Registrar Accreditation Agreement (RAA) DT
Sub Team B
TRANSCRIPTION
Wednesday 18 November at 19:00 UTC

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http://gnso.icann.org/calendar/index.html#nov
on page:
http://audio.icann.org/gnso/gnso-raa-20091118.mp3

Present for the teleconference:
Steve Metalitz - IPC - Chair
Tatyana Khramtsova – Registrar
Michele Neylon – Registrar
Marc Trachtenberg – IPC
Danny Younger - At large
Statton Hammock – Registrar
Phil Corwin - CBUC
Mike Rodenbaugh - CBUC

ICANN Staff
Margie Milam
Marika Konings
Heidi Ullrich
Dave Piscitello
David Giza
Denise Michel
Liz Gasster
Gisella Gruber-White

Absent apologies:
Cheryl Langdon-Orr - ALAC chair
Holly Raiche – At-Large
Avri Doria – NCA
Tim Ruiz - Registrar c.

Coordinator: This is the operator. I would like to inform all participants that this call is being

                   recorded. If you have any objections please disconnect at this time.

Steve Metalitz: Yes, why don't you go ahead.

Coordinator: Good morning, good evening to everyone. On today's RAA Section B call we have Danny Younger, Michele Neylon, Tatiana Khramtsova, Steve Metalitz, Statton Hammock, Phil Corwin, Mark Rodenbaugh. From staff we have Dave Piscitello, David Giza, Margie Milam, Gisella Gruber-White and we have apologies from Caroline Greer and Cheryl Langdon-Orr.

I'd like to please remind everyone to please state your names when speaking.

Thank you.

Steve Metalitz: Okay. Thank you very much. This is Steve Metalitz and I think there were one or two other people beyond your list that are on the Adobe, I see (Mike Rodenberg) and I don't know if you mentioned (Marika), (Dave Pistitello). Are those folks on the call?

Okay. Well welcome.

Well, we have a simple - a pretty simple agenda today and I think there was an agenda posted on the workspace, but I don't have that in front of me right now, but basically as you recall, we - we set a target date or deadline of last Monday, the ninth, for people to send in their lists of possible topics to help us complete our first task of compiling our list of topics of possible amendments to the RAA and we did get a very good response on that.

Mostly on the ninth and some a day or two thereafter and since then Margie Milam has pulled together a chart, which she said she sent out twice - the most recent one was about two hours ago and it lists all of the submissions that were made and organizes them under issues.

So, for example her first issue is Prohibition on Registrar or Cyber squatting. Then she's got three or four points from the staff proposal that was put in the

staff notes and three proposals from Danny Younger's list and there's some (BARAA) references in some cases for some of these points.

So I think, obviously, none of us must have had a chance to go through this in great detail, but it might be worthwhile just to have Margie Milam walk us through this or tell us how she proceeded to do this and we can give her whatever feedback we can give now and then decide how we're going to use this document, which I think is going to be an excellent starting point for completing our tasks here or at least moving forward on our tasks.

So, unless there's other remarks that people want to make at the outset, which of course I'm happy for folks to do, maybe we could ask Margie Milam just to maybe walk us through this document. Obviously we don't have to go through every single proposal in here, but just in general how she's organized this and perhaps she could take questions at that point.

Margie Milam: Sure, that's fine.

Can you hear me okay.

Steve Metalitz: I can.

Margie Milam: Okay.

Yes, basically what we did is we took the different proposals, we took the staff notes document, we took the law enforcement, the IPC and Danny Younger's and Holly Raiche's comments that she submitted over the e-mail list and tried to compile them on specific issues so that you could see in one spot all of the comments that were made with respect to that particular issue.

And so we can just go - if this format works for you, we can just go through the various topics and identify, you know, what were the issues raised and then I guess (Steve) we can pause and whether anyone has comments on

the specific topics or do you want me just to run through every single one and then open it up for comments?

Steve Metalitz: Why don't you run through - if you could run through it quickly, because there's something like 28 topics, so I'm not sure we'll be able to have a discussion at this point about each of them, but if you could just quickly run through what's - what's covered under each of the topics and then we can - obviously people may have questions as we go along.

