
ICANN Transcription

Registration Data Accuracy Scoping Team

Thursday, 03 February 2022 at 14:00 UTC

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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 3rd of February 2022 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 audio, could you please identify yourself now?

Hearing no one, we do have listed apologies from Manju Chen and Thomas Rickert. No alternates have been put forward.

Statements of Interest that 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.

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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 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 to accepted standards of behavior. With this, I'll turn our call back over to the chair Michael Palage. Please begin.

MICHAEL PALAGE: Thank you, Terri. Good morning, good afternoon, good evening, everyone. Good news and bad news. A good friend of mine says always start with the bad news first. The bad news is not everyone has completed their assignments. In fact, I was just speaking with our ICANN Org colleagues, I believe that only the registries and registrars have completed their current assignment for today. Marika, is that correct?

MARIKA KONINGS: Thanks, Michael. Yes, that's correct, they actually already completed it prior to the last meeting. So they were really on time, and everyone else is really late.

MICHAEL PALAGE: Okay. That is the bad news, that some of us are behind. And I myself have not been able to do that assignment. As I said, I always kind of look to whether I am able to complete the

assignments that I've tasked, and I am a little behind on that as well. So with that, I think that it is an important reminder just to remind everyone where we're at and what we need to be doing as a group.

I think we have stated and have committed to the point of us having assignments one and two completed prior to the ICANN 73 meeting. Originally, we were supposed to have this done by the end of January, but for a number of reasons, we ran into delays and I tried to slow things down because that's what I was hearing from the group. While I had tried to slow things down to listen and provide feedback and direction where the group wants to go, as the Chair, I think it is important that we do meet certain key milestones. So I will be pushing forward. And this is kind of a friendly reminder that the other stakeholder groups really need to step up and in fact complete this assignment because it is critical for us to meet these first two deliverables.

And one thing on a lighter note, today we are wearing our old Brussels ICANN t-shirt, and it's hopeful that maybe the Brussels meeting, the next one that we have, which would be ICANN 75, hopefully that is hybrid and some of us will be able to see each other face to face at that point in time.

With that, there are no other updates on my end, except for one. Sarah, I know last week, you had a request for I believe our ICANN Org colleagues to begin to compile the review of data sources. So thank you, Marika, for pointing that out. So we're now going to actually move into the agenda here.

So we have begun to compile that. Our ICANN Org colleagues shared a preliminary draft of some of that material that Olga and I were reviewing. Real quick, I want to hit pause. Lori just said that the audio had cut out for her. Is everybody else hearing me? Okay, good. So I will continue. There we go. Sorry for that interruption, but want to make sure everybody could hear. And hopefully Lori, you are now reconnected and hearing me.

Getting back to item 2a. So this preliminary report was prepared, we've looked at it. However, what we want to do is make sure that we are actually preparing a document that will advance the objectives as were articulated by you last week, Sarah. So can you perhaps share your thoughts? And then Marika can perhaps engage in a dialogue on what we have done, what we have initially compiled. And we just want to make sure that we're delivering on what was asked from you last week.

SARAH WYLD:

Yes, good morning. And so you would like me to just review what I was asking for in that report. So when we're talking about data accuracy, a lot of what was provided in the gap analysis was maybe broader statements or suggestions of changes to incorporate different things from different parts of the RAA, perhaps. Hard to remember and not have it in front of me. But there were some input that was good hard facts, it was data with numbers that were backed up from sources that could be verified.

And I think those specific types of input are really sort of the key, or core of what we're trying to do here in determining what problems may exist relating to accuracy that can then be

addressed with policy, or should be addressed with policy. So what I was hoping is that the staff team can pull those types of factual data that was provided out of the bigger document, so that we can start to have it all in front of ourselves and look at it all together, to then figure out how we might use that information to help figure out what needs to happen next. And is that helpful?

MICHAEL PALAGE:

Yes, and I'll let Marika speak to this in a minute. Obviously, a lot of the data, the data sources that were available, a lot of those data sources tend to be pre GDPR. So this gets to data that was available through the ADR. Currently, the only data that we have had, if you will, objectively, has been some of the reports from some of the UDRP panelists that had cited it.

