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ICANN Transcription
Registration Data Accuracy Scoping Team
Thursday, 02 December 2021 at 14:00 UTC
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TERRI AGNEW: Good morning, good afternoon, and good evening. Welcome to the Registration Data Accuracy Scoping Team taking place on Thursday, the 2nd of December 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 yourself now? Hearing no one, we do have listed apologies from Lori Schulman. Statements of Interest must be kept up to date. If anyone 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 and attendees or everyone depending on your Zoom update in order for all to 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 multistakeholder process are to comply with the Expected

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Standards of Behavior. With this, I'll turn it back over to a chair, Michael Palage. Please begin.

MICHAEL PALAGE: Thank you, Terri. As usual, we'll start with a quick administrative update before jumping into our main agenda. First up, is the meeting on the week of the 16th, I believe, or is it the 17th? We are going to have our meeting and I believe two weeks is going to conflict with the GNSO Council scheduled meeting, which will impact the ability of our ICANN Org colleagues to participate. So what we are considering doing is there are two options. Well, there are a couple of options that we're looking at. So, Terri, do you want to perhaps run through those options of what we're looking at and how we were going to be putting out a Doodle poll? So if you could perhaps summarize that?

TERRI AGNEW: Sure. Thank you for letting us discuss this in advance. So the meeting, again, that we are discussing is for the Thursday, December 16th meeting. And the GNSO Council on that day— sorry, I should have had that up—runs from 14-16:00 UTC. So start time is this one. So we're proposing three options. Should we move the team call to Wednesday at the same time and same duration? Wednesday, the 15th. Should we keep it the same on Thursday, the 16th but have it started 13:00 UTC for one hour? Or the third option is again keep it on Thursday, the 16th of December but change the start time to 16:00 UTC with the same duration of an hour and a half. We'll send out a Doodle after this call. Yes, Volker, or D cancel. I don't think that's a good option. But that is

something that could be added. But we'll send out a Doodle to the team after this call. And if we could ask that you please complete it as soon as possible so we can get the majority vote. Back to you, Michael.

MICHAEL PALAGE: Yes. And real quick, Manju, I know we have always tried to accommodate you as one of our few Asian-Pacific representatives. Do you have a preference on the impact as someone who is usually most accommodating to the rest of us? Do you have a preference?

MANJU CHEN: Yes. Do I have to raise my hand? Well, I didn't. I don't think 16:00 UTC would work for me. But other options, I had to do the math. I didn't do the math while Terri was speaking, but a quick math, 16:00 UTC wouldn't work. I have to attend the Council meeting, too, so I'm guessing maybe Wednesday or earlier. Yeah. Thanks.

MICHAEL PALAGE: Okay. All right. I just want to make sure I know sometimes. North American and Europeans take a lot of things for granted and just want to make sure that we're not forgetting our people from the Asia-Pacific region in our time allotment.

The next quick administrative issue. So if we can, Terri, we're going to send out that Doodle poll. When do you feel that would be the best time to wrap that up? We'll make that decision, I would say, next week. Would that be sufficient?

TERRI AGNEW: Yes, it will be.

MICHAEL PALAGE: Okay. So unless there are any objections, the proposal on the table is to run the Doodle poll, and then make the decision on how we will shift the meeting on the 16th. Any objections? Hearing none, we will run the Doodle poll and we will make that decision next week.

The other quick administrative issue to discuss is it appears that most of the archived issues have been resolved by our colleagues at ICANN in the IT department there. There are still, however, some members, myself, and Alan Greenberg that are occasionally missing e-mails. We're both diligently trying to figure out why that is. So I would encourage everyone to periodically check the archive list to make sure that people are not missing any important e-mails. I understand that not having 100% reliability, it does impact the ability for us to do our work asynchronously so I will be keeping an eye on that. At that point, I guess I am done unless there are any other further administrative issues that people would—I see a hand. Whose hand is up?

MARC ANDERSON: Michael, it's Marc Anderson. It's my hand.

MICHAEL PALAGE: Ah, there we go. There you go. Marc, there you go. Go ahead, Marc.

MARC ANDERSON: Thanks, Michael. A follow-up question on the e-mail issue. I guess I didn't understand what the issue was. I thought there was an issue with e-mails getting archived, but from what you just described, it's an issue with receiving e-mails. So I guess you don't know what you're not getting. So I guess what I'm hearing is there may be additional e-mails that I haven't received. And so we all need to check against the archive list in our inboxes to see if we're also affected by this. Do I understand that correctly?

MICHAEL PALAGE: That would be an accurate assessment. We have confirmed ICANN IT says the messages are being sent. I've been talking with Alan because Alan and I have both been experiencing these missing e-mails. Right now the only common denominators are it appears that our domain name is hosted by GoDaddy. I know GoDaddy switched over to Microsoft 365 and that's when I began missing some e-mails. But again, the simple answer is we're still troubleshooting. But what I do is two or three times a day, I hit the reload list to make sure that I'm not missing any e-mails. I just can't give you an answer. Alan, I think tried to summarize this last week. Again, ICANN says they're sending the messages, I don't know why Alan and I are not receiving them. It's not in my junk folder, not in my spam. I just don't know why I'm not getting them.

MARC ANDERSON: Gotcha. Thanks for clarifying. I misunderstood what the issue was. So that's helpful information. Thank you.

MICHAEL PALAGE: As I said, it's very important. If anyone else is experiencing this missing e-mail, please bring it to our attention. Alan, if perhaps I did not summarize that properly, you could speak to your issues that you're experiencing.

ALAN GREENBERG: The issue is correct. Your reference to GoDaddy is not necessarily correct. I'm not sure who hosts the domains for my mail. My mail is handled by Microsoft. So I suspect there are other people in a similar situation.

MICHAEL PALAGE: And that was the one thing GoDaddy just switched over, because I just got that notification, so that's kind of some of the things I'm looking at to see if that's a problem or not. That's because that to me is the only commonality that you and I—I believe there are registrar and we're both using Microsoft 365 as our mail client.

ALAN GREENBERG: Microsoft, maybe common. The registrar I don't believe is.

MICHAEL PALAGE: Okay.

ALAN GREENBERG: I haven't checked.

MICHAEL PALAGE: So with that, I will close the administrative portion of this call and move to the substantive issues, which is to continue to go through the list of questions that have been proposed. There we go. If you could remind me, Marika, I believe we had gotten through most of Alan's questions last week. Alan, do you recall? I believe we had satisfactorily gone through all of your questions. Would you agree with that statement? Or do you still believe you have further clarifications before we move forward with addressing the questions put forth by the Registries?

ALAN GREENBERG: It's not clear to me whether the questions are going forward. There were some objections to them and it wasn't clear to me. I have added another, I think, two questions at the end of the list. But other than that, from the discussion we had, it was not at all clear if my answers were satisfactory. There was supposed to be some minor changes made. And to be honest, I haven't had a chance to do that. But assuming the questions are going forward, I don't need any more discussion of it. I will do the clarifications that were necessary.

MICHAEL PALAGE: Excellent. So maybe that is, as we hit pause here, perhaps if we could hit pause before diving into the Registrars, a question to put

forth to the entire group here is what is the threshold for having questions including on this list going forward? I will open it up for discussion. We could start. Marika, I see your hand up. And, Allan, I see your hand up. Marika, go ahead.

MARIKA KONINGS: Thanks, Michael. I just wanted to confirm the need that we did make it through the questions that Alan put forward on behalf of the ALAC. But indeed, Alan already observed that. I think there were some updates that he was going to make. I also wanted to point out another thing that for Question 4, I think staff did put in the chat their language from I think the Phase 2 final report that basically confirms that it's up to the contracted party to decide whether or not to disclose all or part of the information that is requested by a requester based on the assessment that that they make. Of course, I don't know if that satisfies Alan's question. As he makes his comments, you can decide whether that question is still relevant or whether there's further specificity he's looking for than what is currently in the Phase 2 final report.

MICHAEL PALAGE: Marc Anderson, you're next in the queue.

MARC ANDERSON: Thanks, Michael. I'd raised my hand initially to sort of ask the question you just teed up. What are the ground rules and expectations discussion? Personally, I kind of think your question is your question, right? It's not like we're putting forward questions that are from the entire group. Individual stakeholder groups are

called out in these nice questions. So I'm not sure that any kind of threshold really needs to be met. I think if you have a question, you should ask a question. That said, I understood the purpose of teeing this up would be to first understand if these questions were already answered, for example, if these had already been covered in the briefing documents that would be given for homework. Also, I think it maybe makes sense for people to be given an opportunity to provide input or feedback, maybe ways to make the questions clearer or suggestions for improving the questions. But I think maybe whether or not to accept those suggestions should fall on the submitter of the question. I don't think there should be a particularly high bar on whether these questions get submitted or not.

MICHAEL PALAGE: I totally agree with you. As I said, that would be if I was asked to make a decision, if there was a dispute, if there was a lack of consensus among the group, I would be advocating for that lower bar. With regard to the questions, I did not—can we scroll back up at the top? Put forward by. So I just think some people perhaps started putting their stakeholder group. I will leave it to the individual people who copied and pasted—or let me rephrase this. As we go through this, I will leave it to the individual who submitted the question to articulate whether they consulted with their respective stakeholder group in formulating that or whether that is their own personal question put forward. I know different stakeholder groups have different processes. I don't think we need to micromanage. I think we just want to find a question. And to your point, the purpose of the review was not to that or block but

to remove questions that have already been answered in the briefing documents to save time and to be deferential to our ICANN Org colleagues. The other issue which ICANN Org says, they will try to group the questions. So after we are done this preliminary review of questions, they are going to compile them, put them in the final list. It's perhaps grouped or more structured, and then we will do one last final review before submitting. So hopefully that answers your question, and I think we are in agreement. Next up, Alan Greenberg.

ALAN GREENBERG: Thank you very much. Marika said that ICANN staff posted something in response about related to Phase 2. I don't know where that was posted. I did see something in the chat at that last meeting. But there's nothing in the document that I see. So if Marika could clarify. And I note, however, that something recommended in Phase 2 does not apply today may not apply for years. So the question I think was asking about now under the Temp Spec and perhaps going forward under Phase 1. So I'm not sure where the response was.

MICHAEL PALAGE: Marika is responding in the chat saying it was posted in the chat. So, Marika, if you could perhaps repost that in the chat or somehow get that reflected in the document. What I will propose to do is to get back to the substantive discussion, which I believe, while we're resolving Alan's problem on the side, in the interest of time, I believe Questions 6 or 7 was put forth by the Registries. Registries, if you want to read your question, explain it. Terri or

Marika, whoever is driving, if we could go down to Question 6. All right. Excuse me, I apologize. It's the Registrars. So, Sarah, Roger, or Volker, who would like to walk through these questions and present them to the group on the Registrar Stakeholder Group's behalf? Sarah, you were not there? Do we have Roger, Volker, or do we have Owen as an alternate?

SARAH WYLD: Hi, Michael. My hand is raised, though.

MICHAEL PALAGE: I apologize.

SARAH WYLD: Thank you.

MICHAEL PALAGE: Go ahead.

SARAH WYLD: Thank you. Hi. Good morning. Sorry for the confusion. So these questions—I will admit I wasn't here I think on the day that they were discussed. But I do think they're fairly straightforward and certainly relevant to the topics that we are addressing here. In the past, it was pretty clear how an accuracy complaint could be identified, that there might be an inaccuracy, and then send that to ICANN. So now with the mostly non-public registration data, it would be good to understand what kind of complaints ICANN does

receive relating to registration data accuracy because there are still some it seems, so I'd like to know how those are working. And then if the complaint is closed without being forwarded to the registrar, what exactly is the reason for that? Because that seems like a thing that's happening, that's number seven. So more information which I think speaks to the quality of concern or complaint would be very useful. Thank you.

MICHAEL PALAGE: Okay. Is there any objection from any of the other members regarding the Registrar comments on six and seven? I think Sara has given a sufficient explanation. I think it meets the bar for what we're looking at. Any questions, comments, or concerns from other members? Hearing none. Now, Marc, I will—yes, the small R and the small Y is sometimes hard to see on the small screen. But next we have the Registries up for—I'm just trying to read the chat, do stuff simultaneously, which at times is hard. So, Marc, do you want to present for the Registries, or will Beth or Sophie walk us through the questions that you have proposed?

SOPHIE ALICE HEY: I've got my hand up, Michael. I'm happy to speak to the first couple of questions. So Question 8, as it's listed there, what criteria does ICANN Compliance use to evaluate compliance with validation requirements? This was building on the first question in the list, which asks the same about verification requirements. And given that both terms are used in the RAA, we thought it would be useful to be able to get a definition. Building on that for Question 9, we thought it'd be useful to have the differentiation from ICANN

Org's perspective about the difference between verification and validation requirements. I'll let Marc speak about Question 10.

MARC ANDERSON: Thanks, Sophie. Question 10 did come from me. This question ties directly to our first task. Specifically, I thought we got great information for ICANN Org in the briefing paper. But in looking through it, I could not find a specific reference to a definition, which is one of the things that we were specifically tasked to do in our instructions from GNSO Council. Specifically pay particular attention should be given to the definition that ICANN Compliance employs for accuracy in ICANN contracts. And so what I was trying to get at in asking this question was really answer that question from GNSO Council. I know there's some discussion on the definitions or accuracy definition that we'll be using and that this is still an open issue. Regardless, I do want to understand also if ICANN Compliance agrees with the definition put forward by the Registrars. So I think that's a valuable question to ask regardless of where we land on a working definition as a group.

MICHAEL PALAGE: Okay. I would concur. Are there any objections or concerns from any other members regarding the inclusion of the question #10 that Marc just walked us through? Seeing none, we'll proceed to the next question, which I believe we're now on to 11. Is that correct? So now we are switching. Scott, I believe Lori is not on the call today. So you, I believe, will be speaking on behalf of the IPC to walk us through these questions. Okay. Steve, I see your

hand up. Is this in relation to the questions or the statements by the Registry Stakeholder Group?

STEVE CROCKER: Yeah. Apologies for being a little late. Question 10. Put forth, the criteria. When we get down to my questions, which are I think 16 through 18, I make two points, apply two points. One is that we need a separate statement for each of the data elements, which I think is consistent with the way 10 is [inaudible]. And the other is that the level of validation is liable to vary more than is implied here. And so Org may want put some of the questions together [inaudible].

MICHAEL PALAGE: I did read ahead to your questions, and I know you have even included proposed answers, which I appreciate. A good lawyer never asks a question in which you do not know the answer to. My question—go ahead, Steve.

STEVE CROCKER: It's misunderstanding of what I was trying to say. I say that is what I expect them to be saying, but it is not generally what I think is the right answer. Separately, I suggested [inaudible]. Maybe I should fix that up a little bit.

MICHAEL PALAGE: Yeah. Well, put it this way. I was perhaps a little confused on that. My apologies. We will hopefully get to that and let you explain that

in person. But when I read through your question, my initial response was, is this something that perhaps should be more in the gap analysis because you were identifying what you perceived as I think a deficiency? That was my initial reading, but I don't want to jump ahead. You will have the floor to explain your questions later on. So, Marc, in response to Steve's questions and comments regarding your last question #10, do you have any response?

MARC ANDERSON: Thanks, Michael. I do. I think I understand the point Steve's making, although Steve's audio was not very good. I had trouble hearing it. But I think I got the gist of it. I also read Steve's questions in advance. So I do think I understand Steve's point. But I think Steve and I are really getting at different things. I'm trying to get to sort of a definition and understanding what ICANN Org considers as a definition, whereas I think Steve's trying to get to a better understanding of the specific validation requirements for the individual fields involved, which I consider to be somewhat different from a definition. So I guess I don't see Steve's statements as being in conflict with the question I want to ask.

MICHAEL PALAGE: Steve, what happened is there's a couple of comments in the chat about perhaps clearing up the audio. So, Stephanie, what I'm going to do is Steve's questions are later, so hopefully he can resolve his audio issue by then. In the interest of moving forward, I believe the IPC was next up in the queue.

STEVE CROCKER: Can you hear me now?

MICHAEL PALAGE: That is much better. So we will give you the floor back to respond. Go ahead, Steve.

STEVE CROCKER: Thank you. Marc, I understand your point. It's actually sort of a subtle but important distinction that is marbled through both yours and mine. Your paragraph there says accuracy should be strictly defined as syntactical accuracy of the registration data elements. The point that I'm making is that there's actually multiple levels of accuracy and so the word accuracy unadorned is not sufficient by itself. In some cases, you mean operational validation. In some cases, you mean syntactic. And in other cases, you may mean something else. As became evident from the back and forth after I put my question in, there even some where no validation of any kind is really relevant and still would be deemed accurate.

MICHAEL PALAGE: Marc, do you have a response?

MARC ANDERSON: I get what you're saying. I agree. This isn't my definition. I'm quoting the definition proposed by Registrars. I couldn't understand Steve's point, but that's not really what I'm getting at in my question. So, I think Steve's questions asked later get to that

particular point in his questions. That's different from what I'm trying to get to.

STEVE CROCKER: All right. Thank you. I think, Michael, the best thing is just to move forward, just come out in the wash.

MICHAEL PALAGE: Okay. If I could, one last final question to Marc, Beth, and to Sophie. I did listen to the Registry recording yesterday. So right now in that question 10, you're actually citing to the Registrar definition. Do you anticipate the Registries putting forth a definition at this time, or you're fine with what the Registrars have proposed? So, Marc—

BETH BACON: Michael, Sophie's hand is up.

MICHAEL PALAGE: Okay. I am having a hard time. Sophie, you have the floor.

SOPHIE ALICE HEY: Thanks, Michael. So this is probably a good time as any to raise the question you put to us on the list about asking for feedback from the Registry Stakeholder Group, whether they believe they have a right onto the Registry Agreement. Is that what you're asking about?

MICHAEL PALAGE: No.

SOPHIE ALICE HEY: No? I'm sorry. You said—

MICHAEL PALAGE: If I could, just to be clear, my specific question is Question 10 cites the Registrar definition. So the Question 10 was put forward by the Registries and is citing the definition put forth by the Registrars. My specific question is, do the Registries anticipate putting forth a definition for accuracy or will they just be supporting the definition of the Registrars? That's my question.

SOPHIE ALICE HEY: Okay. Thanks for clarifying. I just wanted to make sure we're talking about the same thing because there are a couple of things discussed in the Registry call yesterday. In terms of a different definition, I think if you're asking whether we're going to be doing the gap analysis homework, the answer is yes, we are. In terms of whether we're accepting the Registrars as they put forward as the different elements, what's currently monitored under the Registrar Accreditation Agreement for accuracy, I don't think we're disputing what they've put forward there.

MICHAEL PALAGE: Okay, perfect. So that was my question. If you want the floor to continue before we move on to the IPC, you can have the floor. If

not, I will move back to Steve. So the floor is yours if you like. Alan, you have your hand up?

ALAN GREENBERG: Yeah. Sorry. I wasn't sure who you were talking to. My understanding is what was proposed in 10 as the Registrar proposal is the proposal we have on the table right now for this working group. So it's reasonable to ask does ICANN agree with what we are talking about as the current implementation. I will note, however, that that paragraph is a summary of what's in the RAA. And the RAA has a whole bunch of if, buts, and ands, and there are exceptions to that in the data accuracy spec of the RAA. So subject to that last proviso, which I think should actually be shown there, my understanding is that is the current text even though it was proposed by the Registrars.

MICHAEL PALAGE: Yeah. You may have missed that e-mail exchange, Roger. So, this is one of the ones I think that did may have slipped through both of our inboxes. I stated on the list that what the current group definition is, there is an open issue on that. I believe, Melina, I see your hand up. So, she may speak to this. What I have decided to do is that before we begin our gap analysis, we will revisit what we believe the current group definition/contractual construct/explanation is before doing the gap analysis. So, yes, I will stop there. Melina, okay. Melina, you're next in the queue.

MELINA ASIMINA STROUNGI: Thank you, Michael. Hello, everyone. Sorry, I was on sick leave. So I missed some meetings. So sorry also if I state something that you already have discussed or agreed as a group, and in any event, I don't want to take the discussions one step back. But I have two points that I would like to raise. The first one is that I don't agree with the word definition. Listing and describing what contractually is in place is something different than a definition. So I would rather much use another wording such as construct or current reality or current practice or anything similar.

The second remark is that I don't understand the reasoning behind this question, in the sense that why do we have to ask if ICANN Compliance agrees with this working definition? What would it mean to the work of this group if they agree to this definition? Isn't our task as a group to agree on what is there and what is the value and the role that a negative or a positive reply will play for the purpose of this group? Because, for instance, what I mean, if in my view or if in someone else's view, this description does not 100% encompass reality. And ICANN Compliances yes, I mean, I think it would be equally fair to give another alternative that in some other people's view encompasses reality so that ICANN Compliance can choose between the various, how to say, proposed definitions or descriptions. So, I hope you see my point. I just don't understand what is the reasoning behind this question? What impact will be a yes or no reply from the ICANN Compliance group? Thanks.

MICHAEL PALAGE: My understanding of why these questions are being asked is to establish the baseline. If you step back and look holistically at the

four specific assignments that have been given to the group, I believe one and two are primarily baseline driven and it is the assignments three and four that begin to look at, based on the gap analysis, where potential changes or shortcomings may be identified.

So I try, as a chair, to be sensitive to everyone's concern and that is one of the reasons why I use all three identifiers in describing this particular task. But I do think myself, I actually would like to hear what ICANN Compliance has to say. And I believe when we get to the IPC questions next, they also talk about trying to drill down on this. So with regard to that, Melina, I think we'll move forward. Roger, you have your hand up. You're next.

ROGER CARNEY: Thanks, Michael. I just want to follow up. I think Alan sort of said it but he threw in proposed. Again, I said this, I don't know, so many times now. The Registrar Stakeholder Group is not proposing anything here. And Alan said proposed but he actually said it correctly. We're just describing what we're contractually obligated to do. And as you mentioned, Michael, as a baseline, maybe that's right, maybe that's wrong. To Melina's point, even the baseline should probably be questioned. Are those tasks that contracted parties are required to do, I still think has to be a purpose and problem have to be identified for those current things to make sure that they're still accurate and viable. But again, the Registrar Stakeholder Group is not proposing anything. It just put forward what we're contractually obligated to do. And if people don't like that as a definition, it doesn't matter. It is what we have to do. So just try to clear that up. Thanks, Michael.

MICHAEL PALAGE: So, Roger, I would encourage you to reach out to your Registry colleagues to perhaps figure out an alternate wording of the word proposed as currently set forth in their Question 10.

ROGER CARNEY: Thanks, Michael.

MICHAEL PALAGE: If it adds to the confusion. Next, we have Scott. We're going to get to the IPC questions real quick.

SCOTT AUSTIN: It's not just an IPC question, Michael. Sorry to interrupt but it's not just IPC. So there's more that is being discussed.

MICHAEL PALAGE: Okay. So just to give everyone an idea, Scott, I will let you address the Registry questions. I then have Marc Anderson and Stephanie Perrin in the queue. So you have the floor, Scott.

SCOTT AUSTIN: Thanks. I'll try to be brief. First of all, I hope everybody can hear me because I'm at a remote location and I just want to be sure I can be heard.

MICHAEL PALAGE: Sound is good. You're good. Go.

SCOTT AUSTIN: Thank you. The one question I have on the item that is almost on my screen, it's the operational accuracy, be their telephone number or the e-mail address, and this comes from someone who sees the use that is put to this data for rights holders who are dealing with challenges or abuse of their marks in the UDRP context. So I'm going to be very specific. That includes usually a service provider sending out notice. And that notice is important to both the complainant and the respondent to make sure that if someone is wrongly being tagged as abusing a domain name, that they're notified and that they can defend themselves. What's left out in that definition, as I see it, of the registration elements is the postal address. The reason that's important is sometimes that is a backstop or a safety, if in fact an e-mail address has changed or a phone number has been disconnected. And even in traditional service of process, oftentimes snail mail postal address is still extremely important.

I remember in the initial discussions in this group, there was talk of the postal address being considered from a zip code standpoint, whether that made sense. And there are other means available from a technology standpoint, I would think, such as—and we do this all the time—and that is Google Maps to see that in fact if an address is given, that there is something there, there's a building, there is a location. And I'd like to know if postal address, if there's a reason, it specifically is omitted from this list. Thanks. Then I'll try to do my best with the IPC items. Thank you.

MICHAEL PALAGE: Okay. Just to be clear, Scott, you were speaking regarding question 10. You were addressing your comments to Question 10, right?

SCOTT AUSTIN: That is correct, Michael.

MICHAEL PALAGE: Okay. I just wanted to make sure we're clear on that. Marc Anderson, you have your hand raised. You're in the queue. Go.

MARC ANDERSON: Thanks, Michael. I would like to speak but I think Sarah has a response for Scott. So it might be best to let her go first.

MICHAEL PALAGE: Sarah, you have been conveniently moved to the front of the line by Marc. Can you speak to this?

SARAH WYLD: Thank you. I hope nobody else minds. I do appreciate that. To Scott's question, it does sound to me like Scott is concerned more with the definition itself rather than the Question 10 to ICANN. That said, the answer I think to your question is that the postal address, as Roger said in the chat, also is part of the syntax requirements. So it is reviewed for syntactical accuracy but it's not

part of the operational accuracy. So there is no obligation to go to the person's address and see that they are truly there. Okay. I hope that helps. Thank you. Okay.

SCOTT AUSTIN: Can I respond to that, Michael?

MICHAEL PALAGE: Go.

SCOTT AUSTIN: I think seeing that they're truly there is beyond what I'm asking about, I'm just asking you to see if that address actually exists either in a postal code or a directory or something. I think much of the issue in our discussion has to do with the question of identity that may be finding out is this the person that truly is at the other end of the line as far as the telephone or at the other end of the e-mail address, do they actually respond back? My question was just why in that definition isn't postal address included. If it's another portion, I get that, I just want to make sure that it is not lost and why not bundle it together if we're talking about accuracy.

MICHAEL PALAGE: Okay. If I could, just mindful of time, Scott, what I am hearing—and I may be right, may be wrong—you're concerned about the validity of the address. And I believe that some of this was addressed in the cross field validation work that ICANN has undertaken in this area. Marika, do we have any of the cross field

validation work documented in any of our background documents? I know I came across it but I don't know if it was included in any of the background documents. If possible, can you put that into the chat for Scott to perhaps do some intersessional research on that? Marc, are you done with your—is your hand down? Or do you still want to speak?

MARC ANDERSON: I'd still like to speak. I know we're getting along on this topic but it has I think been a useful conversation for the group here. So in listening to the feedback, one thing I think that would make sense is that when the Registrars submitted this, they provided additional context around it. I didn't include that additional context, I just put the definition there. One thing I'm hearing from this discussion is that maybe that wasn't a good idea and that I should include the additional context that Registrars provided with that definition. I think that would be helpful and answer some of the questions people are having.

The other thing I want to say, Roger covered this a little bit when he said Registrars proposed this as just trying to capture what the current state is. I think Melina was making this point, too, and that's really what I'm trying to get at in asking this question of ICANN Compliance. I think Registrars have been very clear in that this is their understanding of what the current obligations are around accuracy. What I'm getting at in trying to ask this question is does ICANN Compliance agree with Registrars' understanding? Obviously, this is an essential task for us to be able to go forward with the rest of our work. We can't really recommend new work or new policy work if we don't understand what's the current situation

around accuracy and what the accuracy requirements are. So I hope that's helpful for everybody who has been lost in this conversation.

MICHAEL PALAGE: Okay. Stephanie Perrin, you are next. Sorry that it took so long to get to you. But you have the floor.

STEPHANIE PERRIN: Thank you very much. I just wanted to chime in. Actually, I raised my hand back when Steve Crocker and Melina were speaking because I think they're both raising different aspects of a problem that has been driving me nuts. We're really talking about data quality issues here. And as Steve said, there's all kinds of aspects of data quality that are wrapped up in here and the timeliness, syntactical accuracy, operational integrity, i.e., does it work? I think this is really important to keep in mind and possibly this group is badly named. Because let's face it, the 2013 RAA agreement was not constructed with sufficient focus on data protection law, it was focused on what ICANN stakeholders wanted Registrars and Registries to do and what they successfully negotiated. But that needs to be reviewed in the context of the new policy that we have. Hitherto, before we had the EPDP, we didn't have a policy on data or data quality. We have an RAA that was negotiated separately with the contracted parties. So it isn't really a policy, it's a policy because there's nothing else that covers personal information.

Now, not to be long-winded as I always am, some of these things cannot be justified anymore depending on purpose. Let me give you an example, timeliness. If operationally you get to the registrant, the registered name holder, regardless of whether the name on it is accurate or not, it's good enough for operational reasons, bearing in mind the purposes that were agreed in EPDP. We can't turn back to an archaic contract that needs to be revised as a justification for more accuracy in certain data elements. Similarly, whatever ICANN Compliance has been doing—and I say this with respect to ICANN Compliance, they've been doing their job, they've been enforcing the contract—but that enforcement now has to be seen through a data protection lens as well. And some of the language that we see that is being drawn out when new people look at the document that the EPDP folks have crafted—and I'm guilty as one of them who participated— they look at it and they misunderstand it. We need to have a better understanding before we get further down the pipe about all of the data quality aspects. And I don't think we're getting there. We keep arguing about definitions of accuracy. I think we're really getting ourselves down a blind alley, whereas we need to talk about the broader issues of data quality, what we expect registrars and registries to update, to keep in a standardized format for potential SSAD. Those are key questions. And even this dichotomy between what we meant for SSAD and what we meant for now, that is another blind alley that we're going down. Thank you.

MICHAEL PALAGE: You said a lot so I want to try to see if I could synthesize what I heard in a more succinct fashion. A lot of what I heard, Stephanie, I think, goes towards our next assignment, which is the gap. So I don't know if the NCUC has started that but I do believe that a lot of what you're talking about there is that kind of that gap analysis of what was the original goals versus what are future goals and how do they are measured, and with regard to measure, measuring those goals. You and I are kindred spirits when somehow the requirement for a data privacy impact assessment is somehow in part of that measurement of those goals. So I have heard you but I think is more towards the gap. So would you agree and do you feel that on the questions that we have for the gap analysis, you will be able to synthesize what you just said here and put it into that homework assignment?

STEPHANIE PERRIN: I presume you'd like me to answer that right now.

MICHAEL PALAGE: You don't have to. Have I mischaracterized what you've said, or have I heard you wrong?

STEPHANIE PERRIN: I wouldn't say you've mischaracterized it, I just don't think you're going into the nuance of it. Basically, I couldn't put this into a paragraph off the top of my head. I think it requires a paper that looks at historically, what have we got? What are we working with in the RAA? Does it comply with the EPDP policy we came out with? And further does it pass legal scrutiny at this point? I believe

I asked several meetings ago whether we've got legal counsel on board. In other words, can we get Bird & Bird back to do this? I guess you could call it a gap analysis. I wouldn't call it a gap analysis myself. I would call it a policy comparison. And then once you figured out what can stand that exists in the RAA, then we start from scratch on what ICANN Compliance shall be doing in terms of accuracy review. There are a lot of things that came up in response to previous accuracy reviews that I said at the time, we're not compliant with data protection law, in particular, the losing your domain and having it taken down if your address was stale. We don't do that for social services records in government in western democracies. Why on earth would we do it for a domain name that has a lot of intellectual property tied into it? It doesn't make any sense at all if you can still reach the individual. So those kinds of actions are not justifiable when you look at them from a data protection lens, how to synthesize everything that's wrong with the current RAA and how it was created. That's a long document.

MICHAEL PALAGE: I'm not going to disagree with that. If you could attempt to begin to put that into the gap analysis, even though that may be long, if you can at least get some of it in, I think that would be helpful. We have two more in the queue on Question 10, and then we will be moving to the IPC in their questions. Alan, you have the floor.

ALAN GREENBERG: Thank you very much. I'll try to be very brief. On Question 10, I think what Question 10 and Marc was asking is, is what this group

is using as its understanding of what accuracy currently is, does that correspond to what ICANN Compliance is? Because if ICANN Compliance has a completely different view then we're simply treading water. We can't recommend that the GNSO look at changes from what the current thing is if we understand the current thing different than the people who are actually enforcing the contract. So if we're going to come back after this discussion and revisit the "definition," then whatever that definition is that we come up with and we decide we're using should I believe the intent is we should plug that into Question 10. So that's my understanding of it anyway. If ICANN Compliance is now—what we really mean by syntactical analysis of the e-mail address is just there's an @ sign and that's it, we don't have to make sure the domain is valid. If that was their definition then that's the definition that is enforced regardless of what the contract say. So I think it is important.

With regard to Stephanie's comment, I feel like I'm on a surreal merry-go-round. EPDP Phase 1 was supposed to talk about accuracy. We deferred it to Phase 2. Phase 2 was supposed to talk about accuracy. It got deferred. The GNSO Council in response to that deferral created this group as the first part of looking at accuracy. So yes, we have to look at accuracy from all the aspects. That's why we're here. If the GNSO charted this group by mistake, then we have to go back to the GNSO and tell them that. But this is the Phase 1 accuracy discussion that we're having now, unfortunately. Thank you.

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MICHAEL PALAGE: I think, Alan, we will have that pit stop or, if you will, after we complete assignment one or two, we will go back to the Council. And I think we will have a clearer idea of whether we're on the right road or whether we need to recalculate. Volker, you get the final word on Question 10.

VOLKER GREIMANN: Thank you. I have two points, actually. The first point being in response to the earlier comment from the IPC, from Scott I think it was, yes. I mean, ultimately, we're not here to make up things that would be nice if it were a requirement at this stage of our work. We're just looking at the current requirements, and then at the current purposes, and then we see whether these purposes are being met by the current requirements. Address verification, cross matching is not currently anything that is required of us. I personally think that this is something that is impossible to do on a worldwide level. So let's stick to a work which is currently just defined what is currently in our agreements, what are the requirements and how are they being implemented?

The second point that I wanted to raise is—I should have written it down. The question here is that we're asking ICANN Compliance if they agree with the definition, as if ICANN Compliance is the ultimate arbiter of what the policies say. This is not the case. Just last week, I had to teach Compliance what the UDP actually says with regards to the registrar's requirements with regard to locking a domain name. Compliance said A, I said B, they came back with an incorrect definition. I showed them what the policy actually says and they closed the ticket. So we should not pretend that this question will then provide an answer that we can then rely on and

say, "Oh, yes. ICANN Compliance says X. So X must be the truth." This is just one other group that has one definition that may or may not be correct. I'm not quite sure what the purpose of asking this question at this stage is. As we know, ICANN Compliance may just be as incorrect as anybody else in interpreting the policy. Thank you.

MICHAEL PALAGE: Okay. And with that, Scott, you now have the floor to begin discussing the IPC specific questions.

SCOTT AUSTIN: Okay. Michael, I appreciate that. But I feel compelled to address what Volker just said with a short response. And the short response is that while we may be limiting ourselves with a definition that says it's strictly this or strictly that, the real world is showing us that the information that's being provided needs to be addressed because, as I said and you mentioned, Volker, UDRP, in the UDRP context, I see service providers all the time attempting to notify respondents and they use a DHL courier relying upon the address information that's given. And that DHL courier hard copy is ultimately destroyed because the address does not work. I don't know what percentage but I think it's relatively high percentage. And I think if there's anything that this group can do to improve that that should at least be considered and made for the record for whether it's for the EPDP or for any other aspirational goals that those who are part of this discussion would like to follow up on. Thanks.

As far as the IPC. I have not had a chance to speak with Lori this week. She wears many hats, as most of you know, and I think is very overwhelmed with her time, and I also have been traveling. But I will do the best I can to, from prior discussions, address what has been put in here. This is language that she put in and I have not had a chance to discuss with her directly this week. But as far as #11, I think the issue that we're trying to get out there is registrant and registered name holder, the distinctions in those terms in many of the data elements. What does ICANN Compliance consider that to mean? And what do the Registrar and the Registry Stakeholder Groups, what do the representatives of those stakeholder groups believe in that information? If we can get an answer to that. Because those terms are there for specific reasons, and if they are the same, then we need to know that.

MICHAEL PALAGE: Okay. So that is Question 11. Sara, I see your hand up. Do you want to respond to the inclusion of Question 11 or clarification?

SARAH WYLD: Thank you. I did respond or respond briefly to what Scott said a moment ago. If there is a concern with postal addresses, I would certainly be very interested in pursuing that. I think that's exactly the job of our team here and it should go into the gap analysis. So I would definitely encourage the IPC team to document that problem along with any kind of supporting references that could be provided. Thank you.

MICHAEL PALAGE: Thank you, Sarah.

SCOTT AUSTIN: Thank you, Sarah. I will.

MICHAEL PALAGE: Okay. So, Scott, I do not see any questions or comments on Question 11. So if you want to move forward to the other questions.

SCOTT AUSTIN: Yeah, #12. The question revolves around the term usually. And the question there is do we have any evidence—Stephanie I think very properly look at data quality and there's some elements of that that we're not reaching here. So I think the term complaints are usually from the registrant. Is there a specific percentage of time? As Lori has mentioned, the metrics. How are we going to measure that? Because the measurement is really a key question for data quality and accuracy being one of those elements. So terms like usually need to be solidified into some kind of a percentage or some kind of a measurement that is more concrete.

MICHAEL PALAGE: Okay. Real quick, Scott, I would encourage everyone to—I don't know if you or Lori or other IPC reps have had the opportunity. ICANN Compliance I thought did a pretty good job at ICANN72. I know Volker and a lot of the registrars, I watched it remotely in the archive, but I followed the chat so I know there was a lot of good

discussion on the metrics there. I would encourage you to, if you get a chance, listen to that, I think you will find that informative. Any questions or comments from anyone in the group regarding the inclusion of Question 12? All right. There we go. Sarah's supporting Question 12. There we go. Let's move on to Question 13. Scott, please.

SCOTT AUSTIN: Continue on the same theme, whether it's because we're lawyers or just are looking for gaps to close in language, there are multiple terms that are used that almost say the same thing. But is this something that would be capable of being fixed so that we can use one term that works across the system? And specifically, she's listed them there, commercially practicable, commercially reasonable, commercially practical updates. Again, commercially, when you're talking about reasonableness, oftentimes that's in the context of cases or a pattern or something that's developed, but more importantly, we're talking about is there a standard that that's being judged against so that you can look to how to measure against that standard. I think that's the language itself. When you have, it's susceptible to ambiguity, maybe even being vague. But the point is we need to see if there's a potential to tighten that up, or at least have some examples that the stakeholders can agree upon that serve as models for how measurement should be done.

MICHAEL PALAGE: All right. Any objections? Sarah, I see your hand raised.

SARAH WYLD: Thank you. This is a constructive suggestion, I hope. I think I understand the question. It is an interesting question. What I don't see here is the connection to the Accuracy Scoping Team. I could guess what the connection is but it would be better to have that coming from the people posing the question. Perhaps it could be adjusted to include that. Thank you.

MICHAEL PALAGE: Scott, if you could perhaps connect with Lori and the rest of your IPC colleagues to see whether you would consider clarifying that or making changes or we could just leave it as is.

SCOTT AUSTIN: Michael, just to respond quickly to Sarah. I think that there is information that is beyond our grasp in the IPC context. We're really reaching out to say is there something in either the history of the document and its creation or has there ever been a problem that's arisen based on these multiple uses of terms so that we can address any solutions that were raised in response to that problem? Was there a challenge? Was there a case? Or was there criticism level in comments about these multiple uses of terms? That's the only thing that I think will allow us to progress on that because there's information we really don't have. We just look at the terms in the document. And frankly, I'd be interested if those multiple versions of what appear to be similar terms have been confounding or created problems within the Registry or Registrar Stakeholder community in terms of how they're being assessed.

MICHAEL PALAGE: Alan, I see you have your hand up. We have a couple of hands up. We are going to go Alan, Volker, and Melina.

ALAN GREENBERG: Thank you very much. I think the question, although worded in a somewhat convoluted way, is very valid. The RAA currently says cross field consistency must be done, must be verified, but is subject to—the word that is used is technical and commercially feasible for the applicable country or territory. Knowing how ICANN interprets that, I believe, is relevant because the clause has no meaning unless we know how that is going to be interpreted. And I'll point out that Marika pointed us to a document which says we hope to come to agreement on what this means. That document is four years old and we apparently haven't progressed at that in four years. That doesn't speak well to us to our ability to do most anything. But I think overall the question is relevant. Thank you.

MICHAEL PALAGE: Volker, you're next please.

VOLKER GREIMANN: It's good that I'm after Alan so I can offer the counter point. I don't think that this question is relevant at all because it does not talk to accuracy as such. It talks to certain preconditions that would allow certain conditions to kick in. However, it does not relate to accuracy in and of itself. Therefore, I don't think the question is

relevant for our work. The question of what these requirements might mean, if they were in action, that is something that could probably be looked at in the gap analysis. But at this stage, the question of what's feasible, what economic reasonable, practical, and so forth mean is of no interest to accuracy for our work, at least. Thank you.

MICHAEL PALAGE: Volker, if I could, I guess I see some value in these. Not perhaps in the context of assignment one or two, but understanding ICANN's interpretation of the contractual terms, how that may impact—as you said, I think you just said the gap analysis and potentially assignment three and four. What do you see the upside of not asking the question now when we potentially may ask it later? I guess that's the one thing—

VOLKER GREIMANN: Well, let's focus on our work right now. We have questions one and two to deal with, which is basically addressing the status quo and seeing whether the purposes are being met by this current status quo. The status quo definitely does not include cross field validation because that is something that has been determined again and again by ICANN and registrars as not commercially feasible. The question of whether something is commercially feasible or not does not address the questions one or two. So I think we should, in all likelihood, if we are to finish our work in the timeline that we were given, we should focus on the essentials and the core questions and not go out on a tangent of things that

might be relevant at a later stage. If they become relevant at a later stage, let's address them at that stage. Thank you.

MICHAEL PALAGE: Melina, you have the floor.

MELINA ASIMINA STROUNGI: Thanks, Michael. Just to add that. I believe it is very important to see this exercise as holistically as possible. After all, it is a scoping exercise. So I really think we should all look at the broader picture and not things in isolation. This phrase is really important because we see it in various documents, also in the sources that you and the staff have so kindly provided. I have also copied such a passage from ICANN Bylaws in the chat where it explicitly links the commercially reasonable efforts to accuracy and improving accuracy. If such link is so necessary to be included in the question, I'm happy for IPC—they can also include this passage from ICANN Bylaws—to show more clearly this connection to accuracy. But in my view, in any case, it is very important to clarify what commercially reasonable means and what practicable means because we are here to assess what is currently happening, what is the current state of play. In that regard, it is very important to also know how these notions are currently interpreted. I don't refer to a later stage of gap analysis. I don't refer to whether this is enough or whether it has to be changed. Just for us to understand what is currently there. We need to understand what these current terms mean. So I'm supportive of Question 13. In any case, I don't believe it is of any harm to ask. Thank you.

MICHAEL PALAGE: Beth, your hand is still up. It goes up, it goes down. You have the floor, please.

BETH BACON: Thanks, Michael. Thanks, everybody. I don't necessarily object to the question but I do think it's important that it's asked in the right phase. I also had concerns with us thinking that we're going to define what is a generically often used legal term of reasonable and commercially practical for not only a lot of contracts and interpret what that means for a variety of business types, models, jurisdictions, sizes and what that means for all of them. But also something that is in the ICANN Bylaws I think that would be concerning and a challenge.

I do think that this is an important question and something to discuss with regards to do we need to make the language more clear. But for me, when I think about what maybe we should do, that lives squarely in the gap analysis section. And I don't think there's anything that says when we get to the gap analysis, if we have questions on definitions and things, we can't go back and ask Compliance again and say, "Hey, we're thinking about this. How would that impact your work? How would that impact how you enforce these contracts or these requirements?" I don't think that that's a problem. So I'm not thinking this is the last time we can ask a question of contractual compliance if we think that's helpful.

Again, I don't necessarily object to it. I think that this is a good discussion. But I think, again, just for our own sanity of blocking this out into the four assignments, I think it would make more sense to discuss this in the gap analysis section. But again, not necessarily objective and die on [inaudible]. But I also don't think that—it's not like the door of Compliance is going to close after this round of questions. Thanks.

MICHAEL PALAGE: We don't want anyone dying. Scott, I believe I see no further hands on Question 13, so if we can move now to Question 14. I believe this is still you on the floor.

SCOTT AUSTIN: Thank you, Michael. But before we leave 13, I need to address something Volker said because I sense the feeling that it's important to ask things that maybe have a morass of legal terms within them. We're not trying to determine what reasonableness is or something philosophical along those lines. I think that it's important to do it now because we've been asked to put together definitions which include terms. And I think that Lori's thinking is correct along this. I agree totally with Melina saying that we have to look at this holistically. What are those things that affect accuracy? I think Volker must recognize that accuracy has multiple moving parts. And among the moving parts are the question of commercially practicable, commercially reasonable. But my point is that there are a variety of terms. And those terms could either be used as an unnecessary constriction in terms of one party's view of what it really should be that is commercially

practicable. Or it could, on the other hand, be used as just a safety valve or a license to not do what is necessary for accuracy to be completed or maintained. That I think makes it valid to be put in here and at this point to start thinking about are there ways in which the contractual compliance is being sidestepped or are there ways in which perhaps it's being too constrictive?

MICHAEL PALAGE: With that, Scott, before you start on 13, I'm just looking at the time and this is taking longer than expected, or as Berry would say, exactly as long as I expected it to take. What I want to do just real quick is hit pause and take a look what we're doing here. I think when I looked before the call, we had a total of 20 questions. Is that correct, Marika? Could you maybe scroll down to the bottom? Okay, so we got 20 questions. Sufficient to say, we are not going to get through seven questions in the next 11 minutes. So our discussion is going to have to carry forward to next week. Hopefully, we can conclude the review of the questions at that time and any other additional questions that will come in.

As I scroll through the list—can you scroll through again real quick, Marika? We've already had questions from ALAC, from the Registries, the Registrars, the IPC. We have SSAC, ALAC again. The question is—I'm going to just go through the attendance list and I'm going to—what do we have here? From the ISPs, I saw Thomas. Is Thomas still on the call? Thomas, do you anticipate the ISPs providing any comments—it's not comments. Do you view them adding any questions to our list at this point in time?

THOMAS RICKERT: I don't think so. I think that we have quite a lot of questions that cover a lot of ground.

MICHAEL PALAGE: Excellent. I then want to go to Toba and Susan from the BC. Do you anticipate the BC submitting any questions?

TOBA OBANIYI: Well, not exactly sure, but there's a possibility that that will happen.

MICHAEL PALAGE: If you would choose and could coordinate with the BC, I know they were one of the principal advocates for this particular assignment. If all the questions have been asked on their behalf, that's great, but if they do see any lacking, that would be helpful. I think if I go through this—Stephanie, I almost forgot about our NCUC colleagues. Do you anticipate the NCSG providing any additional questions?

STEPHANIE PERRIN: Hi. We are consulting our NCSG colleagues on this document. And we hope to get back to you soon.

MICHAEL PALAGE: I would greatly appreciate that. Finally, Melina or Ryan, do you anticipate the GAC being able to provide any additional questions to this list?

MELINA ASIMINA STROUNGI: That's a good question, Michael. Due to the fact that it was a way to meet but we did not have the time to coordinate, so if we could have some time to coordinate with Ryan, that would be great.

MICHAEL PALAGE: Okay. Well, as I said, we have not concluded our work obviously because we are going to have to carry forward to next week to finish this. With that, I will make one other final comment and that is it does appear that we are falling behind our stated objective. I have tried and been a big advocate of trying to use the list for asynchronous activity. Unfortunately, it seems that we are really only able to make progress these plenary calls. One thing I would really ask the group to think about as we begin to fall behind, I originally tried to start with one-hour meetings. The last couple have been 90 minutes. At a certain point in time, we may have to start increasing the cadence. My preference is not to do that. I think everyone has expressed a strong desire to have just one meeting a week but I am mindful of us perhaps falling behind. But we can't rush the process. We'll let the process play out as it plays out. With that, my proposal would be just to end the meeting five minutes early, instead of having Scott try to rush through a summary of Question 13. If there are any final questions, comments, or concerns about what we've discussed today or what we are proposing for the future, now would be a good time. Going once, going twice.

Terri, you could stop the call. Look forward to seeing everyone next week. Just a quick reminder from our ICANN Org colleagues, we are hopeful to be able to conclude all of the seven questions. Hopefully, no more will come in, but if they are, we will get through them in as quickly and timely fashion as possible. If we do conclude the questions, we will be moving forward with the gap analysis. I would encourage everyone to focus on that. Please do not delay. We will be moving into that as soon as we complete these questions. You could stop the recording, Terri. Have a great day, everyone. Bye.

TERRI AGNEW: Thank you, everyone.

[END OF TRANSCRIPTION]