just want to flag, especially because Melina is not on the call but she did provide a comment in the document that I just wanted to make sure that people have seen ... And, similarly, Lori also provided input here. I think especially Lori's comment probably goes to the conversations that you want to move to—the aspirational definition—but I don't know if it's worth flagging or least looking at Melina's comment and see whether that belongs here or whether that also belongs in the aspirational discussion.

MICHAEL PALAGE: So if you would, would you like to walk through Melina's comment, please? And would you be able to summarize that for the group?

MARIKA KONINGS: Yeah. I hope I can do justice to it. If I understand Melina's comment correctly, I think she would like to see in the definition a reference to the purposes as defined in EPDP Phase 1 as well as

purposes that are included in the ICANN bylaws. So this is what she, I think, would like to see added. She hasn't listed what she sees as all the purposes, but I understand that her suggestion is that something of that nature should be added here.

MICHAEL PALAGE: Correct. So my interpretation of what Melina has stated here would probably go more towards what we are working on over the next three weeks, which is the aspirational definition, not the current explanation that shall not be named.

So, to me, I would say that that does not belong here. That is my interpretation. Unfortunately, Melina is not here. Would you agree with that? Or is there anyone on the list or is there are any other GAC colleagues that could perhaps provide some additional context?

So, Marika, what is your thought? Do you believe this is more aspirational as opposed to our current working assignment?

MARIKA KONINGS: I don't think it's for me to agree or disagree with, but I think it's fine to take it to the aspirational conversation, especially as I think the group has agreed that the current—what is it again?—construct that shall not be named is reflecting the current state of requirements and enforcement.

MICHAEL PALAGE:

Okay, great. So now what happens is—yeah, I'm going to agree—at this time, I will say that Melina's comments shall be considered part of the aspirational. If she disagrees when she joins next week, we can revisit that. And perhaps we could come up with an explanation that can be named by next week.

So let's go back to the agenda. So what was agreed upon last week ... And, again, what is a reminder is, over the course of the next three weeks ... Part of what was agreed to last week—and I want to reaffirm this—is that each of the individual groups (stakeholder groups) should be consulting with their members and individuals to come up with what they believe is their aspirational definition. So we could agree, "This is where we want to be. This is part of more of what is going to be driven through Assignments 2, 3, and 4."

So, real quick, is there anyone that has questions or concerns on what their groups should be doing towards driving towards that aspirational definition at this time? And what has happened ... Yes, thank you. Okay, Beth and Marc. You are in the queue. So what ICANN Org has done to help drive these definitions in a fruitful and productive manner is that they have [provided] the following Google Doc.

And, Marika, before I let you walk through, I do want to allow Beth and Marc to get into the queue. So, Beth, you have the floor.

BETH BACON:

Thank you very much. So I'm going to make my comment/question, but I will say that, as always, ICANN staff has

knocked it out of the park and, I think, clarified some of my question with the way that they formulated this chart. As always, what would we do without you?

So I just wanted to clarify that ... I mean, we keep using the word “aspirational,” which I think is a loaded term because it assumes that we are just like, “What’s the dream?” And I think, from my understanding of our assignments, it’s that we are here to identify the need that accuracy is supposed to fill—what is the goal there, what is the specific goal we’re trying to reach?—and then take a look at our foundation that will not be named—I don’t know if I got that right—and then evaluate if that is meeting that need. If it’s not, then we fill in any gaps.

So I just want to understand that that’s the understanding of what we’re doing and it’s not a shopping list of things that you would like accuracy to do or whatever we’re viewing accuracy as. I think that it’s important that we say we have to also—and maybe this is a [inaudible] ... What’s the need we’re trying to meet with accuracy? Where can we say, “Yes we’ve met that need?” Because I think that’s very important. Otherwise, we’re just making a list with no target.

So I just wanted to clarify that, but I do think that this chart kind of gets there. But I think maybe we add that: “Where are you trying to achieve with accuracy? What is your goal?” I think that’s super important. Thanks.