So this, I think—So one of the things that we were looking at here, and just to kind of set the record, or to provide sort of an overview, there's lots of historical data, some data points that we have, currently not as many as before, and just setting that table. And perhaps this is one of the things that we're looking at as part of this gap analysis, is what studies can be done to perhaps provide a more accurate assessment of what that current state of affairs is now, and this I think also ties into a number of the requests from people that have been talking about the accuracy data study.

So with that, Marika, if you would like to perhaps—hopefully I summarized what we had talked about, but if there are any gaps that I have missed, please fill them in.

MARIKA KONINGS: Thanks, Michael. So to confirm, we went through the gap analysis and picked out the different references to previous study and information available and basically that amounted to five different pieces, I think most of which were already covered as well in the index of relevant resources.

The first one dates back to 2005, which was a US Government Accountability Office study. And then all the way through the NORC reports leading up to the ARS reporting and the different cycles that dated to the last one that was done more recently, which is the Interisle contact data availability and registrant classification study, which focused more, I think, on the actual data available, than accuracy itself.

So we do have that information available. But indeed, the question that we had is, what would the group like to do next with that. We can, of course, share this overview, the group can review the information that is in there. As said, most of the information should already be known as it was part of the original materials that the group has reviewed.

But as Michael mentioned, as well, most of this dates pre GDPR. So, again, maybe if the group could, of course, make an assumption that for example, the trends that were identified in the different ARS studies, that those have not significantly changed, and make assumptions based on that, or indeed look at these and see whether any of these could be rerun in a different kind of format, or a way that would comply with the current restrictions or limitations that are in place to conduct similar kinds of studies. So as said, we have the material available, I think we just would like to get a better understanding of what the group is expected or

would like to do with that information, or what is specifically useful. And as said, for now we just have the titles, the links to the study, and kind of the highlights of what those studies covered and their findings. But if there's anything else that is needed or useful, we'll be happy to hear that.

MICHAEL PALAGE:

I see Becky with a comment about perhaps asking the European Data Protection Board about this being a purpose. I guess, put it this way, that's a good idea. One of the things they may however ask is what are the DPAs, the data processing agreements, which I think are lacking. So before we start asking, that's something that the contracting parties may want to address. And I know that ICANN, in the ODA, actually, I believe, put forth some opinions on its status as an independent controller, which is something new. So I think, Becky, a very fair point and question, but we may want to perhaps get some of those items, those ducks in a row before asking that question. I'm not opposed to that.

Anyhow, with that, Sarah, you have your hand up.

SARAH WYLD:

Thank you. I just want to sort of wrap this point up a little bit. I know you were about to move on. I just think it's so important that as we are considering what policy might be helpful, related to accuracy, we have to understand the landscape that we're currently in. And if the other groups haven't—if no group has provided really good factual information about the current

apparent problem with accuracy, I'm just not really clear what we're doing here. Thank you.

MICHAEL PALAGE:

So that is a very fair and valid point. And one of the reasons why at the top of this call, I noted that the other stakeholder groups need to step up and do their homework. So I do not disagree with that statement. I do appreciate that the registry and registrars have done that. And if in fact, the other groups are not effective in doing that, we will reflect this in our report. As I said, we will be reflecting this in assignment one and assignment two, and assignment two, again, being focused on that gap analysis. And when we provide that report to Council, Council could make a decision on what to do next.

I do believe as I said myself, there have been some beefy documents, the 122-page ODA on SSAD, the 177-page document on DNS abuse, which has some touchpoints to the work that we do here. So it is possible—not trying to make excuse for other members. But I can at least say for myself as chair, these other documents have consumed a lot of my other free bandwidth or allocatable bandwidth that would have otherwise been dedicated towards the group of this effort. Again, not trying to make excuses. And one of the reasons why, again, at the top of the call, I did remind everyone that the stakeholder groups do need to deliver on their obligations as participants to this working group.

So hopefully, Sarah, that reflects me hearing you and reflecting how, as chair, I will try to move forward with making sure that

everyone does their job and allowing Council to be aware of where we're at from a status perspective. Is that fair?

