
ICANN Transcription
Registration Data Accuracy Scoping Team
Thursday, 23 December 2021 at 13:00 UTC

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<https://community.icann.org/x/6wC7Cg>

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TERRI AGNEW:

Good morning, good afternoon, good evening and welcome to the registration data accuracy scoping team taking place on Thursday the 23rd of December 2021 at 13:00 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 have listed apologies from Sarah Wyld, Lori Schulman and Susan Kawaguchi. And we have one alternate for today who will be Owen Smigelski.

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 email the GNSO Secretariat. All members will be promoted to panelists for today's call. Members, when using chat, please select everyone in order for all to see your chat. Observers will have view only to the chat.

As a reminder, those who take part in ICANN multistakeholder process are to comply with the expected standards of behavior. With this, I'll turn it over to our chair, Michael Palage. Please begin.

Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.

MICHAEL PALAGE: Thank you, Terri. Good morning, good afternoon, good evening, everyone. Our goal here, obviously with the holiday season, is to try to get through our assignment as quickly as possible. And our hope here is to keep this to a 60-minute call. With that, I will jump in as usual, I will start with a quick status update. And if we could, I would ask our ICANN Board colleagues to perhaps give a status update on the questions to Org. Brian, I believe that would be you.

BRIAN GUTTERMAN: Sure, thanks, Michael. The questions have been well received, of course, we were sharing some of the potential questions that as they were being sort of developed by the group over the past month or so, but once they were finalized, they've been passed over to the appropriate SMEs, Compliance team, Legal and others. And we would hope to get something back as soon as possible. Our first meeting in the new year, to be honest, I don't know if we have enough time considering many of our colleagues are off over the next week plus, for the holiday break, the ICANN Organizations are shut down. But I think we're going to aim for the maybe the second meeting back to get the questions back to the group. And of course, we can try and get things back sort of piecemeal. But our intention is to get everything sort of comprehensively developed and thought through and back to the group. Probably by the second working group meeting in the new year. But, of course, we can have a sort of iterative back and forth on that. And we're going to do our best to complete the assignment on our end and get it back to the group. So hope that

helps. And, of course, we'll update the group at our next meeting to as to what the status is.

MICHAEL PALAGE:

Thanks, Brian, I think that is reasonable. And if we could target that second week. I do believe there were a number of working group members that I think have been supportive of perhaps making that an interactive session. So not only having the questions, but perhaps having staff. So I think that second meeting, the second meeting in 2022, is a good target to aim for. And hopefully we could wrap up our work shortly thereafter so Berry does not get to gloat too much about us missing our end of January initial deliverable. So thank you on that, Brian.

The other administrative issue is the issue of the appointment of a vice chair. I believe, Mark, you had sent something to the list. Yes, I was aware of that. This is one of the reasons I was going to communicate this to Council. And I'll let you speak to this but yes, I was aware of that I guess the two intervening factors or two or three points that I was considering was one I believe Rafik was GNSO Council and I believe he served as co chair or vice chair in phase one and phase two. The other data point is, unfortunately, while EPDP phase one and phase two were hot tickets in town, let's just say the accuracy scoping group has not been the most sought after ticket, there was no chair, nobody put in for the chair during the first comment period. And in the extended comment period, there was no one other than myself that put in for chair. And to my knowledge, there was no one that put in for GNSO liaison. So that I guess was data point number two, and I guess data point number three, unlike EPDP, phase one, two and 2A or

any of the other groups that are actually tasked with recommending consensus policy that will be binding on all contracting parties, this is a scoping group. I think from day one, we have always said our goal here is really to document and fact find. So it was those three data points of why I was going to ask for guidance from Council to do that. So I wanted to proactively address and I don't know if that answers your question, but I will now turn the floor over to you to perhaps articulate and decide how we go forward with this vice chair selection. Mark, you have your hand up and you have the floor.

MARC ANDERSON:

Thanks, Michael. I don't think I had a question in there. So I guess no, no, it doesn't answer any questions. I won't repeat what I said in my email. I think that's pretty self-explanatory. I stand by that. On the point of Rafik. I will say I didn't think it was a good idea when Rafiq was vice chair. And I thought my concerns played out there when Rafiq eventually had to step in and be chair. I think that's a data point why this is a problem. And we shouldn't do that again. And to be clear, that's in absolutely no way a slight on Rafik, who I thought did a fine job. I just thought it was inappropriate for him to handle both roles, to wear both hats, especially giving the particular hats involved. Likewise this isn't in any way a concern about Olga. It's a concern about those two hats, which I think appropriately should be separate. I think there's probably lots of options. I'm aware that you don't have a waiting list of people who are asking to be vice chair. But I think there are probably other options that can be considered, including asking GNSO Council

for a vice chair. So I'll just stop talking there. I think I've covered my points.

MICHAEL PALAGE: Thank you, Marc. So what we'll do is we will defer that to next year. As I said, it's not a pressing issue. So we will delay that to next year until perhaps after we get our initial homework done. Particularly assignments one and two. And with that, I now want to begin to turn back—so I now want to turn to our substantive issue which is the continuation of the gap analysis unless there are any other administrative issues that people would like to raise at this time. Seeing no hands, I believe Alan, hopefully you have been properly recaffeinated. I believe you would have the floor to begin to walk through the ALAC gap analysis at this time.

ALAN GREENBERG: Yes, thank you. Let me pull up my copy so I can actually read it. Sorry, it's taking me a moment. Okay. All right. I'm not going to try to read all this verbatim. But just give you the original gist. The first question is, what is from your perspective the current goal that the existing accuracy requirements are enforcing and trying to meet? This is a question I had great deal of difficulty with, because the current goal is the one embodied within the RAA. And that had a long history associated with it. The goal going into the discussions on an accuracy specification, essentially, was trying to improve the accuracy. At that point, we had had the NORC study, we had had the first WHOIS review that basically both came out with strong statements saying there's a significant accuracy problem, it needs to be fixed. The previous RAA had no provision for

addressing accuracy. And this was the first attempt. So clearly, in my mind, what was the intent and the goal of the accuracy specification was to try to get more accurate data. The RAA, however, is something that is bilaterally negotiated between ICANN and the registrars, and what came out of it was a partial addressing of it, that is certain specific fields, contact fields were identified to be subject to some levels of accuracy checking, and others were not. And as a result, when you ask what the goal is, well, my belief is the original goal was what we went into it, saying we need more accurate data. And what came out of it was, well, we agreed to do some, but not all of the accuracy work. In fact, even though there are requirements for consistency checking within the specification, that has never on a global basis been implemented. So we ended up with a partial solution, part of which hasn't been implemented in real practice. So the short end is that no, the original goal was not met. And in fact, even the goal associated with the wording of the specification was not met. So the bottom line is no, we are nowhere near meeting the original goal of ensuring that all of the data that is put in to facilitate contact, indeed, is accurate. Michael, do you want me to take questions one by one or go through the whole thing?

