

ICANN Transcription
Privacy and Proxy Services Accreditation Issues PDP WG
Tuesday 25 February 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 25 February 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-pps-a-20140225-en.mp3>

On page:

<http://gnso.icann.org/calendar/#feb>

Attendees:

Luc Seufer - RrSG
Volker Greimann - RrSG
Graeme Bunton – RrSG
Tim Ruiz – RrSG
Sarah Wyld – RrSG
David Heasley - IPC
James Bladel - RrSG
Steve Metalitz - IPC
Osvaldo Novoa - ISPCP
Kathy Kleiman – RySGgr
Justin Macy - BC
Darcy Southwell - RrSG
Alex Deacon - IPC
Todd Williams – IPC
Don Moody - IPC
Don Blumenthal - RySG
Libby Baney - BC
Phil Marano – IPC
Jim Bikoff – IPC
Tatiana Khramstova - RrSG
Griffin Barnett - IPC
Roy Balleste – NCUC

Tobias Sattler - RrSG
Holly Raiche - ALAC
Paul McGrady - IPC
Amr Elsadr - NCUC
Kristina Rosette – IPC
Statton Hammock – RySG
Kiran Malancharuvil – IPC
David Cake - NCSG
Valeriya Sherman – IPC

Apologies:

Susan Prosser - RrSG
Maria Farrell – NCUC
Marie-Laure Lemineur - NPOC
Mary Wong

ICANN staff:

Marika Konings
Margie Milam
Amy Bivins
Mike Zupke
Joe Catapano
Glen de St Gery
Terri Agnew
Nathalie Peregrine

Coordinator: Please go ahead; this afternoon's conference call is now being recorded.

Nathalie Peregrine: Thank you ever so much (Tim), good morning, good afternoon, good evening everybody this is the PPSAI Working Group call on the 25th of February 2104.

On the call today we have Steve Metalitz, Holly Raiche, (Sarah Wild), Libby Baney, (Tabia Socklive), (Roy Baestie), (Doug Williams), Don Blumenthal, (Graham Bunson), (Dorothy Softwell), Kristina Rosette, (Luke Soisker), (Janice Labell), James Bikoff, Tim Ruiz, (Luken Bonnet), Statton Hammock, Kathy Kleiman, (Alex Deacon), (Don Moody) and (Justin Masey). We have apologies from Susan Crawford, (Mary Lawland Manel) and Mary Wong.

And from staff we have Marika Konings, Amy Bevins, Mike Zupke, (Joe Capanno), (Terri Agony) and myself Nathalie Peregrine. I'd like to remind you all to please state your names before speaking for transcription purposes - thank you so much and over to you Don.

Don Blumenthal: Appreciate it - I think we also had apologies from Maria Farrell just for the record. Well welcome everybody to the second week of really substantive review of the - of our work - substantive portion of our work.

We've kind of had a sense from some of the conversations that it would be worthwhile doing some just practical view of the process that our policy's going to feed into. That's still early in development stages but we decided to have staff to just discuss the registrar accreditation process as a kind of a model that we'll be building toward.

We may have some similar programs later but we'll start with this, so let me get out of the way and we can just dive right in. I'm not quite sure who's going to be doing the presentation, so whoever it is take over.

Mike Zupke: Okay thanks Don, this is Mike Zupke from ICANN staff - can you guys hear me okay? Sometimes I'm told that my headset isn't too good.

Don Blumenthal: That's a very unusual complaint, but yes I've got you (all right)

Mike Zupke: Okay, okay, yes so I'm the Director of Registrar Programs at ICANN and I'll confess it's been awhile since I've been the person who handled one of these accreditation applications from the very beginning to the very end.

But at the one point in my career at ICANN that was my job so I'll do my best to sort of give you the high level overview. And then we've also got Amy Bevins with us who has been more recently trained on some of these things so I may have to defer to her for some specific questions that you ask and I can't answer.

But, you know, my understanding is that you guys thought it would be helpful to finish or see how the registrar accreditation process works and maybe kind of use that as sort of a framework for thinking about how a proxy accreditation program might work. So without further ado let me just kind of dive into this a little bit. So what you see on the screen is, you know, pretty - I think a pretty thorough outline of the process. Let me follow, you know, it starts application comes in.

We generally have those all come into the ticking system so the applicant gets a (receipt) from (unintelligible) improvement - sorry (let me get it), identification that we received their submission. There's typically a fee involved, that obviously (can't recently) through a ticketing system. So that goes through our finance department and so there's just a little bit of coordination on our part about making sure that the fee was paid.

