ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 18 November 2014 at 1500 UTC
Note: The following is the output of transcribing from an audio recording of Privacy and Proxy Services Accreditation Issues PDP WG call on the Tuesday 18 November 2014 at 15:00 UTC. 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.
The audio is also available at:
http://audio.icann.org/gnso/gnso-ppsa-20141118-en.mp3

Attendees:
Steve Metalitz - IPC
Graeme Bunton – RrSG
Frank Michlick – Individual
Don Blumenthal – RySG
Chris Pelling – RrSG
Justin Macy - BC
Susan Kawaguchi – BC
Kristina Rosette – IPC
Val Sherman – IPC
Volker Greimann - RrSG
Theo Geurts - RrSG
Stephanie Perrin - NCSG
David Cake - NCSG
Michele Neylon – RrSG
James Bladel – RrSG
Tatiana Khramtsova – RrSG
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Darcy Southwell – RrSG
Dick Leaning – no soi
Alex Deacon – IPC
Brian Winterfeldt – IPC
Carlton Samuels – ALAC
Kathy Kleiman – NCSG
Jim Bikoff – IPC
Paul McGrady – IPC
David Hughes – IPC
David Heasley - IPC

Apologies :
Sarah Wyld – RrSG
Holly Raiche – ALAC
Osvaldo Novoa – ISPCP
Phil Corwin – BC

ICANN staff:
Mary Wong
Marika Konings
Amy Bivins
Nathalie Peregrine
Terri Agnew

Coordinator: Thank you very much, (Andre). This is Nathalie. I would first like to apologize for the roll call as my laptop has just crashed so I have no visibility on the most recently arrived participants. They will be noted within attendance.

Good morning, good afternoon, good evening everybody and welcome to the PPSAI Working Group call on 18, November 2014.

On the call today we have Steve Metalitz, Chris Pelling, Christian Dawson, Don Blumenthal, Richard Leaning, Theo Geurts, Kathy Kleiman, Frank Michlick, James Bladel, Alex Deacon, Michele Neylon, Griffin Barnett and Jim Bikoff.

We have apologies from Holly Raiche, Sara Wyld, Osvaldo Novoa and Phil Corwin. And from staff we have Mary Wong, Amy Bivins, and myself, Nathalie Peregrine. Remind you all to please state your name before speaking for transcription purposes.

Thank you ever so much and over to you, Don.

Don Blumenthal: Okay. Appreciate it. And I apologize, some admin stuff is happening here in the background. I will send this final text and proceed. Okay welcome. We

are well maybe not in the home stretch but in the next to home stretch which is kind of nice.

We've forged through, lost some time but I think we've made some time up so we are close to on schedule then that we set out initially which was really a very ambitious schedule as I and a few other people have - and staff have said before. Just regained some more time.

Mary left a slide here in the agenda for me to give a, you know, where we are, where we're going. But - Mary, you did a real good job of that in your email that had the documents. We will - we've gone through the initial questions, gone through A-G and now it's time to go back through to see if we still think the way we did early on. I think we've all learned a lot as we've gone along and may reflect on some thoughts from way back when.

We'll go back through over the next few weeks. I'm sure we will spend some specific time on F again and then who knows, we may have to revisit some of the other topics in-depth, maybe even a little more depth than we dealt with to begin with.

I think the next three weeks is going to be for this review and then we'll start writing. James.

James Bladel: Hi Don. Thanks. James speaking. So not really a matter of substance but just wanted to jump on Item Number 1 in an update to SOI and inform the group that during the last Council meeting I was confirmed as a Council liaison to this particular PDP, I believe that's replacing Maria Farrell. I don't know if she's on the call. But I just want to make that announcement prior to the SOI update.

Don Blumenthal: Lovely. The one time I skipped the item, and I appreciate it. I didn't realize Maria was dropping that role.

James Bladel: I believe she was term limited.

Don Blumenthal: Off Council. Okay. All right. Okay appreciate it. So what that Mary sent out a few documents, the table doesn't a real nice job of condensing our status or our conclusions. That covers everything.