Margie Milam: Okay. Michele Neylon had a question, Michele Neylon - or did you put your hand down?

Michele Neylon: As long as there is an opportunity, I think if we go through the entire list and then try to get meaningful feedback on any of those, we'll probably have forgotten what you've said for the first couple of topics by the time we get to the last one.

Steve Metalitz: I think we should feel free to jump in when - at any point.

Michele Neylon: Otherwise it's going to be - it will be - we'll realize she's made wonderful points, but we'll have completely have forgotten what the hell they were.

Steve Metalitz: Right.

Margie Milam: Okay, so we'll pause after each topic.

I'm not going to read everything that's on the document, but at least we'll start talking about the topics in an organized manner.

The first one is the Prohibition on Registrars or Cyber squatting and we had a number of suggestions from both staff and Danny Younger with respect to addressing this topic and they include trying to be more specific on provisions

that explicitly prohibit cyber squatting and he's actually in the implementation options given several options for doing that, but I won't go into that right now.

Danny Younger also indicated that this should be a termination of accreditation for this activity for registrars for cyber squatting and penalties for front running. He also suggested that registrars be prohibited from engaging in front running and having penalties in warehousing or speculation in domaining by registrars. So he's made some more detailed suggestions with respect to cyber squatting.

Any comments on that before I move on?

Michele Neylon?

Michele Neylon: I think that's a danger here because the cyber squatting you need to be very careful how you define this. Because it's all very well saying that something about bad fate - one mans bad fate could be another mans accident and not all (unintelligible) cases are - would actually hold up in a normal court.

There will be cases where UDRPs are being decided in rather strange circumstances.

The other thing is that Danny's comment there - maybe Danny could clarify what he's referring to - the warehouse speculation of domain names by registrar's. That sound very broad speaking. I mean what if one of our companies that offers aftermarket services, is that included there or are we talking about something completely different. Some clarification would be helpful.

Danny Younger: This is Danny.

The language is taken specifically from the current RAA in the section that deals with areas that are ripe for (unintelligible) consensus policy

development. So it is the current language that is in there that is being referenced in my comment.

Steve Metalitz: This is (Steve). Let me just say also at this point that obviously any of these topics there will be a lot of questions about, you know, even whether there should be a provision in the RAA about it and it if so what it would say. But, I think at this stage of our work we're just trying to identify a list of topics, so obviously a question for clarification is perfectly appropriate, but we're obviously not going to be - we're not even trying to hammer out language or even necessarily all the contours of a particular provision today.

Any other comments or questions on issue one on Margie Milam's chart?

If not, Margie Milam why don't you go on to issue two.

Margie Milam: Okay. Sure.

The next category of issues relates to malicious conduct and as staff in the document we've circulated we had various issues related to malicious conduct that we suggested for example -we suggested incorporating a provision in the RAA where the registrars would have the duty to investigate and report back on what action they've taken when we receive credible evidence demonstrating illegal malicious conduct and we've provided suggestions in that regard on the right hand side with respect to implementation options.

Let me just scroll a little bit through this document. It's hard to read.

And some of the options we talked about, what would be an appropriate response with respect to an investigation. For example, an automated e-mail response would probably not be enough. We've suggested that this might be appropriate to be dealt with through a Registrar Code of Conduct and we've also taken a look at some of the suggestions made by the (unintelligible)

Recommendation 38 to have complete and accurate contact information for malicious conduct and so we're trying to make sure we have a point of conduct - point of contact both for malicious conduct and for contractual compliance purposes. So those are some of the suggestions that we made with respect to malicious conduct.

Any questions before I move on?

Mike Rodenbaugh: Yes Margie Milam, it's (Mike Rodenberg).

Steve Metalitz: Go ahead (Mike).

Mike Rodenbaugh: Does this include the notion of having a centralized and forwarding service also so that ICANN will be tracking all of these investigation reports or would ICANN just audit registrars if there were complaints? How do they envision compliance with (unintelligible) is what I was wondering.

(Dave Giza):   (Mike), this is (Dave Giza). We haven't worked through those details at this point, but clearly auditing would be our first and primary tool in an effort to develop a baseline of compliance around this provision and other provisions that are being suggested here.