And the fee for the registration accreditation application is \$3500, that was set by our Board and that was intended on a cost recovery model. That fee went up about maybe two years ago to cover the cost of enhanced background checks that we're now doing. So that's really the - that's sort of the input part of this. And then we do some checks to make sure that the application is complete, we submit the name of the company and the principles against the OFAC list which is the Office of Foreign Asset Control.

And that's to make sure that, you know, ICANN is legally able to receive money from the organization or from those entities. And I don't think it's happened where we've had to reject somebody. I think we had one issue where an applicant was on the list and they withdrew, but theoretically that's not a show stopper if you're, you know, if your country's on the list there's a process (I guess) by which ICANN can request approval or an acceptance to do business.

So obviously if you're a known terrorist that's probably not going to be granted but, you know, I'm not an expert in this but I understand that can become grounds for acceptance (there). So (review the), you know, really the second step is initial review, what you see is, you know, sort of like getting all the paperwork in order and starting the processes that take a little bit longer. So if the registrar applicant is affiliated with some other registrar's or perhaps a registry we would ask our compliance team to perform a status - to provide a status report on the existing entity.

If there are documents that need to have translated or if we just need some interpretation of something we'll submit those right away. You know, basically trying to get ahead of more time consuming things kind of in the pipeline first. And then like I said we just check to make sure the application is complete, when it's complete then that's when we can begin the sort of more detailed review.

And so the purpose of really - of the detail is to ensure that this applicant will be able to comply with the policies that ICANN has in place and then ensure that there is going to be some operational stability there. So we take a look at their technology, we take a look at their business plan, we take a look at their continuity planning - all those things are part of the application questions. And I think a couple weeks ago you may have seen I posted a link to the

Statement of Registrar Accreditation Policy and I'll share that again here when I'm done talking and that's really where all of these things come from.

Let's see what else, so we do at ICANN we do some searching on the company and on the applicant principles to make sure that there's not a history of consumer complaints or trademark complaints, that sort of thing. And then in the case of an entity that's not known to us, in other words not already a contracted party we would typically also submit that to a third party for additional background checks and that generally takes a couple weeks.

So we're, you know, we try to be pretty thorough in the background checking that we do. And so, you know, this process - actually it sounds pretty straightforward but there's a bit - there's quite a bit of back and forth that happens in this. Typically, you know, we'll take a look at the applicant's registration agreement and we may have questions about that. We may see areas where we say this doesn't comply with ICANN policy or this might not comply with policy, can you explain it?

And so sometimes it's a result of revision and Registration Agreement, sometimes it's just a result in clarifications by the applicant to applicant. So assuming everything checks out, the person who's reviewing the application, writes the memo, submits it to the Senior Director of Registrar Relations who would either approve it, who could reject it, who could send it back with more questions for the applicant or could grant a conditional approval.

And that might be the case where the applicant says I can get insurance, here's the proof that I can get it and then - but they don't want to actually obtain the policy until they're approved, so that would be a conditional approval. So that's kind of - that's sort of beginning to end of the application and then from there is really sort of when onboarding begin. And that's - the

applicant - or our finance department generates an invoice for the first year's fee.

We generate a contract and typically we do that by electronic signature unless there's reason why the registrar couldn't. We require the applicant to begin a relationship with (desk card) agent at the same time that they sign their Registrar Accreditation Agreement, so that's a fairly somewhat new development within the last couple of years. And so that's - and then there's a welcome packet, so we send all these things to the applicant and when they return a contract we countersign it and congratulations you're a registrar.

So that's sort of the high level and I'm sure there's probably lots of questions of details in that - so if people have got questions I'd be happy to answer.

Don Blumenthal: Appreciate it Mike - I should bring my mic down here so I can talk. No thanks, are there any questions? I'm here watching the chat on the side here.

Okay well yes thank again - just, this is again just kind of an overview to give kind of a framework that we're building toward. We're doing the policy but staff will be doing the details as how this all works. So just back...

Mike Zupke: So one of the things that I worked on a little bit - oh sorry so, you know, I took a look at this and I know it might be a little bit early for this group but I tried to take this and turn it into something that might kind of make sense for a privacy or proxy service. If you'd like I'd be happy to share that with you.

Don Blumenthal: I keep - yes, I'm off mute now - yes I appreciate that. Definitely something to take a look at and talk about later.

Mike Zupke: Okay.

Don Blumenthal: Okay, should we move on into the substance? The discussion of the templates for last week's central question and then getting us started on today's (B1)? And bring the document up please? Okay there we are, Marika did you kind of take a (shoot) at the changes since last week?

