
ICANN Transcription

Registration Data Accuracy Scoping Team

Thursday, 24 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 24th of February 2022 at 14:30 UTC. In the interest of time there'll be no roll call, attendance will be taken by the Zoom room. If you're only on the telephone, could you please identify yourself now?

Hearing no one, we have no listed apologies for today's meeting. Statements of Interest must be kept up to date. If anyone has any updates to share, please raise your hand or speak up now. Seeing or hearing no one, if you do need assistance, please email the GNSO Secretariat. All members will be promoted to panelists for today's call. Members, when using chat please select "everyone" in order for all to see your chat. Observers will have you only to the chat.

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Alternates not replacing a member are required to rename their lines I think three Z's to the beginning of their name, and at the end in parentheses the word "alternate" which means you're automatically pushed to the end of the queue. To rename in Zoom, hover over your name and click "rename." Alternates are not allowed to engage in chat apart from private chat or use any other Zoom room functionalities such as raising hands, agreeing or disagreeing.

All documentation and information can be found on the Wiki base. Recordings will be posted on the public wiki space shortly after the end of the call. Please remember to state your name before speaking. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior. With this, I'll turn it back over to our chair, Michael Palage. Please begin.

MICHAEL PALAGE:

Thank you, Terri. Good morning, good afternoon, good evening, everyone. Because of the ICANN prep week, we are only going to have the last 60 minutes of our call today. So there is a lot we need to get through. So I'm going to end it there. The only comment I would like to make is I generally would like to extend a thank you to all members. Most of the stakeholder groups have actually done their homework. So that's going to make our task today a little challenging to get through everything because everything was on time. So again, I would like to extend that thank you to everyone.

With that being said, unless there are any objections from any of the members, I would like to jump in with tidying up regarding the accuracy measurements that I believe was one of the last ones. Marika, could you remind me who we have left?

MARIKA KONINGS: Michael, yes, we have the BC. I think Susan had to drop during the last meeting because of connectivity issues. So we didn't manage to cover the BC. And we also have for today's meeting the ISPCP input.

MICHAEL PALAGE: Perfect. Thank you for that reminder. And do we have Susan or someone from the BC on the call? Excellent. Thank you, Susan. You have the floor. Thomas, you are next up on the deck. So Susan, please go ahead.

SUSAN KAWAGUCHI: Okay, I'm trying to remember last week. I'll just read it.

MICHAEL PALAGE: Well, I'll give you a minute or two here. What I'll do here is while you're gathering your thoughts—and Thomas, I'll allow you to gather your thoughts as well—one of the next assignments that we are going to do as a group is we are going to revert back to the definition /explanation of what is accuracy.

As many may recall from some of those original discussions, there was a lot of contention on what the actual terminology would be of

what we've done. One of the reasons I think we need to sort of circle back and pin that down is to the very point that many commenters were making over the last couple of weeks, is it is kind of hard to do a gap analysis when in fact we can at least not identify what the initial starting position is. So I would agree with that.

The point or some of the concerns that I have heard from individual members this week individually that have contacted me is their concern about us defining, acknowledging some definition as that being prescriptive to consider any future change. So just to be very clear, when we finish up this assignment and we move back to the explanation or definition, one of the things that we will be doing is not prescribing it, we're just saying this is what the current state is and these are what some of the participants believe [inaudible] to be potential future work or future, if you will, aspirational definitions.

For those that participated in the call earlier this week, that's kind of what I was referring to in the prep call as that gray area. So with that, hopefully, I've given you enough time there, Susan, I know it is early. Hopefully, the caffeine has kicked in and you're ready to go.

SUSAN KAWAGUCHI:

Yeah, not so much. So the BC thinks that or believes that ICANN community lacks the ability to track and measure the issue of accuracy. The community doesn't have control of the data, and relying on third parties to proactively report accuracy issues now

that GDPR has impacted the display of registrant data is a nonstarter.

I mean, you still see things that are most likely inaccurate, but it's very difficult to tell with the limited information you have. Yeah, I mean, sometimes I will see something where you'll see the registrar org and the state or the country and if you know that—and most of what I look at are records that may involve a brand or the imitation of a brand, somebody using a brand's information, I can tell this is not theirs. But there's not enough information to really make that assessment.

