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## ICANN Transcription

### Registration Data Accuracy Scoping Team

Thursday, 14 April 2022 at 15:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record. Attendance and recordings of the call are posted on agenda wiki page: <https://community.icann.org/x/PQ51Cw>

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TERRI AGNEW:

Good morning, good afternoon, and good evening. Welcome to the Registration Data Accuracy Scoping Team taking place on Thursday, the 14<sup>th</sup> of April 2022 at 15:00 UTC.

In interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. If you're only on the telephone, could you please identify yourself now? Hearing no one, we do have listed apologies from Sarah Wyld and Sophie Hey, and the alternates replacing them today will be Owen Smigelski and Alan Woods.

Statements of Interest must be kept up to date. If anyone has any update to share, please raise your hand or speak up now. Seeing or hearing no one, if you do need assistance, please e-mail the GNSO secretariat.

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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. Alternates not replacing a member are to rename their lines by adding three Zs at the beginning of your name and at the end in parentheses the word alternate, which means you were automatically pushed to the end of the queue. All documentation information can be found on the wiki space. Recordings will be posted on the public wiki space shortly after this call.

Please remember to state your name before speaking. As a reminder, those who take part in ICANN multistakeholder process are to comply with the Expected Standards of Behavior. With this, I'll turn it back over to our chair, Michael Palage. Please begin.

MICHAEL PALAGE:

Okay. Thank you, Terri. I just got notification that Marika will be joining us. So I think we actually timed that out perfectly.

Just a quick reminder, today's call, as discussed last week, it's more of a small team working group to begin to look at some of the proposals on moving forward. So this is not intended to be the entire working group but a subteam working on that minor issue. So that is administrative point one.

Administrative point two. This is a question that was just raised during the GNSO Council regarding, if you will, the outreach of ICANN Org to the European Data Protection Board. Brian, is it possible if you can give us an update on that where that is at?

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**BRIAN GUTTERMAN:** Yeah. Thanks, Michael. I don't know if this is anything major. It's sort of status quo. But just to remind, that work is sort of with our Legal team and with our government engagement folks. I guess we're sort of thinking about these scenarios internally along with the Board about what will be sent. I think when our sort of first communication is made with the European Commission, the European Data Protection Board, we'll let this group know. I guess my hope is that one bucket of work does not slow anything happening with our group significantly. As we have more information, we'll continue to share. But I guess if the team has sort of questions about this engagement that aren't answered or if it's not clear what the team's role is, maybe we can get those questions again and in writing. But I hope that the speed of that sort of initiative from the Org and the Board is not slowing down this work, Michael, but again, I don't know if that's helpful.

**MICHAEL PALAGE:** No, Brian, I think that is. And to be clear, I don't think that is slowing us down. The only reason I raised that is this communication was first shared, I believe, during ICANN73 as part of this group. It was specifically just referenced in the GNSO Council as being associated with this group. So when I see that linkage, obviously, as a chair, I want to make sure that I'm being responsive to that and I want to obviously bring that to the attention of the broader working group. On that right there, as far as what role, if any, we have, it would be helpful if individual working group members had any thoughts on what role should we request to see that communication before it goes out? Should we perhaps send in written comments or concerns before it goes out?

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I don't know. Again, this, I think, is something more for the group as a whole to discuss. So I guess the answer to your question on what is next is I'm going to open it up to the floor to see if there are any comments, questions, concerns from the group on how they think this group should be involved. Owen, I see you have your hand up. You have the floor.

OWEN SMIGELSKI: Thanks, Michael. While I appreciate the efforts of ICANN Org, I think we should sit back and let them do what they need to do. We are a scoping team. We have a very narrow, limited mission, and providing feedback to ICANN Org communications to agencies and stuff like that is way outside of our remit. We should just sit back and do and be informed by their decisions. Thank you.

MICHAEL PALAGE: Alan?

ALAN GREENBERG: Thank you. I guess I have to take the exact opposite position, and the reason is very simple. We have attempted to resolve some of these issues in the past through communications to the various European bodies and without any real success. Given that we are hoping that the answers we get will help guide us in our recommendation to the GNSO Council on what is both needed and possible, making sure that we're comfortable with the questions and making sure that the ICANN Org staff have not missed something crucial, I think is an important part of our task. Thank you.

MICHAEL PALAGE: Okay. So just mindful of time and the fact that we do have a shorter meeting today, unless there is anyone else that feels compelled to speak on this, what I will do is I will send an e-mail to the list. Because I know Stephanie and Thomas, I feel at least would want to say something on this topic. So I do want to send something to the list so that everyone is apprised of this particular update.