Marika Konings: Sure so this is Marika, so basically what I did I tried to capture some of the comments and suggestions that were made during last week's meeting and the one starting with - including some of the links to the information sources that I included there.

Also finding some additional information on the privacy versus proxy numbers rating that we spoke about. And added as well (a lot of) information from the Whois registrant and the identification study from May 2013. And then in the comments I tried to capture basically some of the discussions or feedback that was received, first of all on the specific comments that were submitted in response to the working group survey.

And then I also tried to summarize that into the new box that you see at the end which we've added as well to, you know, the other templates that we'll be working on in which we're basically summarize and make a preliminary conclusion. And also included this box that was suggested on last call that we should talk about or make sure that we check whether similar conclusions apply to proxy service and privacy services, although the specific questions is not applicable.

So maybe it's just helpful to read out the preliminary conclusions based on our conversation last week which, you know, (I said) that I tried to (distill) it from the conversation. So I've invited people before if there are any

comments or questions or proposed added, you know, feel free to suggest. So then the premiere conclusion from (our reach), following an initial review of this question the working group provisionally agrees that proxy and privacy services could potentially be treated the same way for the purpose of the accreditation process.

However, further review of this question will be required following the outcome of the discussion on some of the other charter questions which would determine whether different requirements should apply to proxy and privacy services which may influence the response to this specific question - and that's all.

Don Blumenthal: Yes, yes, I was just typing in the chat section - any comments or questions on where - what (Maria) sent out - (Maria) and (Mary) sent out yesterday? Or I forget who the message actually came from - and the issue with the conclusions that was summarized from our conversation - Kathy?

Kathy Kleiman: Yes did I hear correctly that we've got a tentative conclusion that proxy and privacy services should be treated the same?

Because if I did I thought there was some debate on that issue and that we were actually keeping it open and we're going to ask - I think Steve had offered the constructive conclusion that as part of every question that we ask, we ask whether, you know, every future substantive question we kind of also ask would this be different for proxy versus privacy. So I wanted to share that, I don't think we have a conclusion on that now.

The other question I wanted to raise Don is in - is whether the - we want to look a little more closely at privacy services and proxy services and actually put some examples before the working group because I'm beginning to

understand that there's more of a spectrum than I thought. At least, you know, in the Whois review team I kind of thought there were proxy services and privacy services. And I thought I knew what they were but I think they're more variations out there than I thought.

And as we launch into differentiation and looking at these services I think it might be useful to explore what people are actually doing, what it looks like so that we can deal with the real world not whatever world we think is out there.

Don Blumenthal: What a concept - yes I think, I mean I think what Marika suggested is pretty much what you said in Point One that we - we ask consensus is originally the specific reason. We treat them differently but we will continually review - it still is open on privacy versus proxy - oh Steve?

Steve Metalitz: Yes this is Steve Metalitz I agree with Don - with what you just said on that questions.

And on the other point that Kathy raised, as I understand it on next weeks planning schedule presentation from some entities that are currently providing these services and I think it would be good if - I don't know exactly how those people are being identified or volunteering to give those presentations but I think it would be good if there is - that include both at least one privacy service as that's defined and one proxy service. So that people can be exposed to both of those, if that's possible I would support that.

Don Blumenthal: Yes I have a couple of feelers out, I see no more people in the proxy business than I do in the privacy business so any suggestions for people who could talk about these issues talk about what Kathy just now shared very welcome - Marika?

Marika Konings: Yes this is Marika, just to notice while in preparation for that call next week we'll also be sharing some of the preliminary research we've done in looking at some of the terms and conditions we've obtained from some of the affiliated privacy proxy services year 2013 accredited registrars.

And there as well I think we'll try to draw some conclusions on that as well on how differences and similarities. But one of the things we at least encounter as well that even though certain services may be called privacy service we actually look what they do they're actually proxy service and probably vice versa that applies as well.

So and, you know, one thing maybe you need to look back at the definitions on how we apply those and then if you look at, you know, how services are offered or what the conditions of service are and those might - may help define and what - where certain service actually fits because the title may not always be correct or at least in line with the definition is that we've been using as, you know, currently under 2013 RAAs.

Don Blumenthal: Which makes it nicely into a - our next discussion about labeling privacy and proxy during the process - James?

James Bikoff: Hi thanks Steve, James speaking and I think Marika's point about her, you know, she's giving us a sneak preview of staff research is one of the primary reasons why I support having sort of a generic definition or not treating these different types of services differently.