The focus for A-E that pulls out the preliminary conclusions and in the Appendix H to the EWG final report, that have a lot of good substance that we can draw from as we go forward. A-E - point out A-E was deliberate for two reasons. We won't get to F and G very quickly.

And we may be wrong but I think the thought was that we will get through A-E relatively quickly in the review but need extra time for F and maybe G will go quickly again; it did the first time through.

Excuse me. I will point out that we had on the schedule came out - that we send out a few weeks ago we had briefing, or discussions, I forget what we called them, with DPA and with law enforcement.

You know, we talked last week about how the DPA just couldn't work out because of timing. It's in the administrative stuff for I was handling just now is (Dick Reaning) from Europol is on the call. He's joined us to represent law enforcement.

And at this point I think where we are is that he will kind of gauge how things go and jump in where he thinks it's appropriate rather than just do a formal law enforcement catch up session. And I just want to make - give (Dick) a chance to make sure I got that right.

(Dick Reaning):   Good afternoon everyone. I think that's the best way to deal with it is instead of me boring you with a half hour talk is as and when I feel that I can contribute or do you have any direct questions regarding where you would like an opinion from law enforcement I can do that.

And obviously I've now been spending the last couple of weeks trying to catch up so I'll be a bit more active on the email as well so I can use that for to answer any questions and put our views forward. I hope that's really clear and understood by everybody.

Don Blumenthal: I appreciate it. Yeah, yeah, definitely and that's kind of the way I understood it from our background. I've been in enough sessions with you, half-hour certainly would not be boring, at least I'll assure you of that. It's always entertaining.

(Dick Reaning): Thank you.

Don Blumenthal: Okay. I kind of turned on my mute button by accident.

Mary Wong: Okay just checking.

Don Blumenthal: Okay, no I appreciate it. I would have kept yakking for another 20 minutes before I woke up. We've got the table on the screen here and I would suggest if anybody - Griffin, is that no audio at all or just during my dead time?

The table is a good shorthand to work from but I'd also suggest - okay let me - do we have a sound problem because I'm seeing a few...

Mary Wong: Don, this is Mary. I don't know if we're having a sound problem in Adobe Connect. If folks who are only using audio in Adobe could quickly type in to let us know because many of us are on the conference bridge and I don't believe there's audio problems on the conference bridge. Thank you.

Don Blumenthal: Okay. All right, I appreciate it. I didn't want to wander on if we were having problems. Take a minute to get things straightened away. So it would probably be good if we could to work from both documents. And I guess the question is which is better on the screen, the sole culinary conclusions or the

table. And my thought is we might do better with the preliminary conclusions so we can see what we've written a more formally.

Appreciate it. So let's just go through or - because these came out yesterday, we've had them for a while. I don't know how much folks have gone back or remember going back, for example, a couple weeks ago when we sent this out.

Let me just start it off, has anybody gone through this document or the table and spotted something that does not look right or that we're going to have to flag issues on even if the conclusion is correct.

I'll give you an example, when I was looking at the table - when I was looking at the table I noticed the point about proxy privacy providers would have to be identified. Now if I remember right, maybe I don't, did we have a discussion about whether that would involve changing items in Whois record or was that going to be identified as part of the name of the provider? We may have to do some clarifications as we go along.

So let me stop yakking at least for a second and see if anybody has any thoughts or comments on specific items around what I just said or do we just start forging through piece by piece? Mary.

Mary Wong: Thanks Don. This is Mary Wong from staff. Just two things, Don. The first is a follow-up to the comment you just made. And I was wondering if you're referring to the B1 question of clearly labeling Whois entries or if you're referring to a different one. The second question - sorry, the second comment I had was that in relation to this table it's 95% the same as the one that working group members would have seen in Los Angeles.

But there has been one update and that is for Category E I believe which is the one on relay and we have marked it as still under discussion. But what we thought would be helpful since we're starting to go through this set of

conclusions was to add to Category E what is still under discussion as in the follow-up actions for electronic communication which I think the language was last discussed on the call a few weeks ago.

So just in case folks have not looked at this and are working off the LA document I wanted to make that clarification. Thanks.