And few compliance submissions for inaccuracy is not an indicator of a lack of problem. I've always believed this has been a bad system, that there should be a proactive audit. I advocated for that in the first WHOIS review team and the second RDS review team.

The BC was able to point to many accuracy issues prior to GDPR and fully believe those issues still exist, nothing has improved. We need to move forward with implementing the EPDP which will allow the access to the data when requested. But that's blocked by the lack of ICANN Org and drafting the agreements necessary to implement the EPDP. I'm on the IRT and we really are not doing much at this point, in my opinion, except continually reviewing the same language because we don't have the key documents to make the assessment of the policy that we were given. Without those agreements, we don't really know how this policy could be implemented.

And we should continue to push the implementation of the RDS RT recommendations and encourage ICANN Compliance to proactively review registrant data for accuracy. Thank you.

MICHAEL PALAGE: Thank you, Susan. Are there any questions or concerns from any of the members? I think Susan has been consistent with many of the points that I think you in the BC have been trying to articulate over the last couple of months. Do I see any hands? Seeing none. Thank you, Susan. Volker?

VOLKER GREIMANN: I'm just a bit disappointed that most of this is conjecture and assumption, when you say that nothing has changed. That's basically assuming that nothing has changed. But we don't have any data to back that. Even if it is true, we can't prove that either way. And I think that's a path that we shouldn't go down upon.

And further, with regards to ICANN reviewing the data, the accuracy itself, I think that's probably also problematic, because that would necessitate data transfer to the US, which, as we've learned again very recently is already problematic in and of itself. I think we should work off actual data and see whether there's a problem. And I'm not trying to be facetious, but the data that you're looking at, the domain names that you're looking at is a very small and specific subset of domain names. Most domain names are not used for abuse and are not registered for abusive use, and they never had much issue with registration data accuracy. And just focusing on a very small subset of domain

names that are already proven to have problems in their registration does not make a general problem with accuracy. So either we find that there's a general problem with accuracy that we have to address, or we don't. Thank you.

MICHAEL PALAGE: Alan, I see you have your hand up.

ALAN GREENBERG: Yeah, thank you. I just want to make a small comment. Volker is regularly saying we should use facts. There is nothing prohibiting ICANN, which has offices in Europe, from installing a computer there. And that would not involve any transfer to the US. So if we're looking at facts, let's keep the facts in view all the time, and not just the ones that we want. Thank you.

MICHAEL PALAGE: Susan.

SUSAN KAWAGUCHI: And this is responding to Volker. Well, Volker, if you can provide that data to me that most registrations do not have issues, then we can compare the data where the abusive registrations do most likely have issues with the registrant data. So I just want to turn it on to you to provide that data to me then, that your statement that there is not a problem. I don't think you've proven that either. I agree. It would be great to have the actual data, but we've never had that. And it's been something we've been advocating for,

personally, since 2005. So either we move forward and figure this out, or we will continue the same discussions.

MICHAEL PALAGE: Volker.

VOLKER GREIMANN: I don't think it's my obligation to prove a negative. I think if there's an interest to change policy or kick off a policymaking process, we first moved must prove that there's a problem. The default is there is no problem. I don't have to prove that there is no problem, because that's the basic assumption. If you want policy changed, then you prove that there's a problem. It's not my obligation to prove there's none.

MICHAEL PALAGE: Okay. Beth.

BETH BACON: Thanks. I think that we are getting to kind of—[inaudible] we keep having a similar conversation. And I think one of the challenges that we can certainly all agree on that I think the BC has highlighted, is that there are issues with measuring, whether it's to determine the problem or prove the negative, or whatever you want to say, but I think that we can agree that there are some challenges now in measuring.

And if we can't measure it, then we can't effectively talk about it. So maybe that's what we need to think about a little bit more,

again, new environments call for new mechanisms, or measures or methods. And we certainly have a new environment. So maybe the old tools won't work. And I know that I've sort of said this flavor of this before, but I just wanted to note that yeah, I think that we're all clearly in violent agreement that it's hard to measure. So maybe that's something that we dedicate some time to, as opposed to kind of batting back and forth whether there's a problem. Nobody knows. Thanks.

MICHAEL PALAGE:

Marika or Berry, can you pull up the excerpt from the last ARS study? And can you perhaps expand that? So Marika, this is I believe something we had discussed as part of our prep work earlier this week. Do you want to explain what you did with this document, taking the relevant excerpts from the last ARS phase two reporting? I believe this was the sixth report of the second phase.