Because, you know, I think it's important that these firms be able to modify their service delivery practices down the road and possibly even launch new

services without having to check against ICANN to make sure they haven't crossed some line in okay we used to be a privacy service now we're a proxy service or vice versa.

So I think that - while it think that it is interesting that there are some key distinctions unless we have a compelling reason to treat them differently I strongly urge us not to start drawing our maturity category boundaries and baking that into an ICANN policy for exactly the reason that Marika pointed out, thanks.

Don Blumenthal: Yes interesting point, yes I need to stop hesitating and think - I just opened a lot of cheap shots, I understand them. Any other thoughts on this topic or should we go on to the next?

Okay excellent I think we're generally in agreement in where we should be going or at least how to handle. I think in the last topic its just routine open and we'll take a look at it. Okay the next topic we were going to look at is the - one that you should see on the screen before you or hopefully you - if you're not on Adobe Connect have the document that went out yesterday.

Again it's - should there be kind of labeling of who is entries to show that there's been registration through a privacy or proxy service. You know, the different Whois studies have looked at how these identifications have been made because, you know, the question is how many of those should be formalized if anything should be formalized. Or should we come up with something completely different?

But I think there's a threshold question and for lack of a better term feasibility that Steve raised in email yesterday and is in the note sidebar. So why don't I step back and ask Steve to lead that piece, I don't think (Magaly) is on the

call - no, but Steve if you could at least explore what you've - what you sent out yesterday.

Steve Metalitz: Yes thank you, this is Steve Metalitz I was just responding to something (Magaly) had pointed out on the list a few weeks ago and that is the way this question is phrased it sounds as though privacy/proxy service providers control Whois entries and I think literally speaking that is not true.

But they do like any other registrant they would submit information that would then be - would find its way into the Whois records. So -- but clearly the registrar and/or registry would control those -- so I think if you go - looking back to the Whois review team final report which is on the screen it seems clear that they weren't actually necessarily saying who is responsible for this but to make sure Whois entries were clearly labeled to indicate the registrars - registrations have been made by a privacy or proxy service.

And I think that - I guess I would support that conclusion and obviously there's a number of ways this could be done. But I think as far as accreditation is concerned our focus should be on what information is provided at the time of registration in a proxy service - what information is provided to the registrar - proxy service or privacy service. And I think that should clearly show that it's a privacy or proxy registration.

If you look at what's on the screen under background information you see that in our - in the previous studies that we're undertaking there are actually different definitions and it's possible that, you know, some would have been missed or it could have been over-inclusive. So I think it is useful to have this requirement that the service put something in those entries to make it clear that it's a privacy or proxy registration.

And therefore people who were later accessing Whois will know that and will know that if they have a problem they can proceed according to the other steps in the accreditation process. To try to either get a message to the registrant through relay or try to find out who and where the true registrant is through some kind of reveal process if there is - if they meet the requirements for that.

So I guess I would simply suggest that we could probably keep this at a fairly high level of generality and simply say that as I said in the note, that one accreditation requirement would be for the service to ensure that the contact information they submit to the registrar for inclusion in Whois clearly reflects the status as a privacy or proxy registration, thank you.

Man: Don, are you on mute again?

Woman: Hello?

Don Blumenthal: Thank you, yes there's a trigger point - the new trigger point is right near my elbow - I got to figure out how to hang it differently. Well again are there any - I see Libby typed in there. Let me jump back to James point since nobody else is stepping in - or wait, I'm sorry (Stephanie)?

(Stephanie): Hi can you hear me?

Don Blumenthal: Yes.

(Stephanie): Great thanks, this might be a really stupid question but I'm a little confused, if we go with - with the earlier comment that there shouldn't be a distinction at

this point at least between a privacy and a proxy and any of the other variance in between then isn't it a bit confusing to label whether the registration has been done by a privacy or proxy service from an accountability perspective?

Because it seems to be there's a big difference between whether something is a proxy in which case you're dealing with the guy who's responsible - the proxy and you don't need to have that label? Or if it's privacy just exactly how much accountability is the registrar taking? In other words if we're going to agree that we're not going to distinguish between the services than we can't agree to mark the registry because it will be different. Or otherwise could be I'm just not understanding. Anyway that's the point I wanted to make.

Don Blumenthal: Yes thanks I see what you mean now - James?

James Bikoff: Hi Don, James speaking and maybe I can help clear this up Stephane. So I guess I'm not saying at this stage in the game that we should not have different policies, I just wanted to point out that it would be very, very difficult in practice to have separate policies.