MICHAEL PALAGE: Okay. Thank you, Beth. Marc, you have the floor.

MARC ANDERSON: Thanks, Michael. I guess I have similar but maybe not exactly the same comments as Beth. I fear that looking at this as an aspirational definition is going to lead us down a rabbit's hole. And having heard how much consternation there was over our working group assignment to understand if there is a working definition, I could only imagine how much more consternation will be caused by trying to get all of us to agree to an aspirational definition.

So, similar to Beth, I think our focus should be on, what the problems? Once we understand what is the current state of play ... Michael, when you were introducing this working group and having our first couple meetings, you talked about how much of our task is fact-finding, is supposed to be fact-based: from a fact-based perspective, what is the current state of play on accuracy?

And then, as a scoping team, our job is to scope out possible future work. And so, for future, we need to identify, okay, what problems are there? What problems are there with the current state of accuracy? What problems are there with the current working definition? What needs of the ICANN community are not being fulfilled when it comes to accuracy that may require additional work? And that may lead to a new definition. It may lead to new policy work. It may lead to something else altogether.

But really, I have some concerns with this exercise here about an aspirational definition. I fear this will lead us down a rabbit hole that's not likely to be productive.

MICHAEL PALAGE: Okay. Alan, and then I'm going to close the queue. I will synthesize what I have heard and then, just to let everyone know, we're going to turn it back to Marika to let her explain this document. Then what we can do is we can open it up to the floor to see whether we add or subtract columns or additional data points. Alan, you have the floor.

ALAN GREENBERG: Thank you. I yield my floor and will take to the speaker's list once Marika does her work. There's no point in talking to the document before it is explained. So if you could put me back in the queue after Marika.

MICHAEL PALAGE: You are back in the queue, Alan. Thank you for efficiency.

Before turning this over to Marika, I do want to make the following statement. Marc, I think part of that "A" word that will not use—the future explanation that shall not be named ... Part of, I think, what we were discussing and which was, I think, properly documented in our workplan that was submitted to the council is we don't know what our work is. And part of that is that Assignment 3, which talks about the survey or the assessment—is there going to be something done, is there problem with that "A" word ... So the reason I am less worried about when people use the term "aspirational" is that I do think it's somewhat forward-looking and we don't know what we don't know and, until we know those variables, how that definition changes or doesn't change is to be determined.

But to your point, I personally will not refer to it as aspirational. I will make a concerted effort not to use that word. That will be the future explanation that shall not be named.

So with that, Marika, if you could walk us through this document, I would greatly appreciate it.

MARIKA KONINGS:

Yes. Thanks, Michael. I put the link as well in the chat so, if anyone wants to follow along there, you're able to do that.

So as I said, the idea behind this—I think it tries to do what I think what many of you have said; there's a need to identify what gaps, if any, exist that dictate whether or not further work or future work is necessary—is indeed that we now have a current state that shall not be named and that describes what the current requirements are and how these are enforced. Many of you have already spoken to what you think they should be, and that's where the aspirational aspect comes from. And if that's not the right term, we can of course change that. But the idea is that several of you have spoken about what it should be, but there hasn't been a whole lot of discussion about why that is necessary and what information or data exists or can be found that demonstrates that there is an issue that needs to be addressed. So that is what this exercise aims to do.

So every group is basically asked to first of all indeed provide your definition, what you think the definition should be, but then also describe what problem is this aspirational definition expected to

address. And maybe this needs to be further rephrased to say, what need does it address? What purpose does it serve?

And then, linked to that, because, indeed, there may be perceived problems, do you have any information or data that confirms your assessment of the problem that needs to be identified? Or if you don't have that data, it's a perceived problem. How do you think it can be confirmed and what is the best away to assess whether or not a problem exists and what the nature of scope of it is?