MARIKA KONINGS:

Sure. This is something that actually hasn't even been shared with the group yet. But obviously, the phase two cycle six report is publicly available. And following the conversations that we had, I think, on last week's call where there was kind of a lot of back and forth between what is the most recent data, we currently don't have data, but there were some studies done, we thought it might make sense to actually look back at what is the last data or analysis that was undertaken as part of the ARS that dates back from June 2018 and maybe have a closer look at that, maybe forget for a moment that we're now a couple of years further, data

is not publicly available so it is not possible to say whether there have been dramatic changes between what was found in the ARS data reviews between then and now, but let's maybe make the assumption that the information is still fairly valid and in line with what current accuracy data will look like.

So by taking maybe a closer look, can we have a conversation around what does that data show us? And does the group believe that the data shows that there's an issue? And if so, what is the issue and how can that potentially be cured or addressed and by whom?

So what we did is basically take from that phase two cycle six report. And again, it's important to point out that the ARS at that point focused specifically on syntax and operability accuracy, there was a phase three foreseen, but that has not been implemented at that stage that would also look at identity. So there's really focus on the two specific aspects.

And there were some key takeaways that were included in that report that you find here. So the first area that that they focused on was your ability to establish immediate contact. So the results basically found that 98% of records had at least one email or phone number that meet all the operability requirements of the 2009 RAA, which implies that nearly all records contain information that can be used to establish immediate contact.

Only 2% of records have all contact information that meet neither email nor phone operability requirements. Sorry about that. So I think the question here for this group is really looking at this specific set of data or information. It does say only 2% of records.

But that still means that over 4 million registrations based on domain registrations from that the third quarter in 2021 do not have contact information available that meets neither email nor phone operability requirements.

So the question would be, does the group consider that to be an acceptable number? If not, what could be suggested to allow for further consideration to improve this number? And there were further findings in the report as well in relation to operability accuracy. And I think, again, similar questions could be asked there, the report also contains some kind of indications what why especially I think certain geographic regions, there might be lower percentages compared to others, related for example to how addresses are used or the absence of country codes with phone numbers.

But again, the reason why we put it together, and I think why we're introducing this, is to kind of see with the group, is it worth having a look at the data that we do have access to that is based on what the ARS did in 2018? And basically try to see, what does that tell us?

And it may also help the group kind of consider, is this information useful in establishing whether or not there is an issue, if not, what's missing, what needs to be done more of or less of? So it could also help inform a conversation around what may need to happen next, if the group is recommending either restarting ARS or a different type of study, what is the type of information that helps inform that conversation.

And on the other hand, as well, if you're in this data that is already information that the group thinks is helpful in considering what changes, if any, should be considered by a potential subsequent effort, to flag and highlight that and hone in on those specific aspects.

So that is what this document is about. I'll try and see if I can actually post it in the chat so you have access to it. I said, this is a copy and paste of the cycle six report. So Michael, I hope that was helpful to at least introduce it.

MICHAEL PALAGE:

That was helpful. So Becky, you you'll probably appreciate the next point that I'm going to make here. As you may recall, the old SNL skits of Dan Aykroyd and Jane Curtin, of point, counterpoint. So one of the things that I spent a lot of time looking at these numbers is you can look at these numbers and argue two sides. So obviously, one would say, I think the original quote of 98%. So wow, 98%, there's not a problem.

But when you consider that there is 2%, when you look at the number of gTLDs that are registered, I think that comes out, I think rough back of the napkin math, that was between 4 and 6 million domain names that may have noncontactable information. So is that acceptable? And I think that is a question.

So there could be some on this list that could be like, hey, 98 is great. Let's move on. So that would be a point. A counterpoint is when you look at what DK Hostmaster did when they decided to move forward with registrant verification. I think they took action

where they found that fake websites were I believe, 2 or 4%. And they dropped it to less than a half a percent.

So that is a value judgment that I think the ICANN community, one of the things that we need to document from the respective stakeholder groups, is this good enough? 98%, is that a good enough number or is having 4 to 6 million noncontactable names that may be associated with bad things acceptable?