With that, what I will do now is turn it over to Marika so that you could, if you will, open up the document. Let's get into the small team dirty work of getting this work done here.

MARIKA KONINGS: Thank you very much, Michael, and apologies for being a few minutes late as the Council call ran over. I think as you already introduced for the call today that this is really an effort to make progress on the gap analysis proposals and working out some of the details that would be necessary for this group to fully evaluate what is being proposed as well as to assess what the proposal is attempting to achieve and whether or not that will help the group forward in its deliberations.

So we said that we would focus on two specific proposals where further details are necessary and that it might be helpful to do that in a kind of small team setting. I'm glad to see that quite a few of you have joined today. But I know as well that there are some that might be able to join. And of course, whatever is produced here

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today will be shared with the broader group for their input and review.

As you can see on the screen, actually, Sarah has already done her homework on this. I know she couldn't make the call today, but in advance of the meeting, as we invited everyone to do, there was already an ability to provide suggestions in the document. She's already gone ahead and provided some potential responses that the group can now review and see if those aligned with your thinking and/or whether those need to be modified or changed.

As you may have all seen as well, we tried to already identify some specific questions to help guide this conversation. Of course, if we've missed anything, or if the question is not specific enough, or if there's sub questions that should be added, feel free to suggest that as well. Again, this is our attempt of trying to get to the details of this proposal to make sure as well that everyone has the same understanding of what the proposal is aiming to achieve and what it would look like if implemented.

So having said that, I think we should probably just start off with the first question. As I said, this is about Proposal A. So this is about a survey to registrars. So the first question that we had identified here is what are the insights into—which aspects would assist the scoping team in addressing its assignments? Recognizing that information provided through a survey may only provide a partial picture. So this is really what do you think you would be able to get out of asking registrars specific questions.

It may be helpful just to start with what Sarah has provided here, and I'm happy to read that in the record because I'm not sure that

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everyone will have had a chance to review this in advance of the meeting, including myself. So Sarah suggests that what it could teach us is rates of verified versus unverified domains will help show a snapshot of the current amount of domains in each group. It is important to remember that because registration and verification of domains happen constantly, the rates will change. As some contracted parties track validation/verification status in relation to a contact set rather than a specific domain name, this is in alignment with the ICANN WHOIS Accuracy Program Specification. Number three, registrar is not required to perform the above validation and verification procedures in Section 1(a) through 1(f) above. If registrar has already successfully completed the validation and verification procedures on the identical contact information and is not in possession of facts or knowledge or circumstances that may suggest that the information is no longer valid. This may affect the ability to report on rates or validated/verified domain names.

So I'll pause there to see if anyone agrees with what Sarah has put here. Anyone disagree? Is there anything in addition that people hope to learn from responses that would be provided by registrars because, again, that will help them inform, I think, the conversation around the next question of which questions should be asked. Alan, please go ahead.

ALAN GREENBERG:

Thank you. I think Sarah's last point is really important. I hope it could be covered by phrasing the question to cover the issue of the registrar using a contact set associated with the registrant with the customer, as opposed to the entity listed as the registrant in

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the domain. I think we can cover that. I know for large registrars, that is a very common way of handling things. We want to make sure that domains which are not verified in their own right but are verified through another means are addressed in the question. Thank you.

MARIKA KONINGS: Thanks, Alan. Roger, please go ahead.

ROGER CARNEY: Thanks, Marika. Yeah, I think Alan is right there. But I don't think that was Sarah's point. I think Sarah's point was a contact is verified, not a domain. So I think that the contact can be shared between 10 domains or even across multiple accounts or whatever. I think that that's the point to get to is that contact is what is validated and verified, not the domain. So I think Alan's right. I think he just said to word that correctly, but recognize that when you verify a contact that may ... [I did] 10 different domains. So I think that was Sarah's point to you. Thanks.

MARIKA KONINGS: Thanks, Roger. Alan, please go ahead.

ALAN GREENBERG: Thank you. I'm aware of that and that's what I was getting at. That validation presumably counts for as many domains as it was used to satisfy the Accuracy Spec. I just want to make sure that we don't lose the intent of this question is to try to find that we have



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200 million domains and 150 of them are verified and 50 are not, or some measure like that. So, I think it is a matter of making sure to word things.