MICHAEL PALAGE:

Let's try to do this one by one. Is there anyone that has any questions or concerns about the Alan's response to point one of the gap analysis? Marc Anderson, you have the floor.

MARC ANDERSON: Thanks, Michael. In listening to Alan, I guess I know Alan was speaking at a high level but maybe Alan, you spoke a little bit about the goals that were not met but sort of what those goals were, I'm wondering if you can articulate a little bit sort of what specifically the goals are you think were laid out and were not met. I think that that would be helpful to me.

ALAN GREENBERG: Yeah, I can certainly try. I can give examples of things that I do not believe are met. To make something accurate, means it is usable. The only purpose for having contact information is to facilitate contact. And therefore, some level of verification that indeed this will allow contact is I believe, absolutely necessary. And as an example, registrars are required to verify one of the provided registrant contacts. They are required to verify only one of them actually is operational, the rest are just subject to syntax check. I don't believe that the other contacts—remember in the current era, we have several sets of contacts, we have the administrative set, we have the registrant, we have the tech contact, and I don't believe all of those were subject. So bottom line is there were fields that could be accepted with very little verification that they seemed accurate and no verification that they were in fact operational. Again, the only reason for accepting contact is make sure it's usable. I'm not sure if that answers your question. If not, I can try to say it a different way.

MARC ANDERSON: Thanks, Alan. That's helpful. I guess I was concerned that it seemed like you were saying there was no accuracy. And it

seems to me that the WHOIS accuracy program did provide improvements, and that it was least a step in the right direction. Maybe it didn't go as far as you wanted it to go or thought it should go. But it does seem like there was improvements in the level of accuracy and that there's some good that came out of the accuracy program. But I guess that's just the question I had there.

ALAN GREENBERG:

Yeah, no, to be clear, Marc, of course, what you're saying is exactly true. There was an improvement. The intent was that it was detected that there were significant accuracy problems. The end result was the accuracy specification that's in the RAA, which was negotiated. And it did not achieve as much as some of us wanted to see going into it. But of course, yes, it does require registrars to do certain validation and verification of some of the contact pieces.

I'll give you a small example of something it didn't do, which could have been done at virtually no cost. Registrars are required to verify one of the phone number or the email address. But there's no flag added into the WHOIS, into the RDDS to say that a field was validated. So for instance, you might present me if I asked or was in WHOIS prior to GDPR with a phone number and an email address, you've verified one of them, you the registrar know which one you verified. But you don't tell. So a simple existence of a flag to say this is a verified field, or at least at the time it was verified, it was valid and worked, would be exceedingly useful. Would be no cost to doing that, or virtually no cost, but it wasn't done. So as a result, one might get back two fields, not knowing which of them was actually verified to be usable. So it's an example of the kinds

of things. I believe that it required only registrant contact information to be subject to this, not all of the other fields, but I honestly don't remember that. And I don't have the RAA in front of me. I see Owen's hand is up.

MICHAEL PALAGE:

Correct and Owen, you could perhaps shed—I'm going to perhaps ask to tap your previous experience in ICANN. With regard to that point that Alan just made about either or, did ICANN ever ask about which one—was that documented? Is what Alan is saying difficult or perhaps is there additional complexities that we may be missing there? Any insight you can share historically would probably be greatly appreciated by the group. You have the floor.

OWEN SMIGELSKI:

Sure, thanks. So with regards to whether it was email or telephone, yes, that was a question that was put in. I helped design the WHOIS accuracy queue or complaint processing process in light of the 2013 RAA. It was quite the mind-boggling process, took a bunch of us a number of days to just even flowchart what the WHOIS accuracy program specifications did. So we did that. And we had no preference because the RA was agnostic on that, whether it was email or phone in there. So wasn't a problem and certainly something that we were able to measure and check.

So a couple of things I'd like to raise here in response to the concerns that Alan is raising in the questions. I would actually dispute that it was not effective. I think it was very effective. I don't

have the numbers exactly here in front of me. But I know that if you go back and look at the WHOIS ARS reporting over the various cycles, that accuracy increased significantly. And it was attributed to in part the 2013 RAA requirements. As more and more registrars came on to the 2013 RAA we saw accuracy levels significantly improve to the point that in the last cycle prior to the GDPR concerns, that over 95% or 90%—I don't recall exactly the number—of domains were contactable by at least one field, meaning telephone, email or postal address. And a majority were contactable by all three of those. So I fail to see why we weren't achieving levels of accuracy that Alan wanted, because I don't know how much more accurate you could get under that, or what's the effort that's going to need to get there.

And then last, I'd like to come back to Alan's point of view, little or no cost to put a flag into RDDS. One thing that I've learned since leaving ICANN and coming to work for a registrar, changes aren't cheap. And making a change across every single registrar, every single registry to add a flag would be a gargantuan undertaking. It's not just a little code you flip here, you've got millions of systems and whatnot that depend upon all these different things that have to be updated, tested, regression testing, everything like that. It's not an insignificant task, it would require substantial sums of money to put a flag into the RDDS. And it's very easy to tell. [Domains have not passed it in large part, newly registered domains that are suspended.] That means that they have not passed the required verification. So yes, it's not a separate flag. So you have to do a little looking. "Okay. Geez, it's been 15 days since the domain name is registered. So it's suspended. That means it didn't pass the validation or the verification." But it would

be a significant effort. And I don't know necessarily what the benefit of those costs would be to the community. Thanks.

ALAN GREENBERG: If I may respond.

MICHAEL PALAGE: Please do, Alan.