Don't know. These are the point and counterpoint. Now, one of the things I want to go back to is what we were discussing last week about if we were to potentially recommend a study, how to go about undertaking that study in a way that would maximize the legal basis that ICANN could take that study. This is one of the reasons why the idea of only looking at those domain names associated with the OCTO reports involving illegal activity would give ICANN Org and the contracting parties the maximum legitimate interest for undertaking that study.

There was a lot of pushback, though, however, from some of the contracting parties saying, oh, well, that might skew the results one way or the other. So that, again, are some of the hard questions, if in fact 98% of the data is great, maybe we should compare that against the subset of the data involving those domain names associated with monthly OCTO reports.

The other thing I wanted to point out here, as well, in operational accuracy, is the 99% of postal addresses. I've been a GoDaddy customer now for at least 15 years and I cannot recall the last time I received a piece of postal communication from GoDaddy. Most of the communication has been from telephone and email.

So when you look at the numbers that used to be 98, that looked good, when you begin to look at 60 or 92, these are all things that I think we as a group need to drill down on and look at. It's easy for one side to say 98%, nothing to see here, nothing burger, let's move on, versus other people that may want to look at the quantifiable numbers of 4 to 6 million names.

That is basically what we are going to have to document, that there are definitely two distinct viewpoints within this group on how they are looking at this issue. One that views it as there is a problem, and I would say another group that says, look, there's no problem here, let's move on.

So again, the purpose of trying to do this is we are trying to look at facts here. And these are the numbers and this is kind of what we need to look for. As I had stated at the beginning of this call, we need to start off with the current contractual definition that has been set forth primarily in the 2013 RA, and then as a group, decide whether the current situation necessitates a change. So with that, I will stop. And Steve, you have the floor.

STEVE CROCKER:

Thank you very much. Two points. Another way to ask about the data that we're looking at is whether it serves the purpose, sorry, I don't want to use that word, serves the needs of the people who are accessing the data. So I want to draw a distinction between the testing method that has been used to reach this 98% number versus in actual practical use. So if we go to somebody who references this data as part of their activity, I'll choose intellectual property attorneys as an example, but there are others, what is

their actual experience with respect to the data that they retrieve and make use of? Are they seeing 98% success rate in their endeavors when they get this data?

I don't know what that data is. I don't know if any of us know what that data is. But that is a significant difference in the point of view and is, from my point of view, the gold standard to be applied here, not necessarily—so the testing that's been done is a proxy for attempting to get at what the actual use is going to be. But I've not seen anything that suggests that we have any information about how effective that data is in actual use. That's one of two points I want to make.

The second, going back to the back and forth with Volker and others about what data do we have and is there a problem or not, I want to raise a process flag in a way saying that's a discussion we've had over and over and over again. And rather than trying to lay it to rest and sort of put it to bed saying there is no there is no evidence and therefore there is no problem or there is no data, therefore there must be a problem, simply agree that we don't have that and document that and reach consensus on the fact that there are opposing points of view as opposed to trying to pick one of those opposing points of view and trying to force a declaration one way or the other out of this.

MICHAEL PALAGE:

Yes, I would agree with you, Steve. I think part of our work is going to be documenting those different points of views. I would say that is the output of the scoping group. Again, we're not making recommendations, policy. This is kind of, if you will, a pre

ODP, ODA fact assessment, and trying to get those facts so that policy decisions can be made on those with all relevant current facts. Not historical.

STEVE CROCKER:

Let me just cast it slightly differently. I would not like to see that one side of that argument is chosen as the consensus and that the rest of the opposing points of view are represented as minority opinions. I think the consensus that we have is that we don't have agreement of what the fact is, and we have a repeated argument. And rather than having that repeated argument be repeated over and over again, I want to package it up, give it a name, and then every time it comes up, just give the name or if you like the number of it, apropos of joke numbers, if you know the joke about joke numbers, and then we can move on very quick past that.

MICHAEL PALAGE:

In principle, I do not think I have any objection. Again, we're a scoping group here. So the idea of us having to reach consensus, the facts are the facts, the positions are the positions, and we package it up and provide it to Council. So I don't think we are necessarily going to be looking to put on those labels to—I think putting on a label such as consensus where there is deep division would actually be probably more detrimental to our work than constructive. Alan Greenberg, you have the floor.

ALAN GREENBERG:

Thank you. I hope no one's surprised at this point that we have two different positions and we're not likely to agree, because we

seem to be trying to find a way to agree on things that we're just not going to agree on. Looking at the specific data we're talking about here, I think we have to look at the relevance of this data to today's world.