Don Blumenthal: Great. Thanks. Yeah, I was referring to B. Okay, I will take James's advice and let's dive in. A2 we decided that proxy and privacy should be treated the same in accreditation. Is there any disagreement with that? Okay. I like this.

Could we scroll to B1? We've got control, that's right, I see the scroll thing here. Okay the issue of labeling Whois entries, I guess the question is - oh okay. Is what we have here in the way of discussion sufficient to cover the different possibilities?

I mean, it strikes me that the cleanest way to do it would be to have a specific field. Again that gets into areas that are arguably - will not arguably, that gets into areas that are beyond our scope, I think it's fair to say.

Any comments on what's here? James.

James Bladel: Hi, Don. James speaking for the transcript. And I'm curious, I mean, I agree with you that changing the structure of the Whois record is probably the cleanest way to identify is a privacy proxy service. I guess my question is why we feel that's outside of our scope.

ICANN has, in the past, or in the latest RAA has included a specification that's very, you know, much to the chagrin of registrars very tightly controls what Whois output is supposed to look like. And it seems like it would certainly be within the remit of any consensus policy to make changes to that.

So I guess I'm just wondering why we felt like - and if this was something that was decided when I was missing a bunch of calls here a couple of weeks ago, I apologize if I'm reopening an old conversation.

Don Blumenthal: Appreciate that. No, this is a very old conversation; it's from the early days. And maybe I'm mischaracterizing what I heard back then. I had thought that the feeling was that there would be a problem with having this group to say that there should be an addition to the outputs on the Whois records.

Well, let me ask you what your reaction would be to doing that?

James Bladel: Well I saw Steve jump in. But just to respond quickly, there is a field, for example, that was added in 2013 RAA to identify resellers; if a reseller is present. And I think that that, you know, is probably an analog to what we're trying to accomplish here.

So I'd just - as I don't want to bog us down here but I wanted to understand exactly why we decided that this was not the path we wanted to go. Thanks.

Don Blumenthal: No, I don't know if we decided that or it's just a faulty recollection of the conversation or it was said and whatever. Steve.

Steve Metalitz: This is Steve Metalitz. I think what we have in the preliminary conclusion is an example. I mean, we say they should be left to implementation how this is actually done. And we give an example that I think would not require any change in the fields, it would just say you have to enter a certain magic words in the field about registrant and that would - that would make it clear that this is a proxy or privacy registration.

But there certainly could be other ways of doing this and we're not ruling those out. I guess my only - my main question would be about timing and whether - I don't know whether ICANN has the capability or the authority I should say, to, you know, add in additional field to the mandatory format of

Whois that's been established under the 2013 RAA and now in the Registry Agreements and expanding that to the legacy gTLDs.

So I'm not sure if we can simply do that as an implementation matter. I would think so but if not then that could be a source of delay. So that would be my only concern about this. I think the way we have it here where we make one suggestion about how it could be done is probably appropriate and then there may be better ways to do it that will be brought out in implementation. Thanks.

Don Blumenthal: Okay. Thanks. I think James just suggested that we could do it. I don't hear any disagreement with the idea that there should be some kind of label. I guess as we - when we are writing we can look at and see exactly how to word it, whether we want to make a specific recommendation or suggestions. And, again, I think that'll be partly deciding whether this is an implementation or policy issue.

Now from the way James just described it I get a feeling - I have a feeling that if we're going to - if we wanted - I have a feeling that if it's to be a - I know what I want to say but it's not coming out right. I have the feeling that if the route is to add a field it's going to have to come from us as a requirement rather than a suggestion but that's more for the - I would have to defer to people who are more familiar with the process than I am. But we can come back to that in the writing stage.

Yes, and as Mary mentioned, we have some issues that we're going to have to com back to - or mentioned in the chat. We'll have to come back to some issues that we decided - are best addressed later.

Kathy.

Kathy Kleiman: Hi all. Thanks, Don. I think it's an interesting idea. I don't remember talking about it earlier, adding a field - adding a new field to actively identify proxy privacy providers. If I missed that I apologize.