So that's what we're trying to do here. And as I said, it's basically trying to get us to the end of Phase 2 to then be able to determine what data gathering or information gathering is necessary to be able to assess what issue, if any, exists that would require further work down the road.

So that's the idea behind the template. And as Michael has already noted, if there's a need to further clarify, use different terms, or have another column to provide more information, that's easy to do. So I think that's probably what we're going to discuss now. But, again, the thinking about this is really to help groups think through the delta that some have indicated that exists to talk about what the delta looks like. What data is already available to demonstrate that that delta exists? Or how can the group prove that that issue indeed is in present and in what scope it's present so then the conversation can focus on how can that issue be addressed either through policy development or other means. So I hope that's helpful.

MICHAEL PALAGE: Thank you, Marika. We're now going to start the queue. And, Alan, you are at the top. Please go.

ALAN GREENBERG: Thank you very much. Sorry. I'm trying to put this in the right context. The definition, or whatever we call it, is necessary but not sufficient. The context of here it is applicable is as important or perhaps more important.

I'll give you an example. We have been discussing ad infinitum the current definition in the 2013 RAA. Well, it applies only in certain cases. It applies only to specific contact information, not all contact information. And it applies only for new registrations or registrations that are subject to specific conditions and therefore doesn't apply to 99 or 95% of the 200 million domains that are sitting there. All of that is relevant and all of that has to be part of the "definition" because just what accuracy means has no value whatsoever unless we know where it applies, under what conditions it applies, and all of those things.

I agree with Marc that we need to be solving a problem. We don't just want aspirations, but the third column does exactly that. If put [in] my definition [and say], "It solves no problem but I think it's really neat," well, fine: Greenberg thinks it's really neat. That has no merit unless I can address what type of issue is it going to solve.

And the word "problem" may not be quite the right word, but we need to have a rationale for why we would impose such a new rule. Thank you.

MICHAEL PALAGE: Volker, you have the floor.

VOLKER GREIMANN: Thank you. To answer Alan's question, we just need to look at the purposes define for WHOIS in the EPDP. That's basically the final arbiter of any goals that WHOIS [and] the accuracy thereof is supposed to fulfill. If the purpose is not there, then the aspirational goal goes beyond the remit of what WHOIS is there for, actually, what ICANN has defined and the community defined WHOIS to be there for. Therefore, the definitions can only follow from what the EPDP has determined. And the ones we have we have basically analyzed and derived a set of goals that WHOIS accuracy supposed to solve from those purposes defined by the EPDP. Then we have done most of our work already. And then we can go and define what WHOIS actually should be defined as and what follows from that.

But I say again we just need to look at the EPDP findings for the purposes of WHOIS. That's the basis.

MICHAEL PALAGE: All right. Alan?

ALAN GREENBERG: Thank you. I'll be very brief. I completely disagree with Volker. The EPDP ... Number one, there were major disagreements on what accuracy means with respect to the GDPR throughout the EPDP,

and that was never resolved. And, number two, the EPDP was talking on the basis of the current RAA, and that also is what we're talking about changing. So something based on rules which were both disagreed on and are the history with respect to what we're doing cannot be the basis for going forward. Thank you.

MICHAEL PALAGE: Marc Anderson, you have the floor.

MARC ANDERSON: Thanks, Michael. I'd like to try and engage Alan a little bit on this one. I think the purposes are pretty good, actually. And I think they would serve ... Sorry, I should be more specific: the Phase 1 purposes that we identified for processing [gTLD] registration. I think they're pretty good. I think they will or would serve us well. So I want to maybe engage Alan a little bit and try to understand why he disagrees. I think they do a pretty good job enumerating the reasons why gTLD registration data is processed. And I think they would serve a basis. So maybe, Alan, could we engage a little bit on this one? Like where are you having hesitation or concerns with that?