98% of records having at least one accurate contact detail is particularly irrelevant in a world where the data is not all available. And even if we get to successfully make a request to get the data, we don't necessarily get all of the data. So this test was designed in a world where all of the contact pieces were available to anyone, and you could go through them one by one until one of them worked. That's not the world we're living in right now.

I don't think the salient part of this one is the 98%. It's the 60% in the next one. That said, 40% of telephone numbers proved to be not working. Telephone numbers aren't like street address, the street addresses have some flexibility in how you phrase them. Telephone numbers have to be exact, there's no almost correct. So 40% of them have a problem. That is an indication of a huge problem that may well still be there. It's not likely to have changed, because we're looking at a huge install base.

So we're not going to agree. We're going to disagree. Let's accept that. But the numbers if we're going to focus on numbers, let's focus on the numbers that are relevant in today's world. Thank you.

MICHAEL PALAGE:

So I'd agree, Alan, and yes, I think if you recall, the very first assignment I gave as chair to the entire group was, what are your

objectives? What would you like to achieve out of this? So I would say we collectively went into this exercise eyes wide open knowing that we were not likely to achieve that. So that's part of the reason why I think we just need to do our work in documenting what the facts are.

The one point I do want to raise, while post office addresses have a little bit of fuzziness into whether they are accurate or not, regarding the 60% of telephone numbers, I do think that number may be a little low. I think if you read the report, they have made note of some errors regarding the country codes.

So as I like to refer—my mom was not aware that when calling in the US, that 1 is actually a country code. So, I do believe that there may be some people that may just try to enter in, in the US, that would be 10 digits and not exclude the country code, and that may perhaps be returned as inaccurate.

Again, I'm not sitting there and saying that accounts for 40% of that. But it was noted in the report that there were some of those typographical errors, so that 60 is still a problem, 40% of inaccurate phone data to me is probably really problematic from an operational standpoint, particularly as you look at mobile phones being attached to everyone's hips. With that, I will go to Volker.

VOLKER GREIMANN: Thank you. And I think there's a lot to unpack here. First of all, the numbers, I think they don't speak for themselves. And you're

absolutely right, Michael, they are subject to interpretation. And I think it's my turn now to go to the counterpoint here.

I think when we look at those numbers, we can't just look at those numbers as they stand here, we also have to look at the trends that are visible when once you start looking at the previous ARSes which have made similar analysis of the accuracy of these data points.

And when you do that, you will see that there's a significant trend towards more accuracy from ARS to ARS iteration. And even though I have no way to prove that, I still believe that with the data now being no longer visible in public WHOIS, the trend towards more accuracy in that data has become stronger.

With regard to the phone numbers being inaccurate, I think you're absolutely correct with regards to the international codes, and you also have to remember that the 2009 RAA, contrary to the 2013 RAA, there was no requirements to have any certain standard, you had to put in a phone number. There was no requirements to put in the country code, there was no requirement to format it in a certain way. Some people put it there with brackets, somebody put it there with dashes, some put it with—I don't know what you'd call these other dashes that there are, but different ways of printing phone numbers. And those were used by registrants and often used, and these led to errors in the report.

Second, I'm not condoning this, but if I'm a regular Joe, of all the data that I have available for myself, the one that I would likely least have available in the public WHOIS is my phone number, because that allows any idiot with a phone to call me at any time

of the day if they don't like something that I put on my website. I don't want that. And other people wouldn't want that. And they would think, "Well, I could just put in anything and then I won't have to deal with that problem that some idiot might call me at some point in the future."

I understand that concern. That's a valid privacy concern. I think that was one of the biggest issues with the accuracy requirements and phone numbers being required to be put in the WHOIS. If you look at the other data points, that email addresses are 92% accurate, that shows that once you go to a less invasive method of contact, numbers automatically improve. So people have made that differentiation in the past.

And I think we need to look at that data also to make sure what is behind those errors in the data. So basically, why was a certain phone number in the past deemed to be inoperable? So what's the data behind that data? I think that's also a very interesting question to ask. And maybe that data still exists out there somewhere that we can look at that.