ALAN GREENBERG: Yeah. Number one, I never said that this accuracy specification was not effective at doing something. That statement has never been made in writing or verbally by me. So I would appreciate it not being attributed to me. The last version of the ARS did show that about 95% of all registrations had a valid contact or a verified and usable contact piece. But I believe it was close to half of them had—no, sorry, I believe it was larger than half, I don't remember the exact number. I believe it was closer to 70 or 80% had at least one field which was not accurate. So yes, 95% of them had an accurate field. But you can't tell which it is. My understanding is registrars are required to keep the information on which was verified so that for instance, if they were challenged by ICANN, did you do your verification? They said yes, we verified the phone. And this is the proof, the record that we kept to verify that we did that, or the e-mail, and therefore the information is maintained.

I understand there's a cost to adding a field. I'm not a newbie at this and don't pretend there's no cost. but I believe would have significantly improved the usability of the data to know which of

those was verified. But we're not here to solve the problem. You asked the question. The question was asked, do I believe that it met the goals? And I said my answer is no, it did not, because it didn't require that all contact information be subject to the appropriate rules. And moreover, even some of the rules that it did require were not actually implemented in general. So please, I would appreciate if things were not attributed to me that I did not say. Yes, it improved things. That's great. I'm glad it improved things, because things were pretty abysmal before, but it didn't include any of the established base at that point, which was, I don't know, at that point was 150 million registrations, it only looked at new ones or changed ones. And it didn't verify and validate all of the fields. So that was the answer to my question. Never made the claim that it didn't create some level of improvement.

MICHAEL PALAGE:

Okay, if I could ask the question, just looking over the horizon to assignments three and four—and I do want to reiterate that this scoping group is about—our primary goal has to be about gathering objective facts. So I guess a request to the registries and registrars is, could you come forward and perhaps document what changes to your system—at a high level, not asking for specific companies, but Marc, if you can reach out to the registries. Obviously, there were a number of registries that submitted RSEPs to ICANN to comply with the Chinese real name verification, those were costs that were imposed. If the registries could share some of that magnitude back, that would be a good factual data point. The same, Owen, again, we're not asking for

competitive intelligence here. But if you could give us some idea of the magnitude of what was done to comply with these changing requirements or changes to the system, it is a good factual data point that we could include in our body of work so that any recommendations that may come or suggestions that may come out of this, we have that full body that the GNSO Council can look at and make an informed determination. And one of the reasons that I am asking this was—and, Becky, you may appreciate this as well, listening to the [inaudible] briefing that the GNSO with the ODP regarding the SSAD, there were so many unknown variables that made ICANN Org's job so difficult. So if we can go and help gather those data points, identify what those facts are, we are actually paying forward and making our other colleagues' work a lot easier. So that would be my thought or suggestion. Marc, you have the floor.

MARC ANDERSON:

Thank you, Michael. If you have a specific ask for us to go back to our stakeholder groups and request additional information, please put it in writing. I do not feel at all comfortable taking that request back based on sort of a verbal exchange on a call. That said, when it comes to costing, I find it very unlikely that that registries would be willing to share their costing, especially something—you talked about China verification and complying with that. I find it very unlikely, and certainly, for my company, I sincerely doubt we would be willing to share those specific costs. That said, if you have a specific request, I appreciate the value of data and having real data there, and I'd be happy to take any requests back. I don't however think that that's likely to result in actionable data.

MICHAEL PALAGE: That is potentially very likely, and I will work—I believe I still owe you, Sophie and Beth, a written question and I'm working on that as well. That will be my holiday work assignment. So with that, Alan, the floor is back to you. If we could continue to move forward with the second question in your assignment.

ALAN GREENBERG: Thank you very much. And the second question was, how and by whom is it or can it be measured whether these goals are met? I don't believe that that can be done by anyone other than ICANN or someone that ICANN contracts for. It has been suggested by a number of people that the registrars themselves be the one to measure their accuracy. And to be quite candid, I don't quite know how one goes about that and how a registrar would report, “No, the data is inaccurate.”

Number one, to verify that, they would have to verify data they're currently not verifying, which is a very significant effort and a costly effort as we have been told. So it makes little sense for the registrars to be asked to do their own monitoring, because yes, they could monitor to what extent they are complying with the current recommendations. But as I said, originally, I don't believe that was the initial goal. It may have been the interim goal because of the specifications. So it's up to Compliance to monitor the adherence to the RAA. And that's clearly already in existence either through spot checking, through complaints, or through audits. But that doesn't give you a measure of how accurate the data is because much of the data was not subject to verification

and validation. So I think the answer is very simple. It has to be done by ICANN or someone contracted by ICANN. And I don't see any point in going more than that. The NORC study was one of the first attempts to do that. The ARS was obviously a very significant attempt to do that. And I'll point out both of them did not just look at brand new registrations. The accuracy study, I believe, did look at what RAA they were subjected to. But again, that doesn't look at the actual operational accuracy.

MICHAEL PALAGE: Any questions on Alan's point two? Seeing none, Alan, if you want to go to question three in your gap analysis.

ALAN GREENBERG: Question three is really just a follow on to question two, the previous one. The accuracy specification in the in the 2013 RAA—and I'll point out 2013 is at this point almost nine years old, or eight years old. That's as old as the 2001 RAA was in 2009 when RegisterFly and other events caused the RAA to be updated. The world has changed very significantly, certainly the cybercrime world has changed very significantly since 2013. So it was in my mind a poor implementation to address the original goal at that point, and we really have to go back and address them.

GDPR calls for data to be accurate, and I'm using GDPR as an example not saying, are we GDPR compliant? It requires data to be accurate for the purpose for which it's collected. We've been told many times the registrars themselves do not need the WHOIS information, contact information is only collected to be used to

contact a registrant or one of the registrant's agents. And I believe that currently we do not have sufficient process in place to verify—to ensure that that is in fact the case. Goal should be all contact information is demonstrably fit for purpose. And I think that is where we should be heading. Thank you. I understand we're not likely to verify the paper mail address by sending mail and expecting a response. And that's probably a reality we'll have to live with. I also believe that we're not likely to verify actual verification of who the registrant is. In many jurisdictions, that's going to be very, very difficult. But we need to at least make sure that the information they provide for the more typical forms of communication, of email and phone, are in fact usable.