SARAH WYLD: Yes, thank you very much.

MICHAEL PALAGE: Susan, you have the floor.

SUSAN KAWAGUICHI: Thanks, Michael. So I'm confused. The Contracted Parties House is asking for the other stakeholder groups, constituencies to provide data on inaccuracy. But since none of this is public, for the most part, very little is public for the most part, then, how would I go about doing that? I mean, we could use the EC report that came out, we could use—there's a lot of different reports that have come out on abuse, and phishing and criminal activity, we want to enter those into the record here, we could do that. But since there hasn't been any review of actual accuracy since the NORC study, and it's something that a third party doesn't have the ability to really commission the work, study to be done anyway and I doubt if it would be accepted by the community anyway. If it was, how am I to provide this? I could give you a lot of anecdotal data. But I don't know that that's worth my sweat and time and effort. Because I don't think anyone would actually accept that. So I'm being cynical here. But I guess I don't understand the homework assignment.

MICHAEL PALAGE: So what we're going to do is, Marika, then there's Becky's comments in the chat. So Marika, you have the floor.

MARIKA KONINGS: Yeah, thanks, Michael. I think this is a very good segue to remind people again about what the homework assignment is about, because it's really about having that conversation. So basically starting out with everyone identified what they view as the objective of the current accuracy requirements, and that the question related to that is, how can it be measured whether or not those current requirements are being met? So I think we'll go there next. I think that the registrar team, and then the registry team have both provided some very specific suggestions on their potential avenues, and whether they are viable or not, of course, and that's a further conversation. But they've kind of gone a bit deeper into their initial ideas.

And I think a lot of the other groups kind of suggested that maybe ARS should be restarted or could be rerun. And that's why we also kind of have said in our email earlier this week, will be helpful if those groups that suggested that you look at that in the context of the paper that ICANN Org provided to see, if that is an avenue that is to be pursued, what hurdles do to do need to be overcome, how can they be overcome if they can be overcome? Or are there other approaches through which that measurement can take place?

And once we kind of have that picture clear, of what is kind of the data on existing accuracy requirements, then the next step is really to look at, okay, so are there then gaps and how can those

be measured? And I think as Becky put in the chat, many of you talk about problems, but we need to be able to document those also to be able to discuss, what is the approach to addressing those problems? Is policy development the way? Are there other ways that that need to be pursued?

So that's really what the scoping team is trying to do. And that's, again, what the homework assignment is really about, to kind of dig deeper into the responses that groups provided and initial gap analysis about how data can be gathered so that we now can actually look at okay, so how can we move to the next step and actually do it and find an approach, if possible, to get data that gives us a better look into how existing accuracy requirements are being met, or not being met.

MICHAEL PALAGE: Becky, do you want to speak to the question that you had in the chat?

BECKY BURR: Yeah, I'm happy to speak to it. I think this is a critical issue, that we don't have any data that is post 2018. I don't think. But we're asserting that there's a problem. So I understand Susan's point about it being an effort, but presumably there could be an effort to keep track of the number of times you tried to contact somebody and are not able to because the data is inaccurate as a percentage. I don't know. But I just it seems to me to be a very, very fair point that in order to know what to do, we need to be able to articulate the problem and quantify the problem a little bit better

than there's a feeling that WHOIS data is not accurate. I'm not saying I don't share that feeling. I'm just saying, seems to me, we should be trying to understand that.

MICHAEL PALAGE:

Fair point. And as far as any data, I believe the record, at least, this group has shown that there have been a number of incidences reported in UDRP decisions, where the panelist cites inaccurate data. So there is some evidence. Now I think the question that I believe Susan was stating was, if we show here's a data point, here's a data point, is that going to be enough to sit there and say there is no problem?

So this is what I see as chair right now and part of what I'm trying to navigate. There was data that shows that there were issues with accuracy prior to GDPR. That data went away. And as I reflected yesterday, prior to the GDPR, and a lot of that public data becoming an accessible—Marc, notice I did not use the word “go dark.” Before a lot of that data became inaccessible, ICANN Compliance reported accuracy as the number one complaint. That is not the case.