Mike Rodenbaugh: Thanks.

Steve Metalitz: Margie Milam, this is (Steve). My only comment is that you might want -we might call the topic Malicious Conduct (Unintelligible) Duty to Respond or something like that. It might be a little clearer what this is covering.

Margie Milam: Okay.

((Crosstalk))

Margie Milam: Questions?

Man: (Unintelligible) point for staff notes - registrars providing (unintelligible) contact information for point of contacts, yada, yada, yada. I though we had to do that anyway.

                    Or am I missing something?

((Crosstalk))

Margie Milam: Go ahead (David).

(Dave Giza):   I was going to say if it was that clear in the RAA, we would not have raised it as an issue for this group, the working group. We just don't believe that that clarity exists in the area today.

                    Margie Milam you can jump in on this point and I think, you know, (Dave Pistitello may want to weigh in on this as well because today there really is no point of contact for malicious conduct. There's a point of contact for general administrative matters, but what staff was suggesting here was a specific point of contact that's accountable and responsible to deal with malicious conduct issues when they are raised with registrars.

Man: Fair enough. I don't have an issue with it, I was just wondering why it was there. You know, just more clearly in terms of - I know this came up in other things where ICANN staff have indicated that they have had issues contacting certain registrars. So it's just more for clarification than anything else.

Steve Metalitz: It's okay.

Margie Milam: Sure and just to clarify, you know, there's different functions here. So you may have a contact for the contract and it's usually maybe a lawyer or something like that. But the operational side of the maybe the security of the

department might be a different contact. So we're just getting more specific on the kind of contacts that we think are appropriate, especially to deal with malicious conduct.

((Crosstalk))

Danny Younger   This is Danny. I've got a quick question. What do we do in the event if we've got (unintelligible) corporation set up by some of these registrars that really don't have staffing that allows for an abuse contact. Would that then be handled by the head of the family?

(Dave Giza):   Danny, it's (Dave Giza). That's a fair question. At the moment I would say the probably answer is yes, but I think this group would have to explore that in greater detail.

Mike Rodenbaugh: I think also, it's (Mike Rodenberg) again, that the resellers also should be mentioned in here, should also have some complete and accurate contact information and also be able to investigate reports.

(Dave Giza):   That would be a good transition to the next topic.

Margie Milam: Sure, let's move on to the next topic. Privacy and Proxy Services and Resellers and we gave some thought to this on the staff side. One of the areas that we thought was a gap was a requirement that escrow be required for proxy registration data and so at the moment the way the contract reads either escrow the proxy data or you exclude (unintelligible) that you don't escrow the proxy data or the privacy data and we felt that that was a gap that might be considered for additional amendments. So we gave some specific language on how to do that.

The next area relates to getting more information on privacy and proxy registration services including point of contact for privacy and proxy service providers and a description of the services made. So what that's meant to

address is that at the moment we really have antidotal evidence on what is proxy and privacy services, but we don't' have any formal way of knowing what's being made available by the registrars.

And so we thought that was a useful piece of information that could be included in the RAA.

Then next topic relates to what are the obligations that apply to a district to privacy or proxy services and essentially right now there is no obligation under the contract that answers the allegation of malicious conduct. There's cyber squatting that's sent to the privacy or the proxy service, but it actually gets forwarded to the customer and so one of the suggestions that we've made is consider requiring that there is some sort of forwarding service that relates to, you know, specific disputes related to the domain name.

Steve Metalitz: Margie Milam, this is (Steve), could I jump in briefly?

Margie Milam: Sure.

Steve Metalitz: I wouldn't necessarily agree that there isn't an obligation now, but I would certainly agree that it would be helpful if it was clearer.

So is this really an appropriate topic for an amendment?

Margie Milam: Okay. Sure.

And - go ahead.

Steve Metalitz: Go ahead.

Margie Milam: Did someone else want to comment? Okay.

I'm looking at the next one. The next on relates to with respect to privacy or proxy registrations services to provide a point of contact so that we know who at the privacy or proxy service would be responsible for investigating and responding to malicious conduct (unintelligible). This is the same theme as what we described earlier. For the registrars, we also think that it's appropriate to request that from the privacy or proxy registration services.