And finally, I absolutely understand and agree with the sentiment that we should stop arguing about this, whether this is a problem or not, and I promise that I will stop arguing about whether this is a problem or not once people start asserting that it is a problem. Thank you.

MICHAEL PALAGE:

All right, so Volker, just two quick follow up points. Again, a reminder, , this group is focused on accuracy, not access. So to

your point about what is publicly available, I think the EPDP phase one sort of made those recommendations. And as someone, again, I had an incident where I did register a domain name with GoDaddy and for about four to six weeks, I was barraged by a number of solicitations that I found quite annoying.

That being said the fact that what we're talking about here, accuracy, and what SSAD is doing, whether there is a legitimate interest for someone to gain access to that nonpublic data, that is different, that has been handled by a different group.

What we're tasked upon is if in fact the request or a legitimate interest is made and that third party is able to get access to the data, is the data they are getting accurate?

So I do want to be careful that we don't try to commingle other work. We are primarily focused in this group on accuracy and not the display of nonpublic data. Beth.

BETH BACON:

Thank you very much. I have one question about—Marika, thank you very much. I think you gave a great summary of not only the data, but then kind of the next logical steps in the context. So I really appreciate that. And if we could listen to the recording, write that down, basically just do what Marika tells us to do. She's always right.

When we're looking at that data, we have the 98% and the 2%, I wanted to—and this doesn't need to get answered on this call. It's just a question. For that 2%, you measure it, it's a snapshot in time. And then I imagine ICANN takes that information and goes

and does some either notification or remediation saying, “Hey, you’ve had some failures in your accuracy here, registrars or registries. You have to go do some corrections.” So I would be interesting to see how much that is then remediated and what remains an issue, because I think that could give us a snapshot.

And I see [inaudible] saying it’s probably in the rest of the report. So I will dig through and look at that. But I think that’s important to understand, because again, it’s a snapshot in time. And ICANN’s not going to look at it and go, well, that stinks. They’re going to go and follow up a little bit.

So that, I think, could provide us with some good information, especially even after a notice from ICANN, what percentage is then just kind of like, not dealt with? And I think that’s an important thing for all of us to know.

And then secondly, I just wanted to say to—I guess it was Steven and Alan, I don’t think we’re in disagreement. I think we all clearly said—and we said this when BC presented their comments. And we agree, it’s a new environment. We need to think about different ways to measure this. Measuring this is hard now.

So I think that we can very easily say we agree it’s very difficult to measure this, and we need to think about this. So I think that while everyone’s searching for consensus, I think we have a little bit of it. And I think we’re just maybe getting a little forest for the trees on this and maybe focus on, yes, we do agree that there’s a challenge there. Let’s think about that. Write it down. Maybe that’s one of our findings. This is a challenge, we’ve discovered that this is an issue and we need to look into it. Thanks.

MICHAEL PALAGE: I could not have asked for perhaps a better introduction to what's on the slide now. The different ARS studies, all of the summaries are not only contained, but Beth, to your point, there is the ICANN Contractual compliance follow up. So if we go to phase two, cycle six and click on that, this is one of the things that caught my attention as I was going through the numbers, and it talks about the number of tickets that are closed out. And if we scroll down there, notice—and this is something that I want to highlight—closure reason for the ticket, the domain name is suspended.

So 83% of the domain names, a ticket was closed out not because ICANN Compliance either validated, did an analysis of the underlying accuracy of the data, they closed out that ticket because of the domain name was suspended. And that's important.

So if we can back out of this and go to cycle five or four, let's go up. And you scroll down here, notice the domain name suspension is now in the 70s. Go back up again to the next one. And you'll notice a trend here. Here, 69.

And so the point that I was raising earlier, and I raised this with the group during our consultation with ICANN compliance, a driver in why Compliance may be saying that there is not a problem with accuracy is totally disconnected with the accuracy or inaccuracy of the data, but is in fact a byproduct of ICANN Compliance closing out the ticket because the domain name has been suspended.

So perhaps—and I think this is what the data will show that as OCTO and the community as a whole try to address DNS abuse more proactively, that's a good thing. Right? As domain names have begun to be taken down as a result of appearing on these different blacklist and other things, ICANN is closing out the ticket. So we almost are—we potentially are masking the issue of, is that data accurate or inaccurate? And I think that is the question that I am hearing from some of my colleagues or concerns that we need to look at this data a little more.