I believe Göran in his briefing last week to Council said we're not seeing any complaints. So there's a disconnect. And that disconnect, which I am trying to walk that fine line as chair trying to listen to both sides of this debate is, why did that happen? Did it go dark? Because now all of a sudden as a result of GDPR, everyone is providing pristine data and there is no problem? That is, I think the valid question that you're asking there, Becky.

What I am hearing, though, from the other side of the debate or discussion is the reason that we can't go about documenting this is we don't have access to the underlying data. We do have as I said some points with UDRP decisions. I myself actually had a discussion of some interesting—Yes, I want to be neutral here. I will refer everyone to last week's ALAC discussions where both myself and Jonathan Zuck discuss some of our current problems in getting access to this data.

So I am somewhat sympathetic to the struggles or claims that Susan and others are raising because it really is a heavy lift. There are lots of hoops, hurdles that one needs to jump through in order to finally get to the Nirvana of, "Aha, we have inaccurate data." So that's what I'm really struggling with here. and with that, I will stop. And I will allow the other hands that are raised to speak to this. Lori.

LORI SCHULMAN:

Hello, thank you. I mean, clearly, what we're illustrating here is the classic chicken and egg. And I put some of my responses into the chat about the challenges we're having on the intellectual property side, where I might get random reports from my own members at INTA or even IPC members. But I'm told that anecdotal evidence is not welcome into this discussion. I have no other means of conveying information.

And then I'm also quite frankly, and in full disclosure, on the other end of the scale, I'll have these anecdotal issues sent to me. I will ask the people reporting these issues to me whether or not I can use their company names. And most of the time, I'm told no,

because there's a feeling of exposure, vulnerability, they're not quite sure.

Yeah, so the privacy issues also running the other way. As I said, I'm fully disclosing this because we're asked to advocate for transparency, and we want to be transparent, of course, but then even on the anecdotal side, I'm muzzled.

I guess I'm just adding to the pile of this is a conundrum. And if we can't sort it out in a way where we can get aggregated anonymized data, that makes sense, I'm not sure where we're going on this. I also want to support Becky's proposal. This is a very finite, targeted problem that we have where I think asking the GPAs to say here we have this system, this is what it did, we'd like to start it up again, this is how it's designed, that shouldn't be theoretical, because we know how the system works. We can show examples of reports. And it isn't sort of the bigger pie in the sky thinking that we've been heading toward in terms of SSAD or any other centralized intake and perhaps disclosure system.

MICHAEL PALAGE: Thank you, Lori. Steve, you have the floor.

STEVE CROCKER: Thank you, Michael. I just want to note that we're sort of bumping into a boundary that is a key in this discussion, which is this the accuracy scoping team, and yet every one of us is paying attention to the fact that getting access to the data in the first place is very hard. So if you step back and just take a look at the overall thing, there's a very intimate, and I think, inextricable relationship

between access and accuracy. And if you can ask, how well are things working? You wind up with what in my mind is a kind of a three-part process.

One is, if somebody's got a problem, and they try to make contact with somebody, can they get access to the data at all? Yes or no? And if the answer is no, then the rest of the questions don't matter. But it also tells you an awful lot about how well things are working like that they're stopped cold.

Second, they get access to the data, and they try to reach out to somebody and they don't get a response. Why is that? Well, it could be because the people just aren't responding. Or it could be because the data is inaccurate. I don't know how you disentangle those two things.

And then finally, if you can tell that that it is accurate, then you've got the kind of data that we're talking about here. But I think you need a holistic view of the entire picture. And if I were coming in fresh to this, I would say, can you give me a picture that shows, for example, what percentage of your attempts at reaching somebody are stopped because the data is inaccessible? What percentage of your attempts to reach somebody are unsuccessful because they're being unresponsive? And which percentage is because it's inaccurate?

Can we get any kind of holistic picture of that partitioning? And that I think would be very helpful in informing and the answer is, well, we're not going to be able to get a complete picture for multiple reasons. You can't tell sometimes whether somebody is not responding because you have the wrong data or because

they're choosing not to respond. And that's after you've got access to the data. But nonetheless, you can get some kind of picture filling in the pieces of that from various sources, like the experience the Lori just talked about, and others. Thank you.