Is that - is this something, you know, question to you, Don and question to James - is this something that we can give to maybe the group, which includes me and James, looking at some of the technical transfer issues? It seems like a really good technical question and one with an up or down answer; can we add a field easily? Is there any problem to adding a field? Are there any technical implications to adding a field? It seems like one that should have some pretty easy or at least some pretty clear answers that the working group might want. And so maybe we should send it off to kind of a subgroup and come back with the answers on this. Thanks.

Don Blumenthal: Appreciate it. It was James said, and I wasn't aware - okay, James, I'll let you answer that.

James Bladel: Oh sorry, go ahead Don.

Don Blumenthal: No, no you got more experience I guess so...

((Crosstalk))

Don Blumenthal: ...I was going to mention your reference to resellers so.

James Bladel: Oh I just wanted to agree with Kathy, that's a good idea. I think it might, you know, personally I think it might have some value to identifying, you know, I mean, I represent a very - let's say a recognizable privacy proxy service that has a brand that identities it as such.

But there's probably a number of let's say more obscure or other companies that are perhaps providing this function that are not, you know, doing so in a transparent manner. So I think that there's value to doing this in Whois as a

separate record. I just - I have to think a little bit about how - I don't believe it's a change to the protocol.

I think it's more just the structuring of the output the way we see in the RAA specification on this so it's just something to look into in that regard. But I would be happy with taking this offline with Kathy if that's the desired approach.

Don Blumenthal: That sounds great. Always happy to hear from volunteers. Susan.

(Susan): So I can confirm that you can easily add a field to the current protocol because we looked at that extensively in the EWG. So Scott Hollenbeck always talked about how flexible it was. So that's definitely a possibility.

The other thing is I'm sort of wondering do we need to add a field? Couldn't we just require an identifier of some sort in the registrant column where, you know, for James's example, you know, Domains by Proxy is pretty recognizable but for those proxies that are going forward would be accredited would we maybe, you know, it's XYZ Proxy and then sort of identifier in the registrant field and then, you know, then you wouldn't need to necessarily add a field and change much but just the requirement, the policy to add that identifier.

Don Blumenthal: Well I think that's - yes, I mean, I think that's one option that we've got in our - active in the discussion just the question is what's the cleanest easiest to identify. James.

James Bladel: Just to respond, (Susan), yeah, that's probably one of the easier ways to do it. I think that's the example that we gave in our preliminary recommendation. My only thought here is that that's going to put us back in this dynamic where the good guys are going to include that required information as part of the registrant field and then the folks that were actually building all these policies around to govern won't.

And so it's just kind of, you know, that whole same dynamic that we're always in where the folks who are already playing by the rules will comply and the folks who aren't will skirt around it. It's just a concern, I'm probably making some generalist statements now. Thanks.

Don Blumenthal: Thanks. Stephanie.

Stephanie Perrin: This whole question raises an issue that I'm not sure is within our mandate but if it isn't then it should be it seems to me. And that is are we going to deal with the information that a proxy privacy service provider must provide to their clients in order to be accredited?

So there's a basic consumer protection issue here in how well does a registrar explain to its customers exactly what they're buying when they get the privacy proxy service and how far their protection goes. And just in the looking around that I've done I would say that it's all over the map. So this is beyond the question of whether you can add a field or not, it's how safe is the transfer? How safe is this for the consumer? That was in our mandate?

Don Blumenthal: I think it's part of protecting privacy. I don't see where it fits in with what we're discussing here. James and Kathy did...

Stephanie Perrin: Oh no...

Don Blumenthal: ...James and Kathy did look at issues concerning transfer.

Stephanie Perrin: Right, right, right and this is a much broader question. But it'll affect every category as far as I can see. Anyway, carry on.

Don Blumenthal: Thanks. Michele.

Michele Neylon: Thanks. I'm not quite sure I really understand Stephanie's issue with this. It might help if you were to expand a little. You know, as James and others have said, you know, adding extra fields, flags, data, markers, labels, whatever term you're comfortable with, to the Whois or whatever replaces it in order to flag a domain name as using a particular type of service, shouldn't be overly problematic.