And then our next set of suggestions relate to section 3.7.7.3 and this is the language that relates specifically to proxy services.

Currently there's a requirement that - that if - there's language that relates to reasonable evidence of actual harm, but there's no definition of what that means and I think that that's been - in (David)'s view that could possibly address this, but I think that's been an area of concern as to how that language is interpreted and so our suggestion is to come up with contract language that would clarify that or possibly if we don't want to go into that much detail address it through an advisory.

(Dave Giza):   This is (Dave) speaking and we're actually working on a draft advisory right now with assistance from the IPC and others and so as that draft advisory comes together we'll share that document with the working group. I think it's a good starting point to consider what language - what to be included in the RAA going forward.

But I do want to say that we've made some progress here and we should have something to share with the group in December.

Margie Milam: Okay, then the next point on that relates to and this is number four, Implementation Options. It relates to whether there is an obligation to reveal the contact information for the privacy or proxy services specifically in the instance of malicious conduct and so that's been a complaint that we've heard through law enforcement forces and others about needing to get access to that underlying information.

So this is just a discussion point, although that would be an appropriate issue to address.

The privacy and proxy services also were touched upon in the ITC working group. (Steve), do you want to go through these or...

Steve Metalitz: I'd be glad to do that very quickly.

There's a lot of overlap with what Margie Milam just went through. The first point is about requiring the registrars to collect the data on the - the true registrar the beneficial owner of the registration or the licensee, the person who is the customer of the proxy service.

The second is to eliminate the option for these proxy and privacy services not to escrow the contract data, which is currently provided I believe in the agreement.

The third is to have an accreditation process for proxy and privacy registration services and this would certainly be one way of enforcing some of these requirements that Margie Milam talked about is if services had to basically sign up for them.

The fourth one again, similar to what Margie Milam was talking about would be to specify when these services need to disclose the actual contact data, what information has to be provided to them in order for that to happen.

The next one really deals with I think the staffs current interpretation of the - of the 3.7.7.3 which is that and really dealing with the circumstances in which a proxy service doesn't provide the contact data that's needed - what should be the - should the registration in the name of the proxy service be cancelled in that circumstance.

The next one basically makes the registrars responsible when they are offering a proxy or privacy registration service in connection with the registration process. They should be on the hook for violations that what might occur by that registration service.

The next three frankly deal with resellers and not necessarily with proxy and privacy services and I guess one question I would have to Margie Milam is why you decided in this topic to put these together. These next three deal with reseller compliance, requiring the registrars to disclose who the resellers are, requiring the resellers to tell the registrant who the registrar is. These don't necessarily have anything to do with the proxy or privacy service.

Obviously you might have a reseller that's not using a proxy or privacy service, you might have a proxy or privacy service in a situation where there is no reseller involved. So I guess I would suggest that we might want to break out a separate tag (unintelligible) reseller and then the last point I think in our group here, was that if a reseller is offering a proxy or privacy registration service, then at the time of registration then they have to meet whatever the requirements are when registrars are offering that.

So I think that briefly walks through the IPC working group suggestions and again I guess my thought would be we might want to break out resellers as a separate topic. Obviously there is some overlap and there is certainly some situations where they don't overlap.

Margie Milam: Sure (Steve) and I can comment on that, I didn't draft this. I had someone draft it for me and I think that's right. I think a reseller is probably a separate category from privacy and proxy services.

And then I guess I can go back to - there's law enforcement suggestions. It's the documents that I circulated earlier that was a compilation of thoughts from a number of law enforcement agencies and they also address the privacy and proxy services.

Specifically I think their approach is that they don't feel that the RAA should explicitly condone or encourage the use of proxy or privacy services and so that was one of their points and they fight to (unintelligible) commitment documents which relate to timely and unrestricted public access that (unintelligible) accurate Whois information. But if privacy and proxy registration services are allowed, they want to limit it to a private individual that's using a domain name only for non-commercial purposes and so that's one of those instructions.

And then, secondly if they believe that the privacy registrations are allowed, that they should only be from accredited ones and suggest that ICANN adopt an accreditation system for proxy or privacy services using, you know, stringent checks and balances.