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

ROGER CARNEY: Thanks, Michael. Just wanted to sneak in here. And maybe it's just a clarity from Alan. I think he said multiple times here it only covers some contact details. And I don't know if he's trying to say that it's because of prior registrations. But the RAA requires all contact details to be validated at some degree, even though some of them are no longer valid, e.g. admin contact or tech contact, all that stuff now. But according to the RAA, all those contact details of each of the different types have to be validated at some level. So I just didn't know if Alan was trying to say that was due to the prior registrations and not new registrations, or if he thinks there are some missing data elements. Thanks.

ALAN GREENBERG: What I said was I didn't remember if the 13 RAA caused things like admin contact to be validated. But only one of the email or I believe only one of the email or phone numbers of the registrant contact information was the one that had to actually be verified. And if the whole RAA accuracy specification only applies to registrations that are new or have are subject to a complaint or something has changed. So we have a huge installed base of tens, perhaps hundreds of millions of registrations that have never been subject to those particular constraints. So it's a two-part story.

ROGER CARNEY: Thanks, Alan. But I guess maybe I wasn't being specific enough. I wasn't trying to say that you said anything. I'm just saying what's written here. Number three and number one, it specifically says, only covered some of the contact details. Number one says that as well. But the RAA does specifically require all contact fields be validated at some level.

ALAN GREENBERG: Validated but not verified?

ROGER CARNEY: Yeah, but you said validated in number one.

ALAN GREENBERG: Okay. I will go back and verify that if I did misstate that.

ROGER CARNEY: Thanks, Alan.

ALAN GREENBERG: And lastly, Michael, number four is in my mind very close to number two, who should be doing this? And again, I believe it has to be verified by external bodies, external to the registrars and registries. And lastly, we are in a state right now where there are bodies that get information either from WHOIS, if it still exists, or under release of information and a survey of those parties to know to what extent are they finding that information that they are either retrieving or being given is accurate or not accurate could be very useful. That's something we can do. There's a relatively small number of you are UDRP and URS providers who for instance regularly get contact data. Do they find that problematic or not? Are there errors in it? Something which would be trivial—sorry, I don't want to minimize. Would be minimal effort to do. And it's something ICANN certainly could do to give some measure of how accurate the data is that is currently redacted and therefore not usable. Thank you.

MICHAEL PALAGE: Thank you, Alan. If there are no further comments on the ALAC gap analysis, if we could scroll down to the GAC, and I believe we have Kenneth. I believe you are stepping in as an alternate. But you do have the floor as your other GAC colleagues had sent their apologies for not being able to participate. You have the floor to walk through the GAC's gap analysis.

KENNETH MERRILL: Thanks, Michael. Yeah. So, as you know, I'm the alternate for Brian who couldn't make it today. So I'm happy to have you sort of read through the GAC's offering here and go from there, if that's okay.

MICHAEL PALAGE: Sure. No, I guess, yeah, I have no problem. Or we could just kind of put it up there on the screen. So I guess what I would ask everyone to do is yes, for the visually impaired if we could blow that up just a little further. All right. I think the first question here that was posed to every other group is, what is the perspective on the current goal? So if we go down, I believe there was a reference to one of the documents on the ICANN organizational enforcement of registration data, they're citing a particular quote.

The GAC is articulating, I believe, and Kenneth, please correct me if I'm wrong, they are citing this passage as demonstrating the link between the inaccuracy and identity complaints, the registrant is not who they say they are. Moreover, when discussing existing accuracy requirements, various relevant purposes should also be taken into account. Here the GAC is specifically citing section 4.6 Paragraph E of the bylaws that say that the legitimate needs of law enforcement and promoting consumer trust and safeguarding registrant data. In conclusion, in order to assess what are the goals of existing accuracy requirements and enforcement and whether they are met, the analysis should take a broader perspective than simply limiting to WAPS requirements, and among others consider the recent EPDP identified purposes for

collecting data. These, among others, include the ability to assign a domain name to its owner and to contribute to the maintenance of the security and stability and resiliency of the domain name system in accordance with ICANN's mission.

Continuing on, they have also stated that ICANN's identification of various purposes for which domain name registrations are used, such as to determine whether or not a given domain name is available to contact network administrators for resolution of technical matters related to networks associated with a domain name, to diagnose registration difficulties including registration data service queries, provide information that is often useful in resolving a registration ownership issue such as the creation and expiration dates and the identity of the registrar, to contact web administrators for resolution of technical matters associated with a domain name, to obtain real world identity, business location, location information of an online merchant or business or generally any organization that has an online presence to associate a company, organization or individual with a domain name and to identify the party that is operating a website or a publicly accessible service using a domain name for commercial or other purposes, to contact a domain name registrant for purposes of discussing and negotiating a secondary market transaction related to a registered domain name, to notify a domain registrant of the registrant's obligation to make maintain accurate registration information, to contact a domain name registrant on matters related to the protection, enforcement of intellectual property rights, to establish or look into an identity in cyberspace, and as part of an incident response following an internet or computer attack, to gather investigative leads to identify

parties with whom additional information might be obtained. Law enforcement agents use registration data to find email addresses and attempt to identify the location of an alleged perpetrator of a crime involving fraud, to investigate spam, law enforcement agents look to the RDDS to collect information. And I believe they include a specific link where all of those cited use cases have been used.

So I will hit pause there. That was a rather detailed list and I believe the WHOIS requirements—I believe many of those uses were actually—I believe many were cited in EPDP phase one. Marc, I'm sure you might be able to recall under the specific purposes. I don't know if all of them came from there, or were there maybe other data points. But Marc, you have the floor. And Kenneth, if you cannot answer this, what we will do is we will document these questions and we will work with you to get it back to your GAC colleagues so they could respond early in the new year. Marc, you have the floor.

MARC ANDERSON:

I guess, a couple reactions. And I think maybe this is worth more follow up once—I don't feel comfortable putting Kenneth on the spot to answer and respond to these. And maybe this is just worth further follow up once we have full attendance, but sort of the first thing that jumps out at me is in the second sentence at the top, the GAC says we are not fully convinced that the current state, as described at the bottom of this document, captures accurately the existing accuracy requirements and enforcement. And I think it's problematic for me that they have—the GAC in their response has that concern, because I think our goal as defined in our charter,

and really, as you've laid out for us, is to fully capture the current state. And I think it's difficult for us to go forward with our work if we don't have a firm and common understanding of what the current state of accuracy is.