There are other questions associated with this one. I mean, I have an account and I've never had a new domain verified. So I presume the registrar is using my contact set. Now, my contact set has never been verified in the methodology used in the Spec. So I'm not quite sure how it was verified. It was done way before 2013. We may want to investigate. I don't know what other questions we have included here but we may want to investigate. Were other methods used to provide this verification prior to 2013? Thank you.

MARIKA KONINGS: Thanks, Alan. I think we'll get to the questions next so we can then, I think, hone in on whether that is covered or not. Michael, please go ahead.

MICHAEL PALAGE: You're doing such a good job there, Marika. I guess the one question I would have asked Sarah—and perhaps maybe Roger or Owen could chime in, or Volker—one of the things I think is interesting is always the role that the reseller plays in the ecosystem. In 20 years, I think they've always largely been overlooked. So what would be helpful is, is this verification, is that being done by the registrar? Is that something they outsource or rely upon the reseller to do? I don't know the answer to that but I think that would be something that would be pretty helpful,

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particularly for those registrars that have a reseller model. So if Owen or Volker could chime in, I think that would help flush this particular issue out.

MARIKA KONINGS: Thanks, Michael. I'll just go ahead and manage the queue here, if you're okay with that. Owen, please go ahead.

OWEN SMIGELSKI: Thanks, Marika. I guess I'm perfectly in queue now that somebody is mentioning my name and summoning me, but I was already there. So I first want to address Alan with his domain names that were registered prior to his registrar adopting the 2013 RAA, that's correct. The wording was intentional in the RAA, that domain names would not be verified or validated through those processes unless there was one of the triggers in there, transfer to the registrar, new registration, or update the contact information. There was nothing in there that required that every single legacy domain name be validated and verified. So yes, Alan, as long as you have not done anything to change that or to do anything to suggest that your information is incorrect, then you would not have gone through that process. That would apply to your entire account as well, too, because there's no information suggesting that.

Then coming back to Michael's thing about the reseller who's doing what, as an expert lawyer here, I can say the answer is it depends. I imagine there's a whole bunch of scenarios where the registrar does it, reseller does it, third parties do it. Ultimately, it's

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the registrar's responsibility to ensure that it is complying with the RAA for all domains under management. So that's who you can go to if there's a concern or a problem. But I imagine there's a wide number of scenarios. I can't speak for every single registrar out there. There are those that are doing reseller models. I imagine there's dozens of different setups for that. Thanks.

MARIKA KONINGS: Thanks, Owen. Next, Scott.

SCOTT AUSTIN: Thank you, Marika. I just wanted to clarify, as far as the data that is the same. Is it the account holder's data or the registrant data that we're talking about in terms of allowing the same contact information? In other words, if the next domain name that's owned by the same account holder uses the same data other than, I guess, the name of the domain name, is that what we're saying does not require further verification because it's already been verified as it relates to that particular account holder? Or is it the account holder's data that is determining this?

MARIKA KONINGS: Scott, I think Roger put a response to your question in the chat and he notes it's the registrant. I don't know, Roger, if you want to speak to this further or, Scott, whether you're good with that answer.

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SCOTT AUSTIN: Okay. So if the registrant data is the same, then there's no need for further verification. What about if it is sold to a new account holder, then is there subsequent re-verification of the registrant data?

MARIKA KONINGS: Trying to see if Roger has an answer for that potentially as well in the chat. Roger, I see you raised your hand so maybe you can answer Scott's question.

ROGER CARNEY: Thanks, Scott. So the registrant would not have to be revalidated, but there is in the RAA—and maybe Owen actually has it right there—there is a clause that the account holder is also validated. So if it's a different account holder, that would be. The account doesn't really matter. Again, it gets back to the domain doesn't matter. It's the registrant data that matters and that is what has to be validated and verified. Thanks.

MARIKA KONINGS: Thank you, Roger, for answering that question. Volker, you're next.

VOLKER GREIMANN: Yes. With regard to who does the verification, that usually varies. In most cases, the registrar will do it themselves. But in some cases, they may outsource it to trusted resellers, resellers that are acting as registrars themselves and therefore have a known track

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record of being able to do this in a fashion that works. Regardless of whether it's outsourced or not, the registrar usually reserves the right to access that data in case of an ICANN audit or other circumstances that may require verifying that the reseller has done their job. But other than that, I think, yeah, this is not something that the registrar necessarily needs to do themselves. It's something that has to be done regardless of who does it. The registrar is just ultimately responsible for making sure it's done.