MICHAEL PALAGE: Alan Greenberg, you have the floor.

ALAN GREENBERG: Thank you very much. A number of things. And I'll lead off with a question that I don't want answered before I go on but I would like answered. I'd like to explicitly know what homework we haven't completed. When I look at the form that's on the screen right now, there's an entry for ALAC. Now, is there a new form somewhere that I haven't seen? Or are we supposed to be elaborating on that? You and Marika have referred to homework a dozen times in this session, but not actually told us what it is. And maybe my mind is going, but I'm not sure what it is. And I've talked to other members, and they're in the same position. So before we complete this day's work, it would be nice to have it really clear.

To go on to the specific issue. We have studies from years ago showing there are accuracy problems. The accuracy requirements that are currently in the RAA, even if they are being fulfilled scrupulously—and we have no way of verifying that—only apply to new and changed domains, they do not apply to the vast parts of the old WHOIS database, the RDDs, that have not changed. And as I said, we have strong evidence from before sampling random domains that there are problems.

So no, we can't demonstrate there are still problems now, because the data has gone dark. And forgive me for using that expression. But it's the right one. So I don't know how we can prove it. In terms of Steve's last comment of various reasons why someone may not be responding, the data may not be accurate, the subject may simply choose not to respond. There's also an Interisle study that demonstrates that in a significant number of cases, the contact thing is not working. They register domain names and then try to contact themselves and the messages never get to them. So we have a whole host of roadblocks in the way. Asking us to give examples of how we can verify this is a problem or not sounds like a catch 22 to me. Thank you.

MICHAEL PALAGE:

So my promise to you, Alan, is Marika will address this. I do want to get through the rest of the queue. So my promise to you Alan is before we end this call today, we will provide crystal clear instructions on the ask of the group in advance of next week's call. And we will deliver on that. Volker, you have the floor.

VOLKER GREIMANN:

Thank you, Michael. I mean, in a way I sympathize with Alan and what Lori said, the task of a scoping team is to identify a problem. And if there's a problem, then the PDP can be launched to address this issue. However, we do only have old data at this stage. And I don't think we can create a solution for a problem that may or may not exist today, based on old data that may be outdated significantly.

So without data that corroborates that there is a problem—and I hear that there's incidental problems, sometimes anecdotal evidence. But that may lead to the conclusion that there's also only an anecdotal problem, not a general problem with how WHOIS data is accurate or inaccurate.

So I think we need to find a way as a scoping team to cross that barrier and find a way to either identify, yes, there currently is sufficient data that corroborates that there is a problem, and if we cannot do that, then this scoping team concludes with that conclusion that we cannot identify a problem at the moment.

The suggestion for Data Protection Agreement just for this, for another study, I think it's interesting. I think that's something that should be reviewed and looked at. I just have the slight feeling that we might run into issues when it comes to informing the registrant about how their data is being used. We've been going for years now with registrants knowing that there will not be any publication, that they know what the purposes are, that the data is going to be put to. And, frankly, giving the data to ICANN for another ARS study or something similar, is not in the purposes that most registrars have outlined for their customers. So we might have to go back to the customers and tell them that there is now a new purpose that we're going to put their data to and that might cause an issue. So that's something that has to be analyzed legally, that's not something that we as a working group can determine at this point. This is something that probably will need a more intensive legal review. Thank you.

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

BETH BACON: Hi folks. I just wanted to go back. First, I want to say, Marika, thank you very much. I thought that was a very clear and logical explanation of where we are and where we're trying to go. And I think it framed everything really well. And I appreciated that. Becky, also, I really appreciated your comments as well, I thought they were kind of very well framed and also provided some good steps forward in that this is our problem, this is how we're trying to do it, [inaudible] steps.

I would like to maybe offer a question or a suggestion that maybe could help us turn some anecdotes into numbers. I think, Lori, again, I appreciate that companies don't want to share information. I think almost everyone on this call is a company or represents a company, and [inaudible] share stuff that's proprietary, or we feel is related to our clients.