I'm not going to dispute or talk to that, rather than say, to me, that's a red flag that requires further work. We should all be convinced that we're on the same page as to what the current state is. And I think we'll have a very hard time moving forward as a group if we don't have a common understanding of what the current state is. So I think that's a flag that we need to follow up and get on the same page and make sure we have that nailed down.

That said, I want to go and down into the document. You'll go into the bulleted list at the bottom. That is not the same list that the EPDP phase one working group came up with for purposes of processing gTLD registration data, that's a different list altogether. And there's a link at the bottom of the GAC submission where they've listed where that bulleted list came from.

Again, I don't know how much value there is getting to this here. But that list seems to be focused on how gTLD registration data is used, which is very different from the purposes for which it is collected. And so the GAC submission seems to commingle the two concepts. They precede that bulleted list with another bullet point saying ICANN's identification of the various purposes for which domain name registration data are used such as ...

So I'm not sure how much we should get into it here. But I think it's important to differentiate that these are not the purposes identified

in EPDP phase two, and I'm not sure it's a good idea to characterize those as purposes. They seem to be a list of uses, which are very different from purposes.

MICHAEL PALAGE: Thank you, because I knew you would be able to give the definitive answer from phase one on the original purposes. I guess my question to you, Marc, is how someone uses it and whether there is a disconnect between the original purposes that it was collected for, do you think that this is perhaps a new question that we may want to ask ICANN, do they still believe that that URL—is that information still relevant? Do they need to take that down or update that website? And if they believe it still is relevant, maybe give their perspective. What are your thoughts on that? I have no opinion. I just think that this is an interesting data point I was not aware of, and maybe ICANN could shed some light on that. Would you be supportive of asking ICANN Org to provide clarity?

MARC ANDERSON: That seems a fair question to me.

MICHAEL PALAGE: Okay, so Brian, we may be adding that. And if you could perhaps just tee that up? Brian, you have the floor.

BRIAN GUTTERMAN: Sure, that's certainly something I can take back, we can add it to the current list of questions and provide some clarity. So of course, we can do that.

MICHAEL PALAGE: Excellent. So with that, I believe Kenneth, you had your hand raised.

KENNETH MERRILL: I just wanted to sort of say with apologies for my inability to sort of get into the weeds today as I'm trying to cover for our lead on this. But I've taken note, Marc, of your comments and will report that to Ryan when able and our lead on this. And yeah, just wanted to apologize for not being able to get into the weeds today. And thank you for your comment.

MICHAEL PALAGE: Thank you for showing up. That's the most important thing, and I'm sure you will take this feedback back, not only to Ryan but to the rest of your GACC colleagues. So with that, I'm going to continue reading in the rest of the GAC submission. As noted by other SGs and ICANN's accuracy reporting system, the accuracy of the domain name registration should be assessed in terms of syntax, operability and identity. The parties in direct relationship with the purchasers of domain name are best suited to initially confirm the accuracy of the contact information submitted. It is the GAC's understanding that the RAA currently governs how these goals are met. ICANN Compliance is responsible for enforcing the RAA and thus as highlighted by other SGs should play an

important role directly or via third party in monitoring and enforcement phase. Third parties including governments can play a monitoring and reporting function when they believe they have obtained inaccurate data.

In addition, third parties could be utilized to monitor, assess and report on the efforts of the contracting parties to obtain and verify accurate domain name registration data. As noted in SAC 058, various studies that assessed the quality of domain name registration have collectively shown that the accuracy of the data needs to be improved, citing to the National Opinion Research Center report in 2010. And with that, I will hit pause. Are there any questions or concerns regarding the GAC's response to question two of the gap analysis? Marc Anderson, you have the floor.

MARC ANDERSON:

I think generally, the first paragraph there makes a lot of sense. No concerns there. The second paragraph about SAC 058 from 2010, I think it's been brought up before, just sort of generally, using old sources of data. Citing SAC 058 which predates the current 2013 RAA which introduced the accuracy requirements that we're spending so much of our time talking about, I guess question if the 2010 SAC 058 report and the WHOIS accuracy study from 2005—I guess I questioned if those are relevant anymore, especially as they predate the 2013 RAA and the introduction of the current accuracy obligations we're looking at. Otherwise no, no other comments.

MICHAEL PALAGE: Thank you, Marc. Steve, if I could perhaps put you on the spot as the SSAC representative. I think we've discussed in the past, offline, and I think on the list as well, what is the position of SSAC? Do they periodically review previous reports? To Marc's point? SAC 058 was almost 12 years ago, so definitely over a decade. Does SSAC have in place any internal mechanisms to perhaps review things? Or is this something that is in their queue of other work? Or it is just a report that was issued in 2010 and it is what it is?

STEVE CROCKER: Thank you, Michael. I'm not aware of anything queued up to revisit SAC 058 per se, but let me make a different kind of comment. Any study that is done of sampling data and taking a look at it at a particular point in time, clearly, whether it's a SAC report or whether it's any other report, clearly raises the natural question of what does it look like today? And also, is it changing in one direction or another? So I think what I'm going [inaudible] hope is that in any measurement process, we'll have to think in terms of a continuous or a repeated process over time. So with respect to that aspect of what's in SAC 059, I don't think there'd be any issue about the comment that cites a 2010 study and therefore there's the question of how relevant that is in 2021, etc.

Totally separate, one of the things that I liked a lot in SAC 058 and go back to a lot is that it put forth a nomenclature for describing levels of accuracy. And that I think has been fairly stable over time and with very, very minor clarification is what we're still using today. Whether or not we officially recognize that as coming from there or not, but three basic levels of syntactic versus operational

versus identity. I know [inaudible] levels of identity, validation, [inaudible] and I always try to include a bottom level of [inaudible] verification just as a matter of form. But basically, I think we're in general agreement that that scale has survived the test of time and it's not unreasonable to ask every once in a while whether [inaudible] or not.