With regards to the verification of the account holder, the RAA is very specific when the account holder must be verified. I don't imagine that verification occurs at any other time of the account holder, data occurs at any other time than specified in the RAA, at least when it goes to the requirements of the RAA. Registrants may, of course, have their own routines for anti-fraud and making sure that the account holder is who they say they are, but that's not a requirement under the RAA. When it comes to the requirements of the RAA, the account holder verification is only triggered when it's required by the RAA. Thank you.

MARIKA KONINGS:

Thanks, Volker. I just noticed we're already, I think, answering questions instead of actually focusing on maybe the questions that we want to see in the survey. I heard one question suggested that maybe a question needs to be asked who is responsible for carrying out the verification, although I think Volker at the same time said that it doesn't matter. It just matters that someone does it at the end of the day. So maybe the group can think about is that information that will help the group's consideration of the questions it's addressing to know who's responsible for the

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verification, if that's done by a reseller or if it's done by the registrar. Because again, I think if we go to the next box here that starts focusing on specific questions that you would like to ask registrars. Steve, I have you next in the queue. Please go ahead.

STEVE CROCKER:

Thank you very much. Michael's question about whether the reseller is involved and what their role is caught my attention. All of the answers are exactly what I would have expected that it's ultimately the registrar's responsibility, and that although I'm one of the few non-lawyers I suspect in this group, it seems to me that the resellers are agents of the registrar so it's, again, up to the registrar. But what puzzles me a little bit, Michael, is why you ask the question where was there any uncertainty about whether or not resellers need to be brought into view in the discussions that we're having? If there is a reason that I think it's important to do so, there are other situations where we've left pieces of the ecosystem unaddressed and it causes us great grief, and I would not like to have be in the same situation, if it's important that we recognize the distinction between resellers and registrars. But as of up until now, my impression is that resellers are agents of registrars and it's a private relationship and that we can focus our attention wholly on registrars and hold them accountable for whatever the resellers do.

MICHAEL PALAGE:

Steve, the reason I asked that question was, since this is all going to be voluntary, it would be nice to know who's participating. So we're asking registrars to voluntarily participate, but then their

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resellers may choose not to, so it would be nice to know, if we're going to be doing these surveys, who is participating, because to me, it's just getting data and facts to look at the big picture.

STEVE CROCKER: Thank you.

MARIKA KONINGS: Thanks, Michael. I think that's also a question we'll get to later that asked about what kind of identifying information is expected to be asked from respondents. That may also be something that would come up there, if we need to indeed distinguish between registrars and resellers. I think it also goes to the question how broadly is the survey circulated? Because I think for now, we've at least certainly been, I think, speaking or thinking about registrars for which there is of course a direct channel of communication. If it is the expectation that it needs to go broader than that is probably something for the group to discuss, if and how that could be achieved. Alan, I see you next in the queue. Alan, you may be on mute.

ALAN GREENBERG: I was on mute. I unmuted myself but I got muted somehow. I put my hand originally to respond to Owen because I think he misunderstood the question, but I don't really want to beat that one to death anymore. In terms of resellers, the current situation is that the RAA is very explicit that the registrar is responsible to make sure that the reseller does carry out the various roles. That was not the case prior to the last RAA, and again, that may have

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implications on domains registered prior to that. So it may be something we want to think about at some level. Thank you.

MARIKA KONINGS:

Thanks, Alan. So I just note that there doesn't seem to be any disagreement to what Sarah has suggested for the moment as a response here. I do notice of course as we get into the questions, there might be other areas that the group is hoping to find out about. So I would suggest that maybe we start looking at the specific questions that you think should be part of such a survey, what are the questions that will result in hopefully useful information for this group. So if we scroll to that section of the document, on the left hand side, we have the start on list of questions which came from, I think, the initial proposal from the Registrar team, as well as the question that the Registry team included. But as you can see, as Sarah has, I think, already taken this a step further and identified a number of additional questions that could be asked. I do know that the group previously also kind of discussed that, of course, the longer a survey gets, the less likely it might be that responses are received. So that is something that the group will need to think about as well, how long do you want to make the survey? And having some registrars here on in this group, hopefully will give us some good insights into what you wouldn't be willing to respond to.

So again, unless anyone wants to speak up here, maybe we can just run through what Sarah has suggested here and see if that aligns with what the rest of the group has in mind, whether there are modifications you would like to make, additions that should be considered. Again, also thinking back to what is it that you hope to



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learn from the survey? What is information that will help inform the group's conversation around—are current accuracy requirements being met and/or are there potential gaps that are not being addressed that should be further considered?