And then they also make a suggestion about if the privacy customer - it's a service, you know, (unintelligible) authentic information underlying it and if the registrar is found to be violating the terms of service that the information would be immediately published. That is one of their suggestions on dealing with situations where the registrar engages in illegal activity.

So, I think that's it with respect to - oh I'm sorry, let me go onto the next one. Let's see. Danny, you're on the call right. Did you have a concern there with respect to privacy and proxy service that you may want to address?

This is more related to the reseller agreement. I'm looking at your comment for RAA 3.12.6.

Danny Younger: Okay. At the moment the contract - current contract simply stipulates that a registrar must notify the reseller that they are aware of they've breached a circumstance. I would think the language itself is not strong enough.

Margie Milam: Okay. Thank you.

There's also additional provisions from the law enforcement perspective related to when a registrar knowingly or through gross negligence permits criminal activity in the registration of the domain name.

So this, I believe relates to whether there should be an additional termination provision.

((Crosstalk))

Steve Metalitz: (Unintelligible) that one belongs in this category necessarily, but I'm (unintelligible).

Margie Milam: Yes, I agree with that. I think I'll reshuffle that and put it in a separate section.

And then the law enforcement suggestion is that the resellers be held completely accountable for all provisions of the RAA and so they are trying to have registrars obligate the resellers to comply and enforce all of the provisions of the RAA and that the registrar would be held liable for any breach of the RAAs if the reseller commits an act that isn't remedied immediately

And there's also a suggestion that resellers and third party beneficiaries should be - (unintelligible) resellers (unintelligible) beneficiaries should be listed and reported to ICANN who shall maintain accurate, updated records. I'm not sure exactly what that relates to and we can check with the law enforcement folks to see what they meant by that.

((Crosstalk))

Man: (Unintelligible) isn't a registrar already contractually obligated to obligate their resellers to comply with RAA provisions? Isn't that in the latest amendment?

Margie Milam: In the latest amendment - (David) you can comment if you disagree, is specific to certain provisions. So as I understand the 2009 agreement it has provisions related to resellers, but it's certain of not all of them. (David)?

(Dave Giza):   Margie Milam, that is correct. What this would do is actually reach deeper and wider into the relationship that registrars have with resellers and obviously that's a topic for discussion and debate among this working group is to how far that reach should go and I think, you know, the ideas that are presented here are all, you know, equally credible in terms of what we ought to consider and then determine what's practical given the nature of those contractual relationships between registrars and resellers.

Margie Milam: Thank you.

                  Law enforcement agencies also suggest that resellers be held to the same due diligence requirements that would apply to registrars and registries, so that's also one of their suggestions.

                  The next one is 3.4.1, which Danny perhaps you want to address (unintelligible) conspicuous notice.

Danny Younger: Sure, this was pretty much a follow-up on the comment made by the US Department of Commerce through NCIA that a conspicuous notice element isn't really appropriate. I believe you referenced that at the beginning of this particular section.

Margie Milam: Okay.

                  And then you also have a suggestion relating to contact data for resellers.

Danny Younger: Right and that's along the lines of what (David) was pointing out early with respect to reach (unintelligible) that ICANN should know who all the entities (unintelligible) are.

Margie Milam: Okay. Before I move onto the next topic, do you want to pause and ask if there is any questions on the issue of privacy, proxy services and reseller suggestions?

Okay then I guess I'll move on to the next category and some of this is already touched upon by law enforcement.

Danny Younger: Actually, let me ask a quick question if I may.

Law enforcement brought up the suggestion or recommendation to look at an accreditation process. Is staff already looking at the current registrar accreditation process in terms of any internal revisions that were originally recommended by (Paul Pumi) after the registrar (unintelligible)?

Margie Milam: (David), I think you can probably address that.

(Dave Giza):   Great question Danny. I believe that the registrar liaison team is, you know, continuously reviewing the accreditation process. Particularly, you know, now that the new GTLD program, you know, is gaining momentum and so I don't know specifically what work (Tim Cullen) and his team is doing, but I do know that they look at the process continuously and, you know, this might be a good place just to footnote that in the document and then, you know, I can have a discussion with (Tim) and his team and then just report back to the working group.