But to the question that you posed about what's SSAC's position with respect to—I think the question is specifically with respect to the data that was cited in 2010. The natural answer would be that was 2010 data, we don't have an ongoing process in place. It's not currently on the agenda so far as I know for things that SSAC is worrying about. Rather, SSAC [inaudible] is actively engaged in the current processes, the EPDP and accuracy scoping, etc.

MICHAEL PALAGE:

Excellent. Thank you for that, Steve. if we could, I believe move forward to the third response. So, the question here, for the third part of the gap analysis, are there any goals that have been overlooked? If yes, please explain these additional goals. So the response from the GAC is yes, the GAC shares the same concerns as other SGs. Overall, some of the goals we believe have been overlooked are as follows. One, definition of accuracy should include the purposes for which registration data are collected, processed in light of ICANN's mission, accuracy should be considered in light of various laws, not just GDPR, a more holistic interpretation of the RAA, discussion on verification, validation and correction.

In particular, we believe that the accuracy of registration data should not be defined based on certain contractual [inaudible] of 2013 but in relation to the purposes for which those data are collected and processed. While the scoping team can certainly draw upon some inspiration of the accuracy as a general data protection principle under the GDPR, it should also not limit itself to the GDPR. Also, purposes that are relevant to ICANN's mission such as for instance, promoting consumer trust and contributing to the maintenance of the security, stability and resiliency of the domain name system have been currently overlooked. For instance, one of phase one purposes included "handling contractual compliance monitoring requests." It is not clear how this purpose is met.

Another issue that has been overlooked are other RAA relevant requirements, which although not limited on accuracy per se, may also cover accuracy. For instance, section 3.72 of the 2013 RAA states that registrar shall abide by applicable laws and government regulations. It is not clear how this is ensured and by whom. The GAC has expressed in communiques that verification, validation and correction of all registrant data by registries and registrars is important to the security and the stability of the Internet. The GAC welcomes further discussion of verification and validation along with attendant risks and benefits. I will hit pause there. Any questions, comments or concerns that we could note for Kenneth to bring to his GAC colleagues in connection with the response to question three of the gap analysis? Volker, you have the floor.

VOLKER GREIMANN: I think that the question that's being asked as part of this position is a bit backwards. I mean, if the GAC states it's not clear how position is being met, that is asking the wrong question. I think the question that we as a scoping team have to ask is whether this is being met, not it's unclear that it's being met. To put it differently, I think we need to look at these things from a perspective of either it's not being met, we have evidence to show that it's not being met, or by definition it's being met. So the default is that it is being met unless we have evidence to the contrary. And having to prove the positive, I think is very difficult. We have to prove the negative. Thank you.

MICHAEL PALAGE: Becky, you have the floor next.

BECKY BURR: Thanks very much. And it's just a follow up question about the GAC input. And in particular, it goes to the issue of ICANN's, compliance function and the data. And I just think part of the limitation on ICANN's ability—a significant part right now—to track accuracy, except on a case-by-case complaint by complaint basis, is that it does not have access to the data. And I'm sure we should all look beyond GDPR. But it is primarily the input that we've received from lawyers on GDPR, about whether we can actually access that data. So I am very sensitive about the point of ICANN compliance, and I do think it would be very helpful if we had clarification from a data protection authority about ICANN's ability to access the data in a holistic way. So that's all I'm going to put, is that right now, ICANN can engage in accuracy checks only on the

basis of a complaint and then going to the contracted party that have access to the data they have.

MICHAEL PALAGE:

Thank you, Becky. And just one other thing. I do want to follow up on one of the statements that you made I believe in Monday or Tuesday's webinar. I believe there was a comment from the IPC about them no longer submitting complaints because they felt they were not being heard. And I think in the chat, you made the point that if people stopped making complaints or submissions to ICANN compliance, it is really difficult to in fact gauge that problem. So I guess that would be my public service announcement for people to still remain engaged because once we lose that input, it really does become difficult for us to come up with objective data points on the existence of problems that may or may not exist. I really did like your comment there on the session. So I just wanted to again highlight that. I think it is important for everyone to stay engaged. Owen, you have the floor.

OWEN SMIGELSKI:

Thanks, Michael. So taking off my registrar hat and putting on my dusted an old worn former ICANN Compliance hat. I don't pretend to speak on behalf of ICANN, this is just based upon my experience when working at ICANN Contractual Compliance. This 7.3.2 of the RAA, and there was a similar wording, if not identical wording in the 2009 perhaps in the 2001 RAA that registrars shall abide by applicable laws and governmental regulations. So it was I think it may have been part of one of the audits and it was just basically, do you follow applicable laws and regulations? But the

really the only time that it was something that was seen by ICANN would be when a registrar was being asked to do something that they then said was contradicted by local applicable law or government regulations. And then they would provide a reason or rationale, an explanation, which law or something like that. But it's something that did not come up that often. However, it did start to come up with GDPR when we saw certain registry operators, I think it was .amsterdam, started to have some concerns about applicable laws and regulations there. So again, it wasn't something that was necessarily being insured in that, but it was something that was a generally an excuse about why a registrar could not do something in the contract because it was prohibited by local law. Thanks.

MICHAEL PALAGE: Marc Anderson, you have the floor.

MARC ANDERSON: If you could scroll up towards the top of the section three. Thanks, perfect. I guess I'd like to flag maybe as a follow up question for the GAC on this one. In reading this under overall, there's the list of three or four points there. And the one thing is the GAC says "A goal that we believe has been overlooked," they reference a more holistic interpretation of the RAA. And then they go on under the particular part to say the accuracy of registration data should not be defined based on certain contractual practices of 2013, which presumably is a reference to the RAA.

So for me, this is kind of sending mixed signals. We should take a more holistic interpretation of the RAA, but we shouldn't base it on the RAA. So I guess I just don't really understand what the GAC was trying to say there with that submission and how I should read that. So maybe my question is just a follow up for the GAC to ask for clarification, what they mean particularly in reference to the RAA. Thank you.

MICHAEL PALAGE:

Thank you, Marc. I believe now we would go on to question four, how and by whom have these problems been documented, or how and by whom should it be documented? The response as submitted by the GAC is the GAC supports the input received by other stakeholder groups regarding overlooked goals, including but not limited to the pros and cons of additional mechanisms to ensure the accuracy of domain name registration data for existing as well as future registrations.