So having said that, the questions that Sarah is proposing, first of all, the set of questions that we'll look at how many domains have registration data which is validated and verified, and she suggested questions such as, do you proactively track rates of completed validation for domains that are registered with you? Do you proactively track rates of completed verification for domains registered with you? If no, is it possible to gather those rates? If yes to ABC, what percentage of domains registered with you have validated registration data? If yes to ABC, what percentage of domains registered with you have verified registration data? What percentage of domains registered with you were created prior to the validation and verification requirements came into effect and have not yet been updated in a way that triggers the validation and verification requirements?

And then she has suggested a set of questions that would look at how many domains have data which is currently in the verification process. Do you have proactively track rates of in-progress validation for domains registered with you? Do you proactively track rates of in-progress verification for domains registered with you? I think that's actually a duplicate. Oh no, verification/validation, sorry. If not, is it possible to gather those rates? If yes to ABC, what percentage of domains registered with you are in the validation process? Now, if yes to ABC, what

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percentage of domain names registered with you are in the verification process now?

Then she has added a couple of questions that would look at how many domains are suspended due to incomplete verification? Do you proactively track the rates of suspension due to incomplete verification? If no, is it possible to gather those rates? If yes to AB, what percentage of domains registered with you are suspended due to incomplete verification?

Then there are a couple of questions that would look at the rate of e-mail bounces for WHOIS data reminder policy notices sent out over a set time period. Do you proactively track the rates of bouncebacks to WDRP e-mails? If no, is it possible to gather those rates? If yes to AB, what percentage of domains registered with you?

So this is the set of questions that Sarah has suggested. I think, as you can see as well, these are all kind of diving deeper into the higher level questions that were originally identified. So the question here for the group is, does this capture what you think should/could be asked? Is there anything missing here? Is there anything further that needs to be enhanced or further specified? I'm going to pause there and see if anyone has any comments or suggestions.

I don't know if silence means that everyone thinks this is a great set of questions and these are the ones the group would propose moving forward with. Do you all need a bit more time to think about it? Any initial reactions?

MICHAEL PALAGE: Marika, just jumping in here. I think this is a good first start by Sarah. As I said, I did not get a chance to go through these. I don't know if everyone else on the list has done it as well. So I think what we have here is a good framework for discussion. What would be really helpful for the group, the small group, and then we can even share this document—well, the document is already available to the entire team—but to solicit input from the entire group. And then, if there's silence, we can take that as acceptance. If there are alternate wording, alternate questions, I think that may be the perhaps best way to go forward here. I just want to be careful here that there's a lot of text and a lot of questions here, and I don't know if everyone has been able to fully digest it on the fly. So that, to me, would probably be the most prudent way to go forward, I think, and, again, to solicit other feedback from the broader group before wrapping this up and putting a bow on it. That would be my thought.

MARIKA KONINGS: Thanks, Michael. Just to confirm that definitely what is done or discussed here today is definitely not going to be the final word on this. The objective really here is to put some meat on the proposal so that the broader group can look at it. And of course, Sarah has done the job for everyone here. That is really great. But of course, if there are initial reactions or comments, feel free to share those and we can try to add them already before it goes to the broader group. Of course, all of you will have as well additional time to look at this again as well. Alan, please go ahead.

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ALAN GREENBERG: I just want to say the obvious, I think. These were only posted an hour and a half ago. My only contact with them is you reading them out right now. So there's too much there to put a stamp of approval on. They look like a really good start. I'm moderately surprised that she has considered that some of these are not too intrusive and aren't so large that it will get ignored. But I'd like to hear from the Registrars on that. But certainly it needs a careful read through before my putting my stamp of approval on it. But it looks like a pretty good start.

MARIKA KONINGS: Thanks, Alan. As I said, definitely not looking yet for a stamp of approval but initial reactions, and initial reaction of this looks good is I think already helpful. As I said, everyone will have an opportunity to try to look at this and add to it as needed. I'm not seeing any further hands. I'm assuming, Alan, that's your previous hand. I think we can maybe move to the next question.

This gets to the point as well I think that I've already touched upon what information is needed for the registrar for identification purposes. What of that information would be publicly shared when responses are published? That's something to think about as well. Because, of course, everything that the Accuracy Scoping Team does on this public mailing list is also visible for the broader community, so you may also want to think about what is necessary for everyone to know what is maybe necessary for only this group to know. Of course, we could also think about ways that information is directly shared with the group instead of maybe

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putting that on a public mailing list. And who has access to the individual responses? I think this goes partly to as well the question of who would be managing the survey. I think it's a question you were asking later as well. Is that something that you feel comfortable with ICANN Org doing? Is it something that we as policy staff should be doing? Is it something that the colleagues who directly support contracted parties are better positioned to do? As I said, I think we're first focusing here on the question on what information is expected to be provided by respondents when they respond to the survey.