Now, there are potential impacts, I suppose, with respect to domain transfers but one could, in theory - now I have no idea what the practical implications of this are and I think if we're going to go down this route we really do need to look at the cost benefit aspect of it. You know, there is a - there's going to be a cost to making changes to Whois output.

And one could also make certain changes to EPP responses or something so that people could know that, you know, this domain name is using X therefore you get to do Y rather than Zed. But if any change is being proposed to Whois or anything else are being made there should be a cost benefit analysis done on that. Thanks.

Don Blumenthal: Thanks, Michele. Yeah, I know we had mentioned EPP back when we were talking about this issue. Now I was strolling down to refresh myself on where we had talked about some of the issues that Stephanie raised. And as Steve mentioned in the chat, we - when we get to B3 we're going to kind of hit them head on. And, Steve, if I didn't just now usurp what you were going to say, dive in.

Steve Metalitz: Thank you. Yes, I was going to say that but also to say - just to get back to B1, I'm fine with leaving it as it is and asking if James and Kathy take a look at this and have another suggestion or want to add a suggestion about adding a field and can come back to us in the next week or two with that I'm fine with looking at that then. So I'm comfortable with having them take a further look at this if that's what they want to do if that group is volunteering to do that. Let's put it this way. Thanks.

Don Blumenthal: Yes. (Unintelligible) thanks. James and then let's move on to (Beaton).

James Bladel: Sorry. I'll be brief and maybe this is more appropriate for a conversation between Kathy and I but the difference here being if we had another field, then that data is submitted by the registrar typically or relayed but if the registrant field would be submitted by the privacy proxy service and the reason that matters is because the privacy proxy service might not be affiliated with the registrar or the registrar might not be aware that they're dealing with the privacy proxy service that's not affiliated with them.

So I think that that's one of the questions that this issue will actually help out is the way we choose to go here will determine how much awareness and visibility registrars have when non affiliated privacy proxy services are using or registering domain names. So I'll just pin that and then Kathy and I will take that offline. Thanks.

Don Blumenthal: Appreciate you bringing that up James. It's one of the issues I've had in mind when I was pushing so hard to try to find a non affiliated privacy proxy. Yes. That's one of the examples that I was thinking of in terms of how things would work differently in a practical sense. Moving onto B2.

(Paul):   I'm sorry. This is (Paul). I'm not on the adobe so I don't know how to get in the queue.

Don Blumenthal: You just did.

(Paul):   Okay. Thank you. I just wanted to volunteer to be on the chat with Kathy and James on this issue.

Don Blumenthal: Excellent. Appreciate it. As I said, no volunteer rejected at any point in our discussions. Thanks (Paul). Going onto B2. I think our discussion on that was fairly straight forward and came to a consensus that proxy privacy providers

should have responsibility similar to what's in the 2013 RAA concerning accuracy of contact information that they gather.

Obviously, there will be compliance issues because - well, obviously there will be compliance issues because nobody can look at the data behind the system behind the (unintelligible) their information but at least to begin with, are we will in agreement that there should be processes for information verification? Okay.

Let's move onto B3. I don't think this one is going to go as quickly based on five minutes ago. Wait a minute. Did I scroll too fast? Yes. I scrolled right by B3. No wonder I confused myself. Stephanie or anybody else, I think we did talk fairly clearly about proxy privacy providers having to lay out documents, terms of service, whatever you want to call it concerning rights, responsibilities, obligations, just cribbing from what's on the page here. I'll stop. Steve?

Steve Metalitz: Yes. This is Steve. I think it's worth noting that -- and I'm not sure that our preliminary conclusion does -- that the status quo now for those services that are covered by the interim specifications in 2013 RAA is that they have to publish these terms of service and that doesn't exactly line up with rights, responsibilities and obligations but there's certainly a lot of overlap. So that's the baseline and we might want to reference that and if we want to expand that obligation or require service providers to tell their customers something more than what they make public as far as those terms of service, then this would be the place to do it. I don't have a specific suggestion in mind there but just to say that we probably enter preliminary conclusions should reference the interim specification and what it requires to be published in this area. Thanks.