One pertinent problem is the inaccuracy of registrant data seems to be largely unreported, citing to the RDS WHOIS2 review final report, section 3.6.3.2. Notably, the confirmed RDS WHOIS inaccuracy rate across sample data is still high, 30 to 40%. The Accuracy Reporting System project which started as an effort to address Recommendation 6, i.e. to proactively identify inaccurate registration data, forward potential inaccurate records to registrar, has only checked a small fraction of the whole gTLD namespace. Thus, there is reasonable grounds to believe that the RDS inaccuracy is largely unreported.

Moreover, the ARS was designed to be implemented through three phases based on the types of validations described in SAC 058. Again, phase one, syntax, accuracy, phase two, syntax plus operational accuracy, phase three, syntax plus operability, plus identity accuracy. Phase three has not been started. According to the latest updates from ICANN Org, this was due to the cost and feasibility issues arising from identity verification or validation.

However, at the same time, ICANN Org and potential complaints now lack direct access to registration data as a result of the GDPR making it more difficult to identify instances of registration data inaccuracy or to take action to correct them. According to a study published in January 2021. By Interisle Consulting Group, at present only 13.5% of domain names have an actual registrant identified in WHOIS. Accuracy is a burning issue for the entire ICANN community, and nevertheless remains unresolved in phase one and phase two despite being in scope. This in combination with the fact that phase three of ARS never started and that there was a large number of data which we have no information on their accuracy makes it compelling to take action. Questions, comments or concerns regarding? Volker, I see your hand up. You have the floor.

VOLKER GREIMANN: Yes, it's a lot of conjecture based on old data. I think without looking at new data, we cannot even estimate whether this, conjecture these accusations or allegations are correct. That's why I'm very reluctant to accept these comments as gospel or as anything that's basis for our discussions. I think we need facts, we need data before we can start even discussing whether goals are

being met or not. And outdated data that is not necessarily valid at this stage just doesn't help us. Thank you.

MICHAEL PALAGE: More facts, more data, music to my ears. Marc Anderson, you have the floor.

MARC ANDERSON: Thanks, Michael. I guess I was taking a similar tact. The third paragraph says that notably, [inaudible] RDS WHOIS data inaccuracy rates are still high, 30 to 40%. But doesn't really cite where that is coming from. So I guess my request here is that where we're citing—I guess this isn't just for the GAC but just in general, where we are citing numbers like this, we should cite the source for them. I think this is sort of similar to the point you and Volker were making.

And then maybe another follow up question. In the fourth paragraph, there's a mention that ARS has only checked a small fraction of the whole gTLD domain space. And I'm wondering—and this might not be for the GAC, but maybe a general question as we consider our work here, but what is a reasonable sample size? So I gather from reading this that there's a concern that there isn't a large enough sample size to sort of reasonably understand the entire space. But that sort of raises the question, what is a reasonable sample size?

MICHAEL PALAGE: Thank you. My recollection from reading the old ARS reports is I think they sampled about 1500 domain names. It was a few thousand. And I know they did it across region and TLDs. But yeah, Becky, I believe ICANN had a job opening for an economist. I don't know if they filled that. But that may be a question we could ask to our future ICANN Org colleagues when that resource is available inhouse. Owen and Roger.

OWEN SMIGELSKI: Thanks, Michael. Certainly just to touch on what Marc said last. So I am a lawyer. I don't like math that much. Especially even less statistics. I was on the WHOIS ARS steering committee from the very beginning when I came up at ICANN, and I remember having my head spin and my ears burn listening to NORC explain their methodology for how the sample that they got was representative and accurate.

My recollection is off the top of my head—the details are explained in the ARS reports, but it involves pulling hundreds of thousands of domain names and then sub sampling down to tens of thousands. And then testing the 5000 or whatever they did, and it was across geographic regions and TLDs and [inaudible] domains and registered pre 2013 RAA, post 2013 RAA. So I would not question the accuracy and accuracy of that sample size. It was extraordinarily well designed, and ICANN paid a lot of money to NORC to do that. So, I think that we should take that out from discussion. I think that should be relied upon as accurate because we are relying on NORC studies elsewhere as something that we can rely upon. So we should rely on them for this.

I would like to also call into question the stat there from Interisle January 2021. At present only 13.5 domains have an actual registrant identified in WHOIS. That's not correct. And if it was, ICANN Compliance would be really super busy. I suspect they're referring to how it's redacted information. Implying that it's inaccurate data. It's not, it's just being masked or perhaps it's behind a proxy service. And a proxy service under the RAA is actually the registered name holder. It licenses it to a customer underlying. And yes, that's there because people want to protect their privacy. But I think that's a gross inaccuracy there in terms of the actual registrant because again, it says Domain by Proxy, that is literally the registrant present in WHOIS data. Thanks.

MICHAEL PALAGE:

Thanks. Becky, if I could perhaps ask a question of you. I believe during the SSAD webinar with the Council, there was a statement made by ICANN Org that as part of their ODP assessment, I believe they said there was 30% of—I want to say it was 30% of domain name registrations were held by privacy proxy. Maybe Brian, that may be another question we add to you. And so I think Owen, the point you're making is you believe that by including privacy proxy, Interisle is stating that that is inaccurate, but you're stating that you believe that is compliant with the RAA. Is that correct?

OWEN SMIGELSKI:

Michael, let me distinguish. Privacy and proxy providers are two different types of things. A privacy provider is not a registrant, it is there just to provide alternate contact information to mask the

underlying customer's data. Prior to GDPR, the customer's name would be present in the registration data. I invite if somebody wants to look up a random domain name from Namecheap, we have a privacy service. And by a random domain, I mean, you could look up smigelski.org and you will see we have a privacy service and it redacts the registrant's name there. The proxy provider, again, Domains by Proxy is a good example. Not to put Roger in the spotlight there. But when you look at a domain name that's registered with GoDaddy, you see the proxy provider's information, their full contact information, because they are considered the registrant. Thanks.

MICHAEL PALAGE:

And thank you, Owen, for articulating that legal distinction. Because, yes, a proxy provider is the legal registrant. And I believe under the RAA they actually accept liability, as opposed to a privacy service. That is my quick recollection. Roger, you have the floor.