And I think the bar should be extremely high for us to bifurcate our recommendations for privacy services versus proxy services. And we should have a really compelling reason to do so. I think this is equally solved by some sort of conditional recommendation which is that, you know, either you either insert the registrant's into the Whois registrant's field or you indicate that you are doing so on behalf of someone else.

You know, I think it's easily solved with the implementation language of the process that you give the service provider a choice without kind of cementing their feet into one box or another they can essentially say I'm following this

model so therefore I have these obligations but if I ever change to a different model I will have different obligations.

Don Blumenthal: Okay appreciate that James, I was - part of what got muffled when I hit the button was I was wondering how the point issue feasibility of separating categories.

You know, I just want to raise one other point on top of what Stephane mentioned, you know, it certainly accountability is a piece of it. But and to what extent do we have to think about. These services should be labeled as a - as a flag as to whether the registration information that's being seen is for the registrant or not that's separate from the accountability issue - Marika?

Marika Konings: Yes this is Marika. I'm just trying to capture some of the notes and comments made, you know, question of clarification in relation to James's suggestion.

So James are you suggesting that when the privacy proxy server submits the details to the registrar and indeed, you know, clarifies that it's, you know, on behalf of someone else does then the registrar basically mark it in that way in Whois or there is a way that it's visible that - was that what you were suggesting or did I misrepresent...

James Bikoff: No I don't think I'm sorry to just jump the queue here but to respond to Marika. I don't think that's necessary at all.

I think that there is sufficient, you know, I think that the just building some standardizations, or some uniform data submission guidelines, or requirements around the privacy proxy service I think the registrar just becomes a pass through at that point making sure that the format is, you

know, acceptable and appropriate is really up to, you know, up to the service. And is really their accreditation is on the line not the registrar.

Marika Konings: Okay thank you.

Don Blumenthal: Great Kathy.

Kathy Kleiman: Thanks Don. Excuse me I hope I'm off mute. I like what James is saying. It wasn't what I had been thinking of.

And let me point out in the chat room James posted what might go into the Whois which would be the service name presumably of the proxy privacy comma on behalf of customer. And then some kind of customer number identifier.

And this is interesting because of course I've been thinking, you know, the flagging proxy or privacy. But I like it this way. It does leave open a different possibilities perhaps to business, you know, models we haven't even thought about yet.

But it serves the purpose in very general language it serves exactly the purpose of flagging to the public flagging to anyone who looks at the Whois that this name is being managed or worked with on behalf of someone else. So I really like that. I think it kind of elegantly serves the purpose so thanks to James.

Don Blumenthal: Excellent. Agreement is always good. (Stephanie) real quickly is that your old hand or a new one?

(Stephanie): Old hand. Sorry.

Don Blumenthal: No that's okay. It's common which is why we have to ask any other - anything else to add to this discussion or do have enough to move forward and at least might have the general direction that the discussion has gone?

Oh and to James point if just as a general ground rule at least for these calls I think if somebody is specifically asked a question I don't think there's an issue of jumping the queue. No need to apologize.

Is there any objections to moving on to the next question although we well be hampered by the fact that today has been a really efficient call. So we didn't distribute any materials concerning those in following the next item?

Marika Konings: This is Marika. I think we did share it. We just didn't add it to the agenda as we didn't anticipate moving so quickly through these I think.

Don Blumenthal: I apologize. You're absolutely right. I only pulled up two documents or didn't pull up all the documents rather. Just a second and that time I couldn't find the mute button even though I wanted it.

Now the question says it all I mean - to what extent are we going to suggest that providers do checks of customer information in the sense along the lines of expectations from over the years concerning registrars? Marika?

Marika Konings: Yes this is Marika. Maybe just to provide a little introduction to the information that's currently included here.

And again, you know, people have additional background information that they think is relevant to this question, you know, please feel free to share.

So it includes some information from the (internal) final report on relay and refill services talking as well about all the quality of registrant data as well as the draft report the study of the accuracy of Whois registrant contact information which even included some nice graphics.

It also includes a reference from the Whois review team final report who also suggests that the conducting of periodic due diligence checks and customer contact information should be considered.

And then I also included the current language from the 2013 RAA in relation to the Whois accuracy program specification as that was referred to as a possible example or model to look at.

That was, you know, one of the sub questions that was identified by the working group which basically reads how would such checks be conducted and to what level?

Example given following the levels of allegation and verification set out in 213 RAA or some other level and the full language of the RAA section is included in the annex to this - to the document.

And then it also includes the comments and several of them are quite detailed or make specific suggestions on how, you know, such verification may take place that have been included as the comments in this table below basically.