So I think that maybe if we could, maybe we could get together and figure out, put our heads together to figure out we don't necessarily need to identify the company. But if you're if you're receiving anecdotal concerns from your clients or from members in the IPC, can we say okay, well, I don't want to disclose your company. But can you tell me the date that you made the request, how long it took to respond, did you try and use the registrar means of contacting the registrant? Did the registrant respond? Was there a bounce back on that e-mail?

Because I think that managing the responses of humans is never going to be a problem we're going to solve, I'm never going to be able to force someone to send me an email, and force someone to respond. But we could do the best we can to frame the problem to try and bucket those responses and that information saying if you get a bounce back, then maybe that e-mail's wrong. And that's something you need to report to ICANN Compliance and say, "Hey, there might be an accuracy problem here. I'm getting a bounce back when I try and contact this registrant." But if it's just ignored, then we have to assume that it's that they're just not answering.

So maybe this is some of the things that we can apply to anecdotes, if we can pull those, and get some real numbers out of it. So we can at least understand the scope of the problem on the requester side, so the folks that are trying to request this data. And I think it's important that we also note that it's not that it's necessarily inaccessible or gone dark or any of that. It's that this is private personal data. And we and registries and registrars are complying with the temp spec and the law to keep it private. And unfortunately, that changes the landscape of things that we used to use this data for and more people were able to explore it, use it, manipulate it, and we decided that's not how we can operate anymore because of because of law. And we're trying to do that. And I think that it has created some issues and I think we maybe need to just shift our way of thinking and think, how can we get folks what they need, maybe not in the same exact way as we used to?

So I think that's part of the gap analysis, we need to think about what is our actual problem. Do we need to measure it in the same way we used to? Do we need to do that or is there another way to skin this cat? So just trying to get us to some practical solutions and maybe getting ourselves to some data. And I'm interested in what people think. Thanks.

MICHAEL PALAGE: Scott, you have the floor.

SCOTT AUSTIN: Thank you, Michael. I share the same frustration I think that Lori does, and that's a big part of why I'm here. And it seems to me that the disconnect here is that fraudulent data is being labeled as accurate. And to me, that's the deepest concern I have based on being a rights holder lawyer and also someone who has seen and read many of the thousands of UDRP cases that are out there, which, relegating those to the level of an anecdote, I take issue with because that's like taking—and certainly UDRP cases are not federal district court cases. But they go through a similar process in the sense that facts are submitted, in very well planned and very detailed complaints. And those facts often centered around impersonation of rights holders, infringement of literally phishing for financial, for healthcare, for all types of data, that is permitted in a system that allows fraudulent registration of registrant data.

And I think that is to me, the elephant in the room. And while something may be functionally phony, functionally accurate if it is

the submission, if the system, the platform that we have is being abused to permit and to, with a lack of controls, I would suggest encourage the submission of fraudulent data, then I think that's where we have a problem in calling that accurate. Thank you.

MICHAEL PALAGE: Susan.

SUSAN KAWAGUCHI: Thank you, Michael. I completely agree with Scott and Lori, and all those that I regularly talk to. So I am a little bit concerned that we're focusing on contact of an email, because as Scott just pointed out, fraudulent information or information used fraudulently maybe accurate. And this is definitely an issue, or was an issue before 2018. So I don't know, I can't readily assume that, oh, all of that went away that bad actors no longer want to do that, use large brands' names and addresses, for example, in their registrations. That was pretty prevalent.

Right now with enforcement of domain names, most of those communications that are targeted for the registrant, go to the registrar with the hope and the prayer that the registrar will play nicely and forward that to their customer because—and I know everybody hates this term, but WHOIS is dark, there is no WHOIS for the most part.

So I just don't understand how you want to set us all back on our heels and say, well, this isn't a problem because you can't prove it, when there was proof before 2018. So I'm acting on the assumption that probably the status quo has not changed a whole

lot. But I am seeing specific examples and have the same problem that Lori has. These are brands, they just don't want necessarily to get into the fray. And the company that is getting into the fray on this is discounted every time they provide any sort of proof.