MICHAEL PALAGE: So, real quick, I will let Alan respond, but what I really want to focus on here ... So I'm going to let Alan respond, but I want to get to the task of ... With this table, is there any objections? Because one of the things that we agreed to last week was coming up with future explanations for ... Future explanations was our goal here. And this document is meant to help foster the

individual stakeholder groups in coming up with those future explanations by the beginning of December. So I, again, want to remind everyone. The first week of December we are going to start discussing these future explanations. So I will now step back. Alan, you have the floor to engage in a dialogue with Marc.

ALAN GREENBERG: Thank you very much. The answer is really simple. Number one, as I said, the definition that we use of accuracy was under dispute throughout the EPDP. The statements akin to, "Accuracy is not for third parties. Accuracy is only for the registrant," just don't hack it here. The reason we have accuracy is for contactability. And contactability in many cases does refer to third parties. That was not included in the uses that we looked at in the EPDP. And it's just not satisfactory going forward.

I could spend a lot more time talking on different aspects of it and examples, but from my point of view, that's just a non-starter if that's what we're going to look at. Thank you.

MICHAEL PALAGE: Volker, you had your hand up and then you put it down.

VOLKER GREIMANN: Yeah. I was thinking of whether I would engage at this point, but I think it's better not to. Thank you.

MICHAEL PALAGE: All right. Thank you. And, Volker, actually I was going to respond to your e-mail that you had forwarded last week, and I think this is perhaps a good time. From my perspective, the work of this group right now at this particular point in time—Assignment 1 and Assignment 2—is not ... I do not believe it would be in scope for us at this time to be relitigating/reopening the work that was done in EPDP Phase 1, 2, or 2A.

Now, if we, as part of our future assignments, are able to identify a problem that exists, at that point in time I think it would be in scope of this scoping team to begin asking questions for the council to reconsider.

So, Alan, I hear you and what you were saying about things being broken and not agreed upon in Phase 1. I don't think we are there yet, and it would not be appropriate to discuss it at this time so that we can move forward.

But that being said, I believe that our current remit is beyond just the, if you will, disclosure of data which was what the previous EPDP was meant to [disclose].

And one of the things that Melina has raised is the repeated reference ... Or she has repeatedly reiterated the reference to accuracy in the bylaws and what does that mean.

I have also, I think, discussed with some of the registrars the concept of the, under European law, PSD2 and the strong customer authentication. What does that mean? How do you comply with that aspect of law?

So to me, we have spent most of our time to date looking at what has embodied largely within the 2013 RAA, but I believe ... And I think it is fair that our charter is much broader ... [It's] to look at the totality of ICANN. And this is one of the reasons I cited the ICANN blog post about the SSAD, where ICANN specifically acknowledged that ICANN ... It appears that potential future ICANN Compliance work will look at identity verification, which is something that I know and we've repeatedly had heard.

And, Owen, you can step in here because Sarah would have her hand raised at this point in time, I can assure you, saying that there is nothing dealing with identity verification set forth in the contract.

So, again, what I want to try to do here is I don't want to relitigate previous work of other working groups, but I do want to say that it something that we can, I think, reopen or potentially reconsider if we identify a problem after Assignment 3.

So I will hit pause there and everyone can tell me how I've got that totally wrong. The floor is open.

No hands. That is good.

So can we get back to Marika's—

THOMAS RICKERT:

Mike, sorry. It's Thomas. I couldn't get my hand raised fast enough. Just a little point of clarification if I may.

MICHAEL PALAGE: Yes.

THOMAS RICKERT: You mentioned that the EPDP was just about disclosure, but actually we're looking at the entire life cycle of registration data from collection to deletion. So it was not only on the disclosure part, and therefore I think it's important for us to understand, as I wrote in the chat earlier, that whatever we are discussing in terms of accuracy must stay within the boundaries of the purposes that we've defined in the EPDP. Thank you.

MICHAEL PALAGE: Okay. Properly noted.

So back to the table. So what I'm going to do is I'm going to close discussion of this table at this point in time, and we will move forward with that. If we can, Marika, instead of aspirational definitions, perhaps use the terminology "future definition" ... I think we're going to use "current definition" and "future definition" as our last controversial terminology. So "future explanation" ... And, Marika, you have the floor.