Don Blumenthal: Great. Thanks for the summary. Kathy?

Kathy Kleiman: Yes thanks Don. So let me pose the question out there which is as a baseline why wouldn't we use the Whois accuracy program specification which is part of the 2013 RAA?

You know, why would we go below that? Why would we go above that? It seems to, you know, looking at, you know, emails and telephone numbers this seems to be, you know, the right baseline. And so I'd love to hear people's thoughts on that. Thanks.

Don Blumenthal: So would I. Steve?

Steve Metalitz: Yes. This is Steve Metalitz. And I apologize because I'm going to have to drop off the call before it's over.

But I did want to say I'm fine with using it as a starting point. But I think there's a very strong case to be made that the verification requirements should be much stronger in the case of e-services.

First of all these are services. I'm looking forward I'm looking ahead to the reveal situation. User services where the information about the actual registrant the customer or the service is not going to be available as quickly as it is in Whois for a non-proxy registrant.

So there's some built in delays factor. And when we get to review we'll have to discuss how much of a delay that's going to be.

But for that reason I think it's even more important that once you get to the information you have some greater assurance that it is accurate.

And I think the experience of Whois users now in dealing with some of the existing privacy or proxy services is that once they do gain access to that information it's very often inaccurate and/or out of date.

Another again this is an additional service this is not a registration service. And someone wants this service would have to qualify or meet whatever the requirements that are set down for the service.

And I think having greater requirements to provide more extensive requirements to keep your information accurate and up to date is a reasonable duty to assign to the customer in this case.

So I'm not really prepared to have a full discussion of the since it wasn't on the agenda this morning. But I think my view is that we probably should be looking at heightened requirements for verification and validation of this data then we do have in the 2013 RAA for non-proxy registrants. Thank you.

Don Blumenthal: Thanks. Volker?

Volker Greimann: Naturally I disagree.

Don Blumenthal: Okay.

Volker Greimann: I do not see how data that has been verified once why it should be re-verified regularly if there is no reason to believe that it has become incorrect.

That's added costs, added hassle, added administration effort, added development costs that's probably unnecessary.

Secondly I don't remember where it was but I've seen studies that seem to indicate that the accuracy of data used in Whois privacy services is underlying data was much more accurate than the data that was available in the public Whois.

So based on the fact that it's hidden and that people do not have to fear that their private data is in the public they tend to give better data to privacy services or when privacy services are unable then when domain names are registered directly with other privacy services.

So that's something that we should bear in mind. I'm trying to figure out where it was but I can't remember off the top of my head. I have to look into that where that was.

But essentially I think that the regulations we have in place for registrars for checking the data should be sufficient for privacy providers as well.

Don Blumenthal: Yes Volker and we appreciate what you just said about assigning a citation. Just curious if when you're saying privacy service is that specifically privacy or just a generic reference to privacy and proxy?

Volker Greimann: I'm not making that differentiation at this time no.

Don Blumenthal: Okay great. Thanks. James?

James Bikoff: Hi Don. Thanks. James speaking. So I also would support Volker's comments and disagree that we should have more strenuous verification requirements than we have currently for registrars because the idea that we would expand upon the verification requirements in the 2013 RAA presumes that the latter or that those are actually working.

And I can tell you that we as registrars as a community are really struggling to make this work and to clean up the millions of false positives that are currently being generated by the new requirements. And it's going to be a period of transition.

So before we go about taking that further and making those into new requirements let's get better at the existing requirements and let's get the ecosystem educated on what they have to do before they start before, you know, under penalty of losing their domain name because I don't think that that's clear now.

Granted it's only been live for, you know, couple months now but I can tell you that we are off to a rough start.

And I would hate to start building any new requirements using the 2013 verification processes as a foundation. Thank you.

Don Blumenthal: Appreciate it. Just to clarify false positive. Do you mean registrations that showed up as bad that in fact were good or reversed?

((Crosstalk))

James Bikoff: So many different boundary cases. Yes and I can just say that a lot of situations where these new requirements are tripping up just routine updates to Whois contact information because we are dealing with such large numbers and we're dealing with such rapid updates that we have to - registrars are forced to automate these as best they can. And of course all automated systems will leave some folks out in the dark.

So - and then just of course all of those edge cases need to be funneled to some sort of human customer service infrastructures.

So we're really struggling with some of these the implementation of the 2013 RAA and making sure that the expectations are set and understood out there in the user community. Believe it or not most people who do this don't follow ICANN PDP's for (unintelligible).