Danny Younger: I thin it's fair enough to say that if we are going to begin a process of accrediting a new set of entities we want to make sure that we take some guidance from whatever errors may have transpired in the prior accreditation process that could possibly be fixed going forward.

Margie Milam: Okay. Thank you for that.

I'll move on now to the next section, which is the additional information on registrars and affiliates and (Jack) made a recommendation or suggestion on seeking additional information regarding registrars and their affiliates and resellers to facilitate the identification of any (unintelligible) that might be actively complicit and providing malicious conducts to occur and so we're trying to seek out additional information related to registrars affiliates and resellers and have made some suggestions on how to do that.

The idea being that one of the things we could consider is that if ICANN receives information that a registrar, it's affiliates or resellers are engaged in illegal or malicious conduct that the registrar would cooperate with ICANN in it's investigation and so it's just meant to deal with the possibilities of perhaps registrars being accredited that are really actively engaged in malicious conduct.

Mike Rodenbaugh: Margie Milam it's (Mike). I've got a couple of questions.

Margie Milam: Sure.

Mike Rodenbaugh: Number one you say significant reseller suggest maybe 50,000 or 5%, what's the logic there? Why not all resellers?

((Crosstalk))

Margie Milam: Sure, with respect to that point and I don't know which registrars are on the call right now, but some resellers have thousands and thousands or resellers and I mean it's not, you know, it's not a small number of resellers that exist in the marketplace and we were just trying to being practical I think.

Maybe (David) you can address this, but we're really trying to get at the, you know, substance of ones because of the size of the potential population, but that's certainly something that, you know, could be discussed.

(Dave Giza):   Margie Milam, this is (David). I do agree with that point. You know, we do believe that we need to start something and we thought that this was a logical starting point based on the existing reseller families that ICANN accredits. I mean again, if the working group decides that more needs to be done in this regard (Mike), then the working group will have to, you know, bring your suggestion to the table and see if it's doable, you know, given the, you know, way in which the resellers - the way in which registrars have established different reseller business models.

Mike Rodenbaugh: Sure, sure. Have you done any research into what percent of abuse happens among, you know, resellers below that threshold and that sort of thing that would be useful just to know what the impact of this would be. Maybe go to the APWG and other folks.

(Dave Giza):   It's a good suggestion. I'm not aware of any research at this point. Margie Milam are you?

Margie Milam: No I'm not either.

Mike Rodenbaugh: All right and then the only other comment I had is maybe number two also just needs to be sure that it has teeth, that it you know, breach of that provision is material breach of the contract subject to all the penalties. Maybe that's obvious but I'd still like to see it stated.

Margie Milam: Sure and we're, I mean we were trying not to be specific on language because I think that the goal of this group is to come up with topics. We were trying to give a background as to what, you know, what we mean by some of these issues instead of being very specific. So, you know, that's certainly something to consider.

And then the other point relates to what we mentioned earlier, a point of contact for malicious conduct as recommended by the (unintelligible) 38 document.

The next series comes from the IPC, so (Steve) maybe you want to just walk through those.

Steve Metalitz: Again, there's some overlap with what Margie Milam just went through and all of these are requirements for the registrars to provide more information than the RAA currently requires, although I'm sure in many cases registrars already do this, but their not - apparently there's an issue about whether they are required to do it.

One is to provide ICANN with the current standard registration agreement. That I would think is pretty much essential for ICANN to make sure that a registrar is living up to RAA provisions that require certain things to be in the registration agreement with registrants, but it's not at this point required for the registrar to make that available.

Second point has to do with basically contact information and in particular kind of - this is very important to UDRP contacts among others because the location of the registrar can be significant there.

Man: Sorry about that. Go ahead.

Steve Metalitz: In terms of UDRP. Are we getting some crosstalk here?

Third is for the registrar to basically tell ICANN about their status as an organized business and what jurisdiction they are organized in.

The fourth is to give information about their CEO and other principle officers. Again there are requirements in the registration, excuse me in the accreditation process and there are requirements in the proposed disqualification procedure. I don't know quite where that stands as to certain things, you know. If the CEO or principle officers are engaged in some kind of illegal activity that can reflect on the registrar's status under the RAA and yet

the registrars aren't apparently required to specify all these people and to keep it current.