Don Blumenthal: Thanks. Yes. Good point. In addition to Appendix 8 from (EWG), there's language we can - we should remember the interim spec. That's be worth

sending that around as a reminder although we said it before but it might be worth while doing it again. Kathy?

Kathy Kleiman: Let's see. So I'm confused I guess by (Steve's) comment about terms of service. I like using the term the registration agreements here. I think of term - maybe I'm mixing things up but I think of terms of service as the registrar terms of service and if we're talking about the terms of service for the proxy privacy provider, maybe we could come up with a different term or just call it P/PTOS or something like that but in this case, I thought now that we've - as I look at the bullet points -- particularly the one that says all proxy privacy service registration agreements must state the customers rights and responsibilities and the P/P services obligations and managing those rights and responsibilities -- it seems like a good time to clarify.

I don't think we have to do it now but clarify over time specifically that the terms of reveal and relay, the disclosure and the publication, I think there's a lot of details we can now add back into what this means in terms of disclosing to customers what the terms are of the arrangement and I think customers should definitely know about reveal and relay and this will probably be as much education and informational for customers as anything else. Thanks.

Don Blumenthal: Appreciate it. Particularly providing an example of when I said early on we'd probably learn things that would be worthwhile down the line. No. We've learned things down the line will be worthwhile when we went back. Steve?

Steve Metalitz: Yes. This is Steve. I agree with Kathy but just to say that, of course, what we're doing in E and F is setting minimum standards for reveal and relay. Yes. They're for relay and disclose. There maybe other policies that a particular provider has of course, but again, just to say that this is all covered by the interim specification.

Now, how that's been implemented is maybe another question and it may be the fact that a provider publishes on its website the circumstances under

which it will relay communications from third parties to the customer. That's what the interim specification requires. Maybe we want to say they should send that - tell the customer directly or something but all I'm saying is that we have a baseline here that we need to take into account. Thanks.

Don Blumenthal: Yes. Good point. Yes. I just want to go back to (Kathy's) thought about using a different term. TOS is standard. Registries - I would use it in the registry context too. Let's hold that for clarification since we are going back and forth between registrar (P3P). Let's see as we're writing if that doesn't help just clarify and remove confusion as people are reading. Anymore we should add here? Again, as Kathy suggested, I think we will have to revisit a little bit in terms of and if we need to specify the pieces that have to be discussed in these statements of TOS, rights, responsibilities, obligations.

However, we want to phrase it. Kathy, can you just - maybe I missed something here. What do you mean telling the customer directly? Laying it out in the TOS or some different communication?

Kathy Kleiman: Hi. This is Kathy. Steve was mentioning different possibilities, I think, after my comment. So on a website or in the registration agreement with the proxy privacy provider. So I was just mentioning, whatever way it is, it would be great to tell the customer directly. Not necessarily on a website or a link but putting it in front of the customer when he or she registers or signs up for the proxy privacy service. That would be my preference. Thanks.

Don Blumenthal: Okay. You can just add this for call notes and I'll call on Stephanie. I guess my question is if people are signing up direct - if people do their signups through web forms, I mean, as I've done when I've registered domains and when I registered my privacy registration -- not proxy -- it's going to be web based regardless. So we'll have to just figure a focus on how we would phrase that when the time comes. Stephanie?

Stephanie Perrin: Yes. I'm just - I know that all the registrars deal with the typical dumb consumer of which I'm a great example. So I don't mean to be (unintelligible) only round here of understanding what the dumb consumer thinks but we do tend to forget at ICANN that most people don't understand the domain name systems whatsoever. The average consumer could not anticipate why anybody would want to know their who is information and under what circumstances that information might be revealed.

So I think that what is missing in the website approach to things -- other than marketing for the service -- is examples of when information will be revealed, scenarios as it works and so, I would say that there is a consumer education duty on the part of providers that need to enforce. So all that means in practice is the website is not enough. You can't just shop around and say, this sounds good. You need to be informed when you pick a package on your little web form. Okay. You signed up for the gold deluxe privacy proxy service. That means when this happens, we'll do that. When that happens, we'll do this and when this other horrible thing happens, we'll do the following and that's what I mean by it's a positive explanation as opposed to passive.