So if the only thing that's going to drive the rest of our work is some sort of study that won't be accepted, then maybe we are wasting our time here. This is just extremely frustrating to me. We can't implement EPDP phase one. I'm on that IRT we've been sitting on that—you saw the article from Kevin on Domain Incite. ICANN hasn't implemented a policy since 2016. I didn't review his data. I haven't got it. So maybe there's holes in that. I have no idea. But we have a problem. The EC study just came out. It's showing an increase in abuse. And I think we just have a duty to do something here. But I've always felt that.

MICHAEL PALAGE:

Okay, so I'm going to call time. But before I do, Marika, I want to deliver on my promise to Alan. And I think you've already answered this in the chat, but if you could perhaps just put it on the record, because as someone who at times always listens to recordings as opposed to viewing the Zoom, I think it's important. And I just want to get that on the record. So Marika, could you address the specific question about the ask?

MARIKA KONINGS:

Sure, this is what I put in the chat as well, as a kind of general note, all the action items are posted on the Wiki and available for the group to review. We also send those out with the notes and

the agenda, as well as reminders. And I think on this specific item, I think we have walked the group through the assignment and the expectations, at least on two calls, if I'm not mistaken.

So this is on page 25 of the same Google Doc where you've done the gap analysis. You'll see here on the screen, as we explained before, on the left-hand side, we filled in the responses of each group that was provided to the question two, and each group is now asked to fill in the column on the right. So you see here that the registrars have done that, registries have done that as well. But for all the other groups, there's nothing in the right-hand column.

So we're really asking groups to kind of drill down, each group make suggestions for how the compliance with existing requirements could be met. And we're asking each group to kind of drill down. Okay, so you've made a suggestion, can you now elaborate on what needs to happen for that actually to get done?

And as said, especially for those that also refer to ARS, please look at the document and the memo that ICANN Org provided in relation to some of the challenges identified. So you can also address those in your responses, because we're really trying to get practical here, how can data be obtained? And I know we're maybe running out of time, but maybe it's worth for the registrar team to run through the input that they provided. And maybe that will make it clear of others in the group what is expected here.

MICHAEL PALAGE:

Before I do this, Alan, did Marika answer your question?

ALAN GREENBERG: That's not why my hand is up. But yes. Now it's clear that it is the boxes on the right of that table 25 pages into the document that we're supposed to be doing. Okay. Thank you. Sorry, I missed last week's meeting. If you ran through it then, I missed it.

MICHAEL PALAGE: Put it this way, Alan, no apologies necessary. You have the floor.

ALAN GREENBERG: And I apologize anyway. I want to make a comment on Becky's suggestion of let's ask the Data Protection Board. I think I agree. I think that is something we should do. But I think we have to phrase the question correctly. There may or may not—assuming we are a controller, and it would be really nice to know if we were and exactly what the relationship is with any other potential controllers. We're only five years into this discussion and still don't have that answer.

But there may well be—even if we are a controller—cross border data issues. So I think we have to phrase the question properly. Just doing the ARS as it was done, which means sending the data to the US and then sending it to Switzerland and then sending it to somewhere else may well violate all sorts of rules. So I think the question should be asked, but I think we have to coach it properly to make sure we get an answer that's useful to us. Thank you.

MICHAEL PALAGE: Okay, so what I'm going to do here is in I'm going to be calling time at the top of the hour. I think this was an important meeting. It may not have been as productive in working through agenda items, but I think it was important for people to get their views, frustrations on the table. That's important for me. I need to go back, relisten to this meeting, read the chats and then figure out how as chair to plot a path forward so that we can deliver on assignments one and two to the Council before ICANN 73, but more importantly think about how plot a path forward or come back to the group with a proposed path forward for assignments three and four.

If I can, if the registrars could briefly begin to work through—if someone from the Registrar Stakeholder Group can work through what they did in connection with this particular assignment to provide a path or an example of how other stakeholder groups may or may not—well, how they will go about answering the question. Sarah, you have the floor.