And I would submit to the group, this is why I think potentially looking at a survey, a universe of data that is associated with these illegally used domain names, maximizes ICANN's ability to maximize its legitimate interest.

So again, Volker, to your point of point and counterpoint, one really needs to not only look at the original data, but the correlating data that ICANN Compliance produced as a result of the studies as well, I think they go hand in glove. I believe, Marc Anderson, you're next in the queue.

MARC ANDERSON:

Thanks, Michael. I raised my hand quite a while ago. So it's quite a long queue today, which I suppose is a good sign of a healthy discussion. Beth covered a lot of what I was going to say. So I won't repeat what she said.

But if I could ask, Berry, if you could go back to the table that you had up earlier. The slide that BC talked about their submission. If you scroll to the top of this particular table, I want to just remind

everybody, our homework assignment here if you look at the top of this table, is how and by whom can it be measured whether current goals of existing accuracy requirements are met.

This this maps very nicely to charge number two to the scoping team, which is on the measurement of accuracy. I raised my hand initially to sort of point out we seem to be having an argument as to whether or not there's a problem with accuracy. And that seems to be getting ahead of ourselves a little bit. Our task here, what we're talking about now is, how can we measure accuracy, how and by whom can it be measured? And based on that, can we make a determination whether the existing requirements are being met?

And if we go on to our assignments, whether the existing or further assignment is to consider if the existing accuracy requirements are sufficient. Looking through the table, there's a handful of concrete suggestions on things that could be done to measure accuracy, including for an example having an ICANN focused audit on accuracy, I would like to see us pull out of this table all the suggestions—there are some duplicates, but maybe pull out all the suggestions that were submitted on how to measure accuracy and have a substantive discussion on the pros and cons of each of them.

I'd be interested in inviting ICANN Compliance to join a call and talk about like, is a compliance audit on accuracy even feasible? Would they be willing to work with us on such a suggestion? Or is it a nonstarter?

So before we start disagreeing on whether or not there's an issue with accuracy, I think we should go back to our tasks and focus on our assignment, which is, how do we measure whether the existing goals for accuracy are being met?

MICHAEL PALAGE:

Marc, yes, I think your analysis of the pros and cons were, if you will, reflecting my earlier comments about point counterpoint. I think the best thing we could do here as a group is list the facts that we have before us and then perhaps give the different viewpoints, spin, perspective, whatever choice of words you would like. This is how one group decided to perceive or interpret the fact, and we then just provide that body of work. We have facts, and then the viewpoints and perspective of those facts from different stakeholder groups.

And we don't need the right label is consensus or minority. It is what it is. And we provide that to the council. I think that is our best approach. Sophie. And just a quick time check, we have eight minutes left. So I'm going to allow Sophie and then I'm going to skip to Thomas who unfortunately did not get a chance to speak. So Sophie, you have the floor.

SOPHIE HEY:

Thanks, Michael. Sorry to everyone for the registry stakeholder group going through in a row, but I just wanted to offer a concrete suggestion perhaps for moving forward and getting us out of this rut of there's no data and there's no facts and it's difficult to actually get any of this information, and wonder how people would

actually feel about potentially putting a survey out to registrars, for instance, to find out what steps they take to essentially enforce the WHOIS accuracy specification, what they need to do, then ask, do you keep statistics or data on this, and actually work out what baseline are we starting with and what might be available to us.

So I wanted to float that as an option and have people think about whether they'd be willing to do something like that, whether they'd be willing to accept any results if it were voluntary and that sort of thing. I just wanted to put that out there as a way to move forward. Thanks.

MICHAEL PALAGE:

Thanks. Put it this way, I think that on its face, I appreciate that. I think getting facts would be a great thing. The more facts, the better. I think the potential counterpoint to that—and I think this was perhaps even highlighted in the recent EU DNS abuse report. A lot of that abuse can be concentrated on a certain number of bad actors. And if those bad actors do not participate in a voluntary survey, that may skew the results.

So as I said, I think that's great. Let's put it down. And let's discuss the point and counterpoint. And if there is a way to perhaps mitigate that, and maybe even find a creative way to ICANN mandate that as opposed to making it voluntary. Thomas, you have the floor.

THOMAS RICKERT:

Thanks so much, Michael, and I think that Marc's comment was spot on that we should probably go through the document and

tease out the suggestions in there in terms of what can be done, but I'd like to make one overarching comment, and that is—and you find that in the registries' comments as well as in the comments from some other groups.