MARIKA KONINGS: I just wanted to flag as well that, in the third column, in response to, I think, the suggestions were both from Beth and Alan, I've also added "needs." So it's focusing on what problems and/or needs is this—I'll change it there as well—this future explanation expected to address. So that also allows providing input here to talk about

not only potentially problems but needs that they see that are currently unaddressed as a result of the current explanation.

MICHAEL PALAGE:

All right. Perfect.

So no further comments. We are going to consider this template closed. I want to remind all stakeholder groups that we now have three weeks left. We will be discussing future explanations on our December 2nd call. So we can close this document.

And if we can go back to the agenda. So one of the other assignments that we are doing that was agreed to last week was we are supposed to come up with specific definitions ... Excuse me. Let me strike that word –“definition.” We were supposed to come up with future questions for ICANN Org, both Compliance and Legal, regarding the existing documents that we’ve been looking at here to help with our work.

Where are the questions supposed to be submitted, Marika? Could you remind everybody real quick?

MARIKA KONINGS:

Yeah. I’ve just pulled up the template that’s in the Google Drive, and we can post the link in the chat here as well. So we’ve set up a Google Doc where everyone can insert their proposed questions and any reference materials that may be relevant to understand the questions as well as which assignment the question specifically related to.

We've also added in here the references to all the information that's already available. As you know, Compliance already provided quite a bit of information through reports and blog posts. We also circulated on the list—and I'll add a link here as well—a compilation of responses that ICANN Org has provided in response to questions that were submitted by the WHOIS RDS Review Team 2 in relation to accuracy. So the idea is that everyone reviews that information and then adds any questions they think are still missing or not answered.

MICHAEL PALAGE: So I see in the chat Beth. I think that was—oh, it was answered. It was December 2nd. Sorry about that. I'm a little behind in keeping track with the chat.

BETH BACON: Oh, sorry. It's right there on the document. I was just being an idiot.

MICHAEL PALAGE: And I was equally an idiot for not reading your comment faster. So we're all good.

Is there anyone else that would like to discuss where they view some of these questions? We have time. We're actually ahead of time. We have 13 minutes remaining in our original 60-minute target for today's call.

Marika, if we could go back to the agenda real quick, I just want to see what else we have. I believe that was ... Okay. Input. Scoping [team. Input] ... Okay.

So is there any—Marc, you have the floor.

MARC ANDERSON:

Thanks, Michael. So on this assignment on questions for ICANN, I have to say the document that staff prepared for council is extremely thorough here. I'm talking about the 26 February 2021 letter from Swinehart to Philippe in regard to accuracy.

And looking back at our assignment, I think this dovetails into our first task very nicely, where we're supposed to assess the measures, including proactive measures, used by ICANN Compliance to monitor, measure, enforce, and report on accuracy, dot-dot-dot. But I think that document provided at council's request really feeds this work very nicely and answers most of the questions we may or may not have.

But I guess maybe one question I have—and this ties back to the previous discussion we had ... You're looking at our assignments. For our first assignment, there's a question at the end: "Particular attention should be given to the definition that ICANN Compliance employs for accuracy in ICANN's contracts." And so I think that ties directly back to the conversation we just had when it comes to understanding the current play with accuracy. And I guess that is one thing that ... I read that document a couple times, and there's a ton of great information in there, but I didn't really come away

with an understanding of what sort of definition ICANN uses.

And so I think maybe that would be a follow-up question, maybe something to flag for our ICANN liaison. Maybe I'm missing it. Maybe I just missed it when I was reading the document, but I'd like to flag that, maybe, as a follow-up conversation. What does ICANN Compliance currently consider as a definition of accuracy? And does that agree with the definition proposed by registrars? I'd be interested in hearing the answer to that question.

MICHAEL PALAGE: Okay. Lori, you have the floor.