And then just to identify who are the affiliates of the registrar so that - I mean you've heard several references to registrar families. This would require that information to be disclosed to ICANN.

So, that's the jest of those proposals.

Margie Milam: (Unintelligible) between that and the next set of suggestions from law enforcement.

The law enforcement approach was to really have accredited registrars submit, you know, accurate and verifiable contact data including their operational and physical location or address, phone number and to have that be publically disclosed in an ICANN Web directory.

They also think it should be clearly stated on the registrars main Web site with PO boxes and corporation addresses and mail drop box being accessible and finally one of the suggestions they make is that the registrar should submit their URL location of the port 43 Whois server.

Their next suggestions relate to naming the CEO, president and responsible officers and if a registrar owns multiple accreditations through affiliates that that also be disclosed and publically displayed on the Web site and then similar to the IPC suggestion that the registrar should be a legal entity and within the country of operation and should provide ICANN with official certification of it's license or it's registration.

Michele Neylon: Excuse me, one question Margie Milam. It's Michele Neylon here. The country of operation, what do they mean by that? You've referenced it a couple of times.

Do you mean the main country where the registrar is based or what exactly?

Margie Milam: I don't know what they mean specifically. I think what we can do is if we have questions related to their proposal we can forward it on to them and have them respond because I think you could read it both ways.

You could read it their main office of operation or it could also be all the countries where they operate. I just don't know what the intent is by this.

And then the next set of questions relate to notifying ICANN upon certain changes in the Web site, such as - and their operations, changing their location, the presiding officer, (unintelligible) filing, criminal convictions and legal actions.

So that's one of the suggestions that they - that they made and they suggest that ICANN should require all registrars registries, registries, proxy (unintelligible), resellers and third party beneficiaries to any contract to display ownership information, so that's again going at trying to identify ownership and that's affiliated with those associations.

Then the next set of suggestions comes from Danny, I don't know if you want to describe them Danny?

Danny Younger: Sure.

The first recommendation goes to the issue of the existence of Shell Corporation. I tend to be of the view that ICANN went down the wrong fork in the road when they allowed registrars to create the Shell Corporation and I'd like to see that process eliminated.

Second comment is simply reinforcing what law enforcement and other (unintelligible) point to which is to make sure that the officer's, directors, their names are known to the public.

Margie Milam: Thank you Danny.

So before I move on to section five, Whois accuracy do we have questions on the topic of registrar information?

Steve Metalitz: Margie Milam, this is (Steve). Let me just ask, at this point we've got about, you know, 12 minutes left and we've gone through four of the 28 topics. So we're obviously not going to get through this chart today.

I guess we have two options. One is to continue this walk through and then kind of pick it up again at the next meeting. I'm not quite sure when that would be.

The other would be, if people have had a chance to look through this and if they have questions having jumped ahead on any topic that hasn't been reached yet, maybe we would open the floor to those. So, let me ask people whether they'd rather just continue as we're going here or do we want to open up for questions on anything else in the document?

Well let me put it this way, if people have any questions they want to bring up now about anything in topics five through 28?

(Statton Hammock: This is (Stanton Hammock), Network Solutions. I just have a question. Do you have an idea of how we can weave some of these proposals out, I guess or I mean, what's the next step after going through the proposals and clarifying all of them? I mean, how do we get to, you know, the discussion about the merits of one or even work on, you know, specific language in some of the cases.

Well, I'm just trying to get an over arching idea of how this process works and forgive me, I'm kind of new to the working group, so I just want to sort of get a perspective of how this is going to work.

Steve Metalitz: Well, let me give my response and then of course others may want to chime in.

I don't think either of those things is in our mandate to work on language or to really get far into the merits of these. We're supposed to be compiling a list, we're supposed to be seeing if any of those items - a list of topics which as I see it kind of the left hand column of Margie Milam's chart here is really the list of topics.

The - then we're supposed to flag any that we think present issues with regard to consensus policies and then we're supposed to recommend the next steps. What should be the way forward procedurally and that's kind of - I think that's kind of what's supposed to be in our draft report.