And are not aware of the implications of what their obligations are as registrants. And so I think it's going to take some time to get these things percolated out through the industry.

And I'm not really sure that those systems and those requirements are mature enough yet to start expanding upon them.

Maybe that will be true once this PDP starts to - maybe we'll be in a better place once we get to the end of this PDP. But I can tell you that's sort of the feel now amongst the registrar community. Thanks.

Don Blumenthal: Okay appreciate that. That's helpful. Kathy?

Kathy Kleiman: First I want to comment on James on James's comment that everyone's not following ICANN PDPs. I can't believe that. I think the whole world follows everything, you know, closely.

Regarding the studies on whether people provide more accurate information if it's private? The answer is yes.

Study at least one study was presented to the Whois review team. And Don I wanted to ask if staff might be able to pull it?

It was a Nominet study that I believe it was Nominet some time ago that looked at data that was protected shielded in Nominet's case individual data versus data that was posted publicly.

And I think they did a research study on this and came up with the conclusion with conclusions that would be valuable to this working group.

So I wanted to know if we could ask to staff to find that. And if there's any problem I'll be happy help you with that.

And other ccTLDs might have looked at something similar. So contacting center or one of the other ccTLD organizations this has been something of interest to them as well. So there might be other studies out there other than Nominet's that would be helpful to us as well.

Don Blumenthal: Yes good point. And yes I think we need to keep that in mind in general that the - you gTLDs aren't alone in this.

And, you know, probably are some good no there definitely are some good references to be called upon and from the CC community. And particularly I think center and (LAC) TLD's they're the most active of the associations.

Any other comments here or if just for folks have been following the chat is there anything I might have missed that we should revisit? Marika?

Marika Konings: Yes this is Marika. I'm just wondering whether it's worth going through the comments and seeing if there are any ideas or suggestions there that, you know, haven't been discussed or considered yet?

I'm assuming that we'll need to come back to this question next week to further consider this but maybe that is helpful to see what ideas have been suggested there.

Don Blumenthal: The comments in the chat or in the document?

Marika Konings: In the documents.

Don Blumenthal: Okay. Yes why don't - I think it's for people on Adobe or who have the documents Page 4 where the comment section begins.

Marika Konings: Yes that's correct.

Don Blumenthal: Yes. You may have a better handle on the wording here since I think you wrote it in such a way that you could just do a fast summary rather than have me read it out. Just reading the questions will kill the rest of our time.

Marika Konings: Yes this is Marika. I actually didn't write it. I just basically copy pasted what people submitted (unintelligible) most...

Don Blumenthal: Are you copy and pasting?

Marika Konings: I did that (rather) efficiently I think. But as some of the commenters agreed that there should be a requirement to at a minimum, you know, verify email addresses and telephone numbers on an annual basis.

I think the first comment or suggestion that that could be set up in an automated way where people are receiving an email or set up through a phone system where it's verified.

And if that doesn't happen or no verification takes place additional notices then provided. And without verification or updated contact information to service that would be terminated within this certain period of time.

I think my second comment is relatively similar in that regard also noting that there should be a re-verification or revalidation especially when relay fails but maybe as well in relation to the conversation we have later on to see if that may be a trigger point potentially for I guess re-verification.

Don Blumenthal: Yes. Quick - no I just wanted to jump in quickly. And kick just back to let say James or Volker. Is what's being suggested here much different from the current registrar process processes?

James Bikoff: This is James speaking. And I apologize you caught me multitasking. What part of the language are we looking at specifically?

Don Blumenthal: Okay. Sorry. I think you'll be subject to a quiz at any time. You need to pay attention.

James Bikoff: Yes I know I...

Volker Greimann: It is different I think it is different here from looking at it requires definite annual re-verification in this comment for example. And that's a very large difference from what it's currently what is currently in place and for registrars.

Registrars are required to verify the address once upon registration and that's it. We are required to re-verify when we have any indication that there might be a problem with the data.

There is different triggers that may trigger such a re-verification but there is no set date when we have to re-verify. And I think that's fine and sufficient.

Don Blumenthal: How about the information checking process (unintelligible) outlined here?

Volker Greimann: Let me read those again. This is where - this is trying to get us back to phone and email not acceptable.

Woman: Oh yes. Here we go.

Don Blumenthal: That's right. Your requirement is (unintelligible) okay. Sorry Marika just wanted to...

James Bikoff: It would be the key main distinction yes because again it's like -- I'm sorry this is James speaking for the transcript -- the key here the differences that one is very easy or let's say not easy but straightforward to automate and one is not.