Again, Sarah has very helpfully provided some suggestions here. Again, I haven't read this yet either. It did come through when several of us were on other calls. But again, if there are any initial reactions or suggestions, I think that's still helpful. So Sarah suggests that required for identification should be the IANA ID and the person filling out the survey, their name and contact e-mail. And what will be publicly shared would be the number of registrars that responded and aggregated and anonymized response information.

Access to individual responses. She says TBD, need to discuss with the full scoping team. Restriction of access to the individual responses will help promote honesty of response. It could include a survey question allowing responding registrar to opt in to having their responses associated with the IANA ID. Otherwise, it would only be used in anonymized or aggregated form. It's also important to determine the retention period of the personal data contained within the responses and include that information in the initial survey. The data should be retained for as long as

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necessary to evaluate responses and then deleted. Anonymized aggregated data may be retained.

So are there any initial reactions to what Sarah has suggested here? I'm not seeing any hand. Again, the topic of access to individual responses, maybe that's something that needs to be shared or discussed with the broader group. It's probably worth as well for this group to maybe already think about if or why that would be helpful, because again, I think that's probably the conversation that will need to happen. What would not be provided in the aggregated information that the individual responses could provide? That may help determine whether or not that access is necessary or whether that should be restricted to whoever is managing the survey. Alan, please go ahead.

ALAN GREENBERG:

Thank you. It would certainly be nice to see the individual responses with and identify who it is. Should that not be possible—and I suspect that will not be possible—it will be really important to understand responses. Just doing it in an aggregated way loses some granularity that I think is important, and it may be possible to get back that granularity by having with the individual answers a measure some sort of metric of how large a registrar is, how large is their installed base. Not the number because that will clearly identify the registrar. But is this a small registrar under some number, a medium one with a range, or a large one, more than 10% or more than whatever the right number is of the overall installed base? Because we want to make sure that we are getting something that ends up being quite representative. Certainly for the overall results, we need to understand that the registrars who

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answered cover N percent of the installed base or something like that. Understanding the size of registrars and how it relates to their answers, I think is important. Thank you.

MARIKA KONINGS:

Thanks to Alan. I've made note of that and it's something we can add here as well for further discussion or consideration on how that could be achieved. I'm not seeing any further hands. I think we can go to the next question, which is about who should be responsible for circulating the survey to registrars. It should have come through the Registrar Stakeholder Group, ICANN Org, third party. Again, Sarah has very helpfully provided a proposed response here that ICANN Org should circulate the survey to all registrars and not only those that are members of the Registrar Stakeholder Group. I think if that is the direction, it's probably something we need to check with our colleagues. I don't know if there are any restrictions or limitations they have on what they can send out to everyone. It's kind of in the form of a mass mailing. We don't want to be spamming people. I don't know. I know that there has been outreach and other topics in the past. So it's definitely something we would need to check and discuss. So again, the question is here. Is that as well aligned with the rest of the group here, this should be the approach that you take? Just to note as well that Sarah also pointed out that the Registrar Stakeholder Group would help with communicating to this membership. It's, of course, helpful if there would be some promotion and encouragement to say based on this, support for Sarah's response. So can we move on to the next one?

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How much time should be provided to respond to the survey? Sarah suggested to start with a month but extend depending on response rates. It seems to be kind of a very standard approach that we've taken in other surveys as well. So I don't know if there's any concerns about that. Again, the group can, of course, think about as well what will you consider a reasonable response rate? Of course, as the survey progresses, think about are there other ways to promote it to parties to encourage them to participate. I'm not seeing any hands. We're going to the next one.

Should the survey be available in multiple languages? And if yes, which other languages should be considered? Sarah is suggesting that it should be in English and the five UN languages so the registrars around the world can equally participate. I think from a language service perspective, that is definitely something that could be facilitated well, of course, and take some additional time because we would need to get our colleagues to translate the survey. And similarly, for some responses that come in, those would need to be translated as well. So it would add some additional complexity and time potentially. But at least I think from our perspective, it should be something that would be feasible to do. I don't know if there are any concerns or suggestions around this one or whether people are good with Sarah's suggestion here.