Don Blumenthal: Okay. Let me just suggest, I'm not sure how many people are registered for domain names think either way about whether the information is going to be published or not. It's something for thought.

Stephanie Perrin: That's why we need this so badly because the average person that I meet in my village at the feed store as a domain name has no clue. None.

Don Blumenthal: Right. No. That's my point. No clue either way. (Magaly)?

(Magaly): Thanks. (Magaly) for the record. Stephanie, I have to disagree with you. I really do. I mean, if I go to a website and I buy an electric drill. Is the person selling me the drill going to walk me through how to use the drill or that's going to sell me the drill? I think they're just going to sell me the drill and

that's the same with a lot of other things. I mean, ultimately, it's up to you as the person buying the service to inform yourself as to what you're buying.

I just think what will end up happening to follow what you're asking for to a logical conclusion is that for somebody to sign up for a service, they're going to have to spend 20 minutes going through a lot of stuff and all they're going to end up saying is for God sakes, why do I have to read all this rubbish, I don't care. Just let me register the domain name and buy a service.

Now, that doesn't mean that consumer education isn't important. I think consumer education is important. I just don't think it's up to us to go to that kind of extreme length. I mean, there's plenty of people out there who will say provider X does a particular thing well, provider Zed does it badly and I think those are the ones where people are going to go and that's how it should be handled. I don't see why I would have to force people to go through some kind of long convoluted explanation of what they're going to do and not do when nine times out of 10, they probably don't really care and the ones who do care would probably be quite happy to read a long list of terms and conditions. Thanks.

Don Blumenthal: Okay. James and I'd really like to move onto C. I really don't know how what we're talking about here is any different from putting all the contract specs online as is currently done and assuming people will read them. We can't force it or can we force it? Are we going to suggest as taking some discussions from privacy policies some affirmative obligation.

Not even privacy policies. Licenses and affirmative obligation to read and if you don't scroll to the end and check, you can't go forward. There's some possibilities but I'm still a little confused on how we can do more than just put every possible contract term out there which I think responsible folks generally do as it is. James?

James Bladel: Hi Don. James speaking for the transcript. So I think that what we're already talking about here in our preliminary conclusions will address (Stephanie's) concerns. I tend to agree with (Magaly). We struggled with this in the post (Pedner), post expiration policy working group and what we arrived at was essentially that the service provider needs to put their procedures in a place where they can get them either on their terms of service or in their health files but just putting them and enforcing someone to click a button or check a box in order to get a service is just feeding the iTunes update mentality or whatever we want to call it where essentially people just learn that they've got to click that button and they don't really read what's behind the button and I don't know that we're going to solve that here. It is something that I think all service providers struggle with.

I do tend to agree that while common registrants - common. I mean, typical registrants aren't concerned about these issues that a customer that is investigating and seeking a privacy proxy service is probably more aware of these issues and more concerned about how those things will be handled and therefore is more likely to seek out those materials without the service provider having to spoon feed those. So that's just my views on this. I think that we've got it covered and I think that we can build up what we've done in other PDP's. Thanks.

Don Blumenthal: Appreciate it. Stephanie.

Stephanie Perrin: I would just like to say that what I'm looking for is some kind of parody and the obligations and we're putting a lot of emphasis on updating information and your website will be taken down if this and this don't happen and there needs to be parody and clarity on the rights side. That's all I'm saying. In response to (Magaly), yes, spoon feeding is always resisted in a consumer education role but we do it particularly where the end consumer is not in control of the situation.

In other words, the chain saw example or the drill example, they now have compulsory warnings. Say, don't drill your foot. Wear safety boots. Buy yourself a Dewalt heavy duty drill and just see how much spoon feeding you are obliged to provide to the consumer now. It gets stronger depending on the degree of (unintelligible) the consumer has. So I think here, we have a situation where once that consumer buys that website, they're out of control in terms of the personal information being provided to people. That's the issue.