And that is why I think providing registrars some latitude to develop that I mean some registrars for example serve customers face to face.

And therefore are very - it's very easy for them to verify certain information. Others are - have only a web based relationship with their customers and it becomes much more difficult.

Don Blumenthal: Okay. Thanks. Yes Marika sorry for cutting in there but...

Marika Konings: This is Marika. No problem at all.

((Crosstalk))

Marika Konings: One comment I then note as well that this is actually not necessary as the ICANN registrar is already achieving this.

And I think than the two more comments (unintelligible) that, you know, one saying that should be the same process as when a new RAA and the other one is saying that, you know, there should be additional safeguards in place to verify information so that the data can be revealed to a third party if needed.

Don Blumenthal: Okay. That's the last one there.

Marika Konings: Correct.

Volker Greimann: Maybe just one comment from my end. I mean we're looking at privacy proxy services both affiliated with registrars and not affiliated with registrars.

And I can see that there should be some verification for those that are not affiliated with registrars that ensures that the same verification level is achieved for those services that is required for those that are affiliated.

However those services that are already affiliated with registrars should be required to do an initial verification for the same data that the registrar has already verified in the registration process.

So we might want to differentiate and not in what kind of priority proxy provider it is but into ensuring that the same level of verification takes place but only one - but make it clear that this only has to happen once not once per provider that's involved in the registration process because looking at how registrants register having to verify your Whois privacy provider and your registrar is going to cause a lot of confusion again.

Don Blumenthal: Okay interesting point. Let me just nail something down here. Now you're saying it would be - and maybe I'm just being dense here.

Could you go a little further into how we're talking about double verification? Would the registrar be involved in checking registrant data in the case of privacy or proxy?

Volker Greimann: It could be. I mean in cases where the privacy proxy service provider is affiliated with the registrar and just the contracted party or the registrar then in all likelihood the registrar will under its obligations under the RAA conduct the verification of the underlying data already whereas if the privacy proxy service provider is not affiliated with the registrar then it would have to do that.

But so when we - when crafting that language we might want to make sure that the privacy proxy service provider has to ensure that the data has been verified in that manner that is for example prescribed in the RAA which I would argue for as the correct process.

And thereby either forcing him to do it himself or if he has a personal knowledge contractual obligation that this data has already been verified by the registrar then that should be sufficient for the proxy provider as not to trigger his own verification again because that would lead to double verification if registrar and privacy proxy service provider would have to do the same thing twice.

Don Blumenthal: Right. Okay. I got it now. James.

James Bikoff: Thanks Don. James speaking. And I agree with Volker. And I would add that there's another scenario we should consider which is that if someone decides

not to renew the privacy service or it loses, you know, violates the terms of service somehow and loses that service.

And we decide as the privacy service decides to, you know, exchange their information with their underlying customer information Whois that would trigger a re-verification on the register's side as well if they're not affiliated.

So we would need to have some indication that they were held to the same standard. And that both the register side and the privacy service side would have a confidence that the data was verified according to the same level of standards. And it would not be necessary to duplicate those efforts multiple times.

So I think that what Volker is saying is correct. And it would actually provide some consistency for the relay and review process.

Don Blumenthal: Okay excellent. Marika?

Marika Konings: Yes this is Marika. I just wanted to note that I think it was (Paul) in the chat noted that, you know, was not aware that this was being covered this week.

So and making sure that this comes back to the agenda for next week. And I think it's probably something that we'll point out as well on the list as we send out a revised version of this document.

And one suggestion as well maybe it would be helpful because I saw that some questions in the chat were submitted for example I think (Val) notes what type of activities would trigger a re-verification of customer data.

Maybe some of the questions that have been raising here would be good to attach them to the templates and encourage people maybe to share their views on those aspects so that will hopefully help us frame more of a conclusion than I think where we're currently at.

And it will give people as well some time to think about it and digest the different views that have been expressed today.

And as said I'll try to capture all the comments that you've made but please, you know, if I get them wrong or anything is missing, you know, feel free to share them on the list so we can update that according.

Don Blumenthal: Yes. I appreciate it. Sorry about that (Paul). You know, like I said before we kind of got a little bit efficient here. And I thought it would be better to roll forward then just lose the 25 minutes because I'm sure later on we'll have a few where we get bogged down.

But we will revisit this topic at the beginning of the next call or early in the next call anyway. And any way it's a little bit after 11 o'clock. As always I appreciate your time and talk to everybody next week.

Man: Thank you Don.

Man: Thanks everyone.

Man: Thanks Don.

Woman: Thanks.

Woman: Don. Bye all.