Then moving on to the next one and that's actually where Sarah hasn't provided response. So maybe the group has some ideas or suggestions here. That's around what incentives could be provided to encourage registrars to participate in the survey. Are there any ideas or suggestions here on what could trigger their participation? Michael, please go ahead.



MICHAEL PALAGE: Yeah, it was just so quiet. I thought I'd help you out break the silence. So I think back to our session at ICANN74, I believe one of the registrars that was participating suggested about the responses being—what is it? Any response would not necessarily be reflected or communicated to ICANN Compliance. So perhaps what we would call is a compliance safe harbor that any registrar participating in that would not somehow bias or alert. Again, I'm just trying to think on the fly here. But I know this was a specific concern that was raised during ICANN74. So I guess the best way to call it would be compliance safe harbor.

MARIKA KONINGS: Thanks, Michael. Actually, I already guessed as well into the second question, which was asked, indeed, is there a need for compliance amnesty if survey responses indicate non-compliance. Indicated here as well that, yes, this would be helpful in order to do everything possible to encourage responses so that they at the same time then be that incentive to encourage people to participate. I don't know how that would be formulated and that's obviously something we would need to check probably with our legal colleagues.

I see Owen suggesting it's possible to anonymize the responses. I'm getting that and the question is, is there a need to check who's providing the responses to make sure that it comes from a registrar and to be able as well to confirm some of the other information around domains on the management and things like that? Or I don't know if you're meaning with once the responses

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are shared, that's maybe a separate consideration to make. Alan, I see you have your hand up.

ALAN GREENBERG: Thank you. This probably goes back to a previous question. But in reversing this question of what can we do to encourage response, certainly if we publish the names of who has responded and which registrars are included in the summary data and which are not, this is the fact that you are identified as someone who is giving your information as opposed to holding it to your chest I think is, to some extent, an incentive for giving information. So I would hope that we can publish a list of who has responded and who has not. That alone, I think, will act as an incentive to encourage participation. Thank you.

MARIKA KONINGS: Thanks, Alan. Just so I understand your suggestion, it would be just publishing the names of whoever responded but not necessarily associating that with the responses they provided, just to kind of—

ALAN GREENBERG: No. Associating the answers with the registrar is one of the questions we addressed earlier, and I would be very surprised if we saw support from the registrars on that. But just publishing yes or no along with the list of registrars I think would be both useful and encourage participation. Thank you.

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MARIKA KONINGS:           Okay. Thanks, Alan. I've noted that and we'll add that as a suggestion. Volker, please go ahead.

VOLKER GREIMANN:       I would like to take a counterpoint to that, simply because I think that publishing the names of those who participated might also be disincentive. I see it as a bit of a prisoner's dilemma. As a registrar who is interested in participating or considering to participate, you don't know who else is participating. If you find out that you are the only registrar of the medium to large category answering these questions, then even if you're anonymized, it becomes very clear that if medium to large registrar has provided business data, and there's only one or two participating in the data, then it becomes rather opaque to see who provided what answer. It's rather visible. So the less registrars participate, the more you will be able to find out who provided what answer if you have the list of participating registrars in there.

If we see that as the baseline, then as a registrar, I might have to think twice if I want to be providing my data with my name signed to it even though it's not officially signed, it's detectable. It's deanonymizable, so to speak, because of the other information available to the group. That may lead to fewer registrars participating. If we want to have the number of registrars participating as high as possible, then we should make the identification of the individual registrar as difficult as possible. Thank you.

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MARIKA KONINGS: Thanks, Volker. Alan? I guess you want to respond.

ALAN GREENBERG: I'm happy to add a caveat that we only do this if we have a sufficient number in each category. But, Volker, if indeed we have a situation where we have, let's say, three or four categories of registrars and only one in any category responded, we have failed spectacularly. But I understand the concern and I'm willing to add a caveat to make sure that doesn't happen. Thank you.

MARIKA KONINGS: Thanks, Alan. Susan, please go ahead.

SUSAN KAWAGUCHI: I don't know but maybe this is too large of an incentive. But could ICANN offer to not include any of the registrars that participate in the survey in this year's audit of the registrars? The audit includes other data elements, but if they're going to step forward and provide all this information and unless there's some other type of issue going on with that registrar, which would call for an audit, maybe they could be excluded and then just audited the following year.