SARAH WYLD: Hi. So on the left side column, you will note that we copied the same input that we had provided in the previous assignment, talking about how this picture could be measured. And then in the right side, we talked about what is needed in order to do that measurement. So if we're going with the second set of three points here, the registrar can measure accuracy, then the way to do that would be for registrars to report on the results of their accuracy measurements. That's how you do it, right.

There are however some difficulties here. So number one, registrars don't have to do this, there's no requirement for them to track the status and disclose this information, they are required to perform the accuracy verification, as indicated in the WHOIS accuracy program specification, but they don't have to put the data together in this kind of a manner. So this is going to take effort from whoever does decide to participate. And so we have no way to anticipate if there will be widespread voluntary provision of this data. So that's one thing.

And then also we've talked a few times today about different people not really being certain that other people's data is accurate. So in that case, how do we—like will based group accept data provided by registrars? I'm not sure. I mean, I would certainly think that any data provided would be reliable, but who knows. So there's that.

And then another option could be to have not the registrar measure it, but somebody else, but there's all kinds of stuff that needs to happen for that to be possible. So there needs to be some kind of data protection agreement, there needs to—maybe the data is crossing borders. And so it gets even more complicated. And then there's still, of course, the registrars would still need to gather up all that information and share it, which is time consuming and costly.

So another thing we could consider is that ICANN does do regular audits, that is part of their job. And so they could dedicate an audit to focusing on whether these requirements are met. And in that case, they could do that even without looking at the data. So that

might be easier, because all they need is the outcome and not the actual information.

And then finally, we suggested that we could look at the number of accuracy complaints that have been processed by ICANN compliance, although it sounds that unfortunately, it sounds like often those complaints are not submitted in the first place. I hope that that was helpful. Thank you.

MICHAEL PALAGE: So Sarah, thank you. That was helpful. Alan Greenberg, you have the floor.

ALAN GREENBERG: Thank you. Just a brief, again, repeating that even if the RAA conditions are being followed scrupulously, there's a huge amount of data out there which was shown to be inaccurate earlier, and there's no reason to believe it's changed. So let's focus on the accuracy problem, not just the current RAA requirements.

MICHAEL PALAGE: Okay. So, as I said, I think we're going to call time here. While we could perhaps use the next 30 minutes, I actually think it would be important for everyone to go review what is done here. If you do believe that there are gaps, try to articulate this. In those instances where it is antidotal where you don't have the data points, please, the more facts that you can bring to the table, the better I think the outcome of this working of this group will be. And yes, so Sarah,

I'm going to give you the last word, and then we will wrap the meeting for today.

SARAH WYLD: Thank you. I thought this meeting went for another half hour.

MICHAEL PALAGE: So we could, but I am going to call it at the top of the hour and I'm going to give 30 minutes back to everybody. So what I'm going to do is I'm going to get 30 minutes back for those members, they can use that to perhaps internally discuss how to start filling out the table. So that is what I'm going to do. And I also need to try to synthesize everything that went down here today to plot a path forward.

SARAH WYLD: I guess—I appreciate that—I misunderstood earlier, I thought you were pausing and then we were going to pivot to a different conversation or like a different topic. Okay. So Alan mentioned concerns that there is data showing a lot of inaccuracies and have not been addressed since it was initially collected. So I would just ask to hopefully see that in the homework provided by Alan's team. Because that sounds super important, right? And so I want to be able to give that the full level of scrutiny it deserves. And so please do make sure that that is in the homework response so that we can all review that as a team. Thank you.

MICHAEL PALAGE: Okay. So with that, unless anyone else has any final comments, questions or concerns, I'm going to wrap today's meeting, I will try to distill everything over the weekend and come back early next week with a proposed roadmap for us to get back on track and to make sure that we meet our assignment one and assignment two deliverables in advance. Okay, Steve, you get the less word.

STEVE CROCKER: Thank you. I put a brief rebuttal to Volker's position in the chat.

MICHAEL PALAGE: Okay, and with that, I will wrap today's meeting. Terri, you can stop the recording. Stay safe everyone.

TERRI AGNEW: Thank you, everyone. Once again, I will stop recording and disconnect all remaining lines. Stay well.

[END OF TRANSCRIPTION]