So I don't see us getting very far into the merits here. If we see something here that really isn't about an amendment to the RAA but is about something else, then that might fall out. But I don't think it's our job to say we like this amendment, we don't like this amendment. As long as we have a pretty clear picture of what the topic is and where it might fit - how it might fit in the RAA then I think that's kind of is our job.

I think Michele Neylon has his hand up.

Michele Neylon: I do. It's on the same kind of thing. There's at least one reference in this document, my apology if I can't' remember which section it's in, which is to do with (unintelligible) of domains. I think there was some - it might have been Danny.

Steve Metalitz: That was (Mike).

Michele Neylon: Yes.

Some of that has already been discussed in another working group with regards to the (unintelligible) domain name recovery. And some if also come in a (unintelligible) into the IRGP working group. I suppose the main thing from (unintelligible) we shouldn't be doubling things up and go duplicating work, so I mean, from Danny's perspective on that would be very useful for that working group as well. It's just more of a kind of - there's no real point in (unintelligible) involving (unintelligible) at least note the fact that it's already being discussed in a separate working group.

And the other thing was with the relation to some of the stuff from law enforcements. Without further explanation for some of these proposals, some of them are potentially (unintelligible) registrars be expected to update their Web sites and inform ICANN of all legal/civil actions (unintelligible) current form is completely unworkable. I mean, that means if somebody breaks their ankle while walking out of the front door of my office, I should inform ICANN because their taking a court case against me as a civil action because they broke their ankle in my office. I honestly don't see how that could possibly have any impact on the RAA. I thin it's completely out of scope.

Steve Metalitz: Okay. Other questions or comments at this point?

Okay, (Stan) that answered that question. The, I guess that question...

((Crosstalk))

(Statton Hammock):   It was kind of my questions how we - how are we to the point where we say this is not in the scope, you know. Or this is?

Steve Metalitz: Yes, I wouldn't agree with Michele Neylon that it's not in the scope. It may not be a very smart thing to have in there. Again, there is probably a lot of things in here that we don't necessarily want to see in the RAA, but the question of whether that's something that could go in the RAA as a condition for

accreditation or for compliance, I'm not sure it's our job to say that's outside the scope.

Again, I think we're talking about the left hand - if you look at the list of topics on the left hand side and obviously that will need to be refined. We've already had some suggestions for doing that.

I think that's our main focus at this point and note we need to make it clear that if we present this list in a draft report, we're not saying that everybody in the drafting team thinks that there should be amendments on this topic in the RAA or that they support any particular amendment that's been proposed. But just that it's a topic for consideration.

Michele Neylon: (Steve) if we could get clarification from law enforcements about some of the things that they put there because what I was having clarification on some of these - some of these topics, it's not clear what they are trying to do. Because I can understand from my dealings with law enforcement and from dealings with general issues, what have you, but my (unintelligible) about what they might be trying achieve is one thing and maybe it's just that they've presented in such a manner that it's coming across as something completely different.

The thing is, if they're talking say about (unintelligible) legal civil actions they (unintelligible), but that's - let's go on the record saying such and I'm sure it's a discussion that people wouldn't disagree with me about that.

Steve Metalitz: Okay, I think you raise a good - that's a fair point that we have people here, you know, Danny's here and I'm here and Margie Milam's here and so we can try to answer some questions, but there's no one from law enforcement here. So maybe we should either try to get someone from law enforcement on to our next call and we can certainly reach out to them and try to set that up.

There may be difficulties with doing that because, you know that was an international group and I don't know whether, you know, for example if the FBI can speak for the Australian or UK law enforcement on any of these point, but if we can get that set up that would be good and if we can't then we can try some other process for getting answers to questions that people have about their proposals. Some explanations of what they meant.

Michele Neylon: As I said, I (unintelligible) Margie Milam about this off (unintelligible) because it was just waiting for the documents. I could see a lot of the stuff they were talking about. Okay, some of the proposals I would view personally thinking they were strange. I don't understand where they were coming from. But a couple of them just struck me as very, very strange and understanding some of the motivation behind where those came from will probably go a long way in understanding what they are trying to achieve.

Ultimately, from our prospective I have not problem with working with law enforcement, making things better for