MARIKA KONINGS: Thanks, Susan. I also added as an option, I actually don't know who has the kind of power to make that kind of determination or whether that's even possible, but we can of course add it to the list and further consider if that is something that would incentivize

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registrars to participate in the survey. Any other comments or suggestions? I know that we're five minutes out of our time, so I think we can make it to the end, at least, of this proposal.

The last question here is should registrars be asked which information they think should be required to be reported to ICANN to help assess the state of accuracy in the future? Sarah noted yes. And just noting because this is one of the potential gaps I think that the group has identified that currently there is no requirement to report anything while some information might be helpful to kind of track or have insights on to also be able to identify whether or not there are issues that may need further consideration. So that is probably an additional question that would need to be added to the list above.

So I think with that, we've made it through this proposal. We had another one where we had hoped to get some further input on but I know it's probably too short time to do that now. I do know that Sarah has already provided some input here as well. This is a review of accuracy complaints. So maybe I can ask everyone to have a look at what she has suggested here on how to go about that and see if you have any additional ideas or suggestions that this part of the work could be done. Because, of course, the survey is something of a bigger undertaking, but reviewing of complaints might be something that the group can undertake itself, especially if it's not a heavy lift or it doesn't involve input or work from others.

So with that, I think we got quite a lot done. Really big thanks to Sarah if she's going to listen to this call, but also send her a note after this meeting. I think she's greatly facilitated this conversation.

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We'll make some updates based on what was discussed today so that this can be shared with the full team in preparation for next week's meeting. As I said, the idea would be that basically with the meat around the proposal, the group will be in a better position to assess whether this is something you want to pursue, and if so, it can be included in the write-up and as a specific recommendation to the Council to take forward. Because again, this is one that, of course, would require some implementation and some time to do and so we would need to be prepared and support it accordingly. Owen, please go ahead.

OWEN SMIGELSKI:

Thanks, Marika. I just wanted to instead of typing a big response to Scott's comment in the chat about whether there might be a difference between registrars that are or are not members of the Registrar Stakeholder Group. Speaking from my experience working at ICANN Contractual Compliance, I found no difference in terms of compliance about whether or not a registrar was a member of the Registrar Stakeholder Group or not in terms of when it came to the 2013 RAA. That was quite a quite a shift in the compliance perspective. There was a lot more requirements for registrars and a lot of activities had to be done. And there were registrars within the stakeholder group as well as outside of the stakeholder group that had, let's just say, issues or concerns coming into compliance requiring some follow-up and actions. However, that does not mean that if one was out, they're more likely to be out of compliance, or if they were in, they were more likely to be in compliance. They are perhaps more engaged if they were in the Registrar Stakeholder Group. But all of the registrars

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that went through the compliance process, and we had a number of them because it was an accuracy complaints where really that was at the time was by far was like 80% of the complaints that ICANN was processing at the time, then you add in the WHOIS ARS. So there was a staggering number or percentage of registrars that actually received some type of WHOIS inaccuracy complaint that either had to take actions to prove that they were compliant with new 2013 RAA requirements or had to take a remediation and stuff like that. So, again, I don't think it's a concern. I think the question we have here is, how likely are we to get a registrar X who is not a member of the Registrar Stakeholder Group to be engaged and participate in a survey, as opposed to whether or not they'll be more compliant or not? Thanks.

MARIKA KONINGS: Thank you, Owen. I see Scott as well. Thank you for that response. So with that, I don't have anything further. Michael, I'll hand it back to you.

MICHAEL PALAGE: I think we're done. Again, thank you to Sarah, if you will, seating this discussion. I think we will now turn this back to the broader group and allow them to digest that, have a little more time. We will pick this up next week. So my question to you or, really, to the group is, do we want to keep next week a further work, a small team working group? Or do you think we want to bring it back to the entire group? Maybe one more week of small team work is what I'm thinking. What does the group think?

ALAN GREENBERG: I agree, this has been an amazingly productive meeting compared to most of our meetings. So let's try to continue and get through this work. Thank you.

MICHAEL PALAGE: So unless there are no objections and no further hands—Marika, when you are providing your after call recap that you in ICANN Org send out to the list, if you could just inform everyone that next week will be a continuation of this subgroup's work. There we go. I think that's it unless there are any other questions, concerns, or comments, I propose we stop the recording. Going once, twice, three times.

Thank you, everyone. Have a great day. Stay safe. For those celebrating the upcoming holidays, enjoy your holiday weekend.

TERRI AGNEW: Thank you, everyone. Once again, the meeting has been adjourned. I'll stop the recording and disconnect all remaining lines.

**[END OF TRANSCRIPTION]**