We will be very limited in what we can do as long as we don't get a clear confirmation from ICANN Org as to their role as controller or processor in that regard. We will be very limited to what in our view, registrars, can do because they hold the data, they collect the data, and they're the ones under the RAA. That's where the place is where this should be located under the RAA that need to perform certain obligations.

And if you want to audit that, or if ICANN shall audit that, we're limited, since ICANN does not currently have a role to play in the assessment of the accuracy. And I'd like to broaden this point. We are basically tied and limited for the lack of ICANN's willingness to confess what its role will be. The same is true for the ODA, where ICANN also says, well, it's a factual determination that needs to be made to find out what we actually are. But how long should we wait for that?

So the ODA report is a disaster, we're increasingly finding out that we're getting stuck here, and there's a common theme that that prevents us from making progress, or at least explore other options than we currently can. And that is ICANN's refusal to commit to what that role actually is. And as long as we don't get that teased out and confirmed, as long as we don't get ICANN Org to the table to discuss what they're willing and not willing to commit to, our group will also be limited in terms of outcome and progress.

MICHAEL PALAGE: I guess the best way I could summarize my response to you, Thomas, is I 100% concur and I have no counterpoint to your point. I concur explicitly, in all things said. That doesn't happen often. So kudos on hitting that trifecta.

We have three minutes left. Volker and Beth, I do recognize you. Stephanie, regarding Thomas's comments about a data processing agreement with ICANN, I do want to give you the opportunity to speak. I know that something that you're rather passionate about. Would you like to speak? If not, I will turn it over to Volker and Beth to close it over.

STEPHANIE PERRIN: Just to say that I strongly agree with Thomas's comments there. And we are going in circles. And, quite frankly, we need to find out precisely what the problems are and stop referring back to accuracy requirements from previous years. We're in a different world now. We need to know who is responsible for ascertaining accuracy and what their controllership role is, and what's in the agreements. And until we get a clear definition of the problem, then we really don't have an argument for scoping out the data quality elements. And I think I have put this in the chat. And I get tired of saying this. And I'm sure people get tired of me saying it. But we are talking about data quality here. And that's slightly different from data accuracy.

The quality involves the periodicity of the updating, and some of the least accurate elements from those old reports might be

industry standard for all we know we don't have baselines for—and I'm sorry, I can't remember the where to find these baselines. I had them at my fingertips when I worked for government because there are plenty of statistics about mobility of populations, ability to retain telephone numbers, I forget the exact term that we used. But I think it was something like cell phone mobility, number mobility.

These are things that are common to all registration systems. And if we're not out of whack with industry standards in other fields, then you can't really, absent a clear cause, force greater and more frequent accuracy checks on the part of the controllers. I think that's all I've got to say.

MICHAEL PALAGE:

Thank you, Stephanie. And I think the points that you have raised repeatedly, I think do need to be documented in our work. I know you've raised this in in other ICANN working groups, but I do think it is important. And Thomas and Melina, thank you for that subsequent follow up in the chat and clarifying it.

So yes, I think we are all on the same page. And with that, we are at the bottom of the hour. Volker and Beth, if you want, please, if you want to continue or raise your points, please remember them for next week, or perhaps raise them on the mailing list.

I actually think this was an incredibly productive and intense 60 minutes. And I look forward to that. Terri, I see you will have the last word. I am turning over you. And you could take us out today.

TERRI AGNEW: Thank you. So sorry, I know everybody's trying to jump off. But really quick, time change is just around the corner for us. It's the 13th of March for US folks and the 27th of March for Europe and all over the place for others. Should we keep the meetings the same at 14:00 UTC once the time change kicks in or adjust them to 13:00 UTC? I just kind of wanted to throw that out to the group so we can get the next block of meetings on everyone's schedule.

MICHAEL PALAGE: So with that, we will discuss that logistics on the mailing list in advance of the next call. I am mindful that we are into overtime. So again, thank you, everybody. Really productive call. Have a great day and look forward to everyone's participation in the upcoming ICANN 73 meeting. Bye.

TERRI AGNEW: Thank you everyone. I will stop the recordings and disconnect all remaining lines as the meeting has been adjourned. Stay well.

[END OF TRANSCRIPTION]