ROGER CARNEY:

Thanks, Michael. Just two things. One's a pet peeve and one's maybe for clarity. In the sentence in this middle of this, what's on the screen here, it says ICANN Org and potential compliance now lack direct access. I find it hard to swallow this because anyone with a legitimate purpose has access to the data. So I think that people assume since it's not public, that it's not accessible. But that's not true. So again, just a pet peeve jumping off my soapbox.

To the clarity point, everybody keeps talking about this big pile of registration data that the ARS didn't get to touch that the RAA isn't responsible for. But that's not exactly true, because any domain that was transferred, which would be prior to when the 13 came into agreement, or any changes to registrant data also have to go through validation and verification. So all that old data is getting worked through via transfers and for any registrant changes. So everybody keeps saying there's this big pile of data that's not validated. But I think that every day, that pile of data gets smaller. It's been eight years that it's been getting smaller. Thanks.

MICHAEL PALAGE: Thank you, Roger. Volker, you have the floor.

VOLKER GREIMANN: Yeah. And just to tag on to what Roger was saying, not only is the amount of domain names that are not verified under the 2013 RAA getting smaller, but the likelihood of any of those being of interest to third parties is also decreasing because it is usually not the domain names that have been registered for 10 plus years that do appear in abuse listings, that do appear in trademark conflicts. It's rather the newer ones. And I think if you look at it from that perspective, the domain names that have been registered 10 years or more ago are of zero interest to those groups that have interest in registration data. Or close to zero at least. I would really see some numbers that showcase an interest in those domain names, registration data and problems with those domain names. Thank you.

MICHAEL PALAGE: So we have four minutes left. And Steve, I know you're quick, but I do not believe in four minutes, you will be able to properly synthesize the gap analysis of SSAC. So with that, before wishing everyone a happy holiday season, I would like however to talk about our work in 2022. Sadly, we are a little behind schedule, thus bringing a smile to Berry's face since he predicted this. But I would like for us to, if possible, try to pick up the pace so we can endeavor to be as close as possible to our original end of January target date for assignments one and two. Alan, you have the floor.

ALAN GREENBERG: Very quick comment. Several registrars have said the number of unverified domains is shrinking with time. Knowing what those numbers are in terms of percentages and actual counts of domains might help make the case that we don't need changes, but not knowing what those numbers are—people say we need data. If the registers know that the number of unverified domains, that is the ones that predate the 2013 RAA is shrinking and has made a significant change to the overall demographics of them, let's get the numbers. If they know the numbers and are not willing to share them, then saying we need data doesn't help a lot. Thank you.

MICHAEL PALAGE: All right.. I think we have already talked about what our first couple of meetings are going to be. I think our first meeting back will be the ability of our GAC colleagues to respond to some of the

questions that Kenneth will be taking back to them raised from today's input. We will also be trying to I think, in the second meeting, listen to the answers from ICANN Org. And then we also need to revisit the definition/explanation of accuracy because all of those things are very important as part of assignment one and two.

The bigger issue that I think is going to be a little bit more of a challenge for us is, how do we go about trying to synthesize these different gap analyses that had been prepared by all the different stakeholder groups? I think it has become clear that there are some gap analyses that appear to have one viewpoint and others that have a different viewpoint. How we synthesize that and make that part of our initial assignment. If we can just go into a couple of minutes of overtime here. Marika, I know ICANN Org was sharing with the leadership about how you are thinking about going about this synthesize of the different gap analyses into perhaps one output document. Would you like to talk about this? Or do you just want to perhaps wait till 2022?

MARIKA KONINGS:

Thanks, Michael. So just to clarify, I think what we tried to focus on in the follow up document we shared with you was really the kind of that first part of the gap analysis of the questions one and two, and especially focusing on question two, where the different groups have identified the ways in which they believe data can be gathered or should be gathered to be able to demonstrate whether or not existing or the current goals and requirements are being met. So basically, the follow up questions for that would be, so how do we get there? For example, I think in certain cases, some

have said that contracted parties should be able to provide that data. So how do we go about that and getting that information so the group and indeed assess, does it indeed align with what people identified as being the goals? And are they being met? Is that supported by data?

Similar, I think some said ICANN Org is actually the one that should be obtaining that data or third party should be responsible there. So again what does that look like? What would be needed to be able to get to that point that the group would be able to look at actual data and information to be able to say, okay, based on the existing goals and objectives identified, we actually have either been able to confirm that, yes, those goals are being met, it's supported by this data, or actually, no, we actually have data that suggests that the original goals that were set out are not being met. And I think once we have basically wrapped our heads around that and be able to hopefully identify how to get access or obtain that information, I think then the group may want to look at that question three and four, which basically say [inaudible] other goals that should be met or need to be met because we think there are issues, and then more looking at, okay, so how do I identify whether those issues actually exist? And what is the magnitude of those? And maybe through some of that data gathering that would happen as part of kind of the questions one and two, you may already get some information that may help inform three and four, but it could also be a separate conversation. So that's at least from I think the staff side, the thinking a bit of how we then move from kind of the gap analysis to working towards identifying what specific data is maybe already available and can be obtained or needs to be gathered so that, again, can

help inform the deliberations of the group based on actual facts and information. So I hope that that makes sense.

MICHAEL PALAGE: I think it did. And with that, I will just remind everyone, for those that may decide to take any bandwidth over the holiday season—probably not many, but if you can be thinking about our work in 2022 and how we could perhaps make up some time on our current timeline, that would be greatly appreciated. And with that, I wish everyone a happy holiday season, enjoy the end of the year celebrations with your family and friends and look forward to seeing everyone back early in 2022. We are starting the first week of January. Can we just confirm that, Terri, our first meeting in 2022 will be when?

TERRI AGNEW: I see Marika has it highlighted on screen as well, Thursday, the 6th of January, same time, 14:00 UTC.

MICHAEL PALAGE: Thank you very much. And with that, I will let everyone go. Have a great day.

TERRI AGNEW: Thank you, everyone. Once again, the meeting has been adjourned. Happy holidays. Stay safe. Enjoy your time away. Talk next year. Bye.

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