LORI SCHULMAN: I want to support Marc's intervention. I think that makes a lot of sense because I think that's probably one area where contracted and non-contracted parties agree that there are gaps in compliance, to say the least. And if we could sort out how Compliance perceives its role in looking at definitions versus what we perceive, even if we can't agree as a group, to have that as another anchor, another point of reference, I think, would be critical.

MICHAEL PALAGE: All right. And just to go back to, Marc, your comment, I think last week I made reference to the word ... I think there was a reference in that briefing document where they talked about identity, and everybody was like, "Hmm. What does that mean?"

So it would be interesting to get a little further clarity on where ICANN Compliance or ICANN Org feels that verifying the identity of a registrant ... What are those situations? What is their legal basis? I think that would be helpful.

I guess, just to remind everybody, what we are trying to do here is, with regard to coming up with these questions ... These questions are supposed to be finalized in two weeks. So, next week, I really need everyone to be focusing on these questions. I don't want to discuss any current or future explanation. That is something that should be taking place internally within your groups. We really need to use our time most efficiently over the next two weeks to agree and synthesize what these questions to ICANN Org are going to be. They need to be finalized the third week of November. And we're then going to give ...

And the reason we want to do that is two reasons. One, we're going to review them to make sure that the question being asked has not already been answered in the existing document. So we want to be respectful of ICANN Org's time and, if you will, ferret out questions that have already been previously asked in a related document and then give those remaining questions to ICANN Org to give them two weeks. I believe we have tentatively this our December 9th call for a briefing from ICANN Org on those outstanding questions.

So I just want to give the group a heads up on what is ahead of us and what are your obligations to make sure that we meet those deliverables in a timely manner.

Marika, you have the floor.

MARIKA KONINGS: Thanks, Michael. I just wanted to flag, especially to Marc's point, that there are two documents that we flagged here as well that talk about enforcement of registration data accuracy obligations that do talk to how ICANN is enforcing existing requirements. At least from my perspective, that goes to as well how they see the current definition, at least, of accuracy. But of course, if there's something that's not clear in the blog posts as well as the report, we'd really like to encourage everyone to point towards that and add that to the table as specific questions because, as Michael noted, if something has already been asked and answered, we can of course point to that. But if not, it's important for our colleagues to have the specific references for where you're looking for further clarification and answers.

And, Michael, on your point, I just want to flag—because I think Sarah already added this question based on the conversation on the 4th of November ... And she actually, I think, tried to already provide an answer based on her understanding of information that is available. So I think she is actually asking at the end, is there anything more that is needed? So, again, I'm also encouraging everyone to look at what Sarah provided and the references that she included to see whether that question still needs answering or whether it has already been answered though the information that she provided there.

MICHAEL PALAGE: All right. Thank you. And to Lori's comment, yes, I'm aware that that is Thanksgiving and that is our objective: to get as much of

our work done next week as possible through the use of a 90-minute block of time if necessary and using the e-mail list to formulate. Respect that some of our North American—well, let me rephrase it; some of our U.S. participants—may not be able to make that particular meeting. However, I will show up if people do want to have the meeting to sit there and finalize these questions because we have a lot of work to do and we need to wrap up by ICANN75.

So with that, any final closing questions or comments? Anything that anyone would like to discuss today?

I hear silence. So congratulations. We met our original 60-minute allotment for today. I did not think that was going to be possible when we started off, but thank you, everyone.

What I would like to do is I'm glad that we're wrapping up within the 60-minute allotment, but we really need to be working on those definitions and those questions. That work needs to take place interessionally between these plenary calls. The use of these calls really need to be focused on perhaps synthesizing or perhaps resolving points of contention and not actually for the drafting of those questions.

Just looking through the chat real quick.

So with that, last call. Questions or comments?

Terri, you can stop the recording. And I look forward to seeing everyone next week. And please use the list efficiently to get our work done. Have a great day.

[END OF TRANSCRIPTION]