Don Blumenthal: Okay. I'm going to toss in one thought and then we'll move onto C which is that I think (Magaly) mentioned cost benefit or James mentioned cost benefit and I'd love to see a cost benefit analysis of telling somebody that having to write down that you really should not use a chainsaw near your foot knowing somebody who didn't. Well, it wasn't as hideous as it could've been but it wasn't pretty either but my point is, we would - the cost benefit concept also works in terms of what warnings really accomplish. Moving onto C and this is one area where we do have division.

Very briefly, I think what we came to on the issue of categories of who can or can't use privacy proxy, we went through the traditional or not traditional but common distinction of commercial versus non commercial and we had some examples where commercial entities used privacy proxy for valid reasons. (Unintelligible) property situation in particular was mentioned where there might be trade secrets or let's say not wrongly appointed. A product under development where it would be useful to have the domain name up front where you don't want to identify the registrant until the product is out there.

Then we got to a - well, okay but how about commercial. No. We got to - there should be categories for domains that conduct business online, transactions online or we have what I think fairly was the majority position that there should be no distinctions. Anybody who wants to have a privacy proxy registration should be eligible to do it. I think that's a fair summary and I'll open the floor. (Magaly)?

(Magaly):   (Magaly) for the record. What's the question exactly? Sorry.

Don Blumenthal: Question is, let's discuss the options here. I think I summarized where we are but it's time for us to see if we can come to some agreement on - if that's where we are, even come to somewhere in the middle of create a full consensus.

(Magaly):   Okay. Well, I don't think we're going to get full consensus since I suspect some people would disagree with what some of us would agree to. Personally, I think that privacy proxy should be open to everybody. Thanks.

Don Blumenthal: Okay. Any other thoughts? Are we going to be stuck with - not stuck. That's the wrong way to put it. James?

James Bladel: I agree with (Magaly) and not surprising. I think for a couple of reasons. One is that I don't - I'm not aware of any situations where a prohibiting certain category of user would somehow benefit if there's a transactional component as if there are other ways to guard against that being viewed either through payment gateways or SSL certificates more appropriately and certainly doesn't outweigh the desire and the utility and probably -- and I don't mean to use the word right here -- but probably the privilege of commercial entities using these services for the legitimate and valid reasons that we've discussed previously but I think just on a more principled point, this would be the first - at least in the (unintelligible) space, this would be the first for a if we were to go the other direction where we would be saying that there are different types of registrants and some have different privileges and access to different levels of service than others and I just generally maybe have concerns over that being an unprecedented area to wade into particularly given that my company is focused on small business users and micro business users. So we usually start out as individuals but then aspire to be something more and to grow a business online. So I think just generally, the idea of creating categories for any in the context of any policy is concerning to me. Thanks.

Don Blumenthal: (Magaly)?

(Magaly):   Thanks. Just following up on this. I think this concept of categories and everything else - I mean, if a registry operator wants to create specific rules and categories and allow, disallow different types of services associated with this name space, then that's something which is up the registry to do by themselves because people will say, but registry X allows this and registry Y doesn't allow that but that's on a registry level.

What we're talking about here is that a (GMSO) across all GTLD levels which is significantly different. So for example, Don, your employer is behind dot NGO and the other one which I can't remember, ONG, which will have a whole range of specific registration policies low and open to certain entities, et cetera, et cetera, et cetera.

There's a whole bunch of those things happening in the new TLD space but that's at a per registry level. So if a registry operator wants to do something, they can. We've just got to bear in mind that what we're talking about here within this group is across the board for all TLD's and that's something - it's a very different responsibility. Thank you.

Don Blumenthal: Okay. Good point. Yes. It will be differentiated in NGO and ONG. Basically, you're eligible or you're not. We are at 11. Actually a minute after. Let's start next week again with this question. I'm hoping there will be some people and the call who were in favor of the transactional distinction. I think we can get through the rest of these fairly quickly. I will point out that these three circles back to the discussion of what's to be displayed. So we'll have to resolve any conflict there. As always, thanks for your time. Talk to you next week.

Man: Thank you.

Woman: Thank you Don. Thanks everybody.

Man: Thanks.

Woman: (Andre), if you can please stop the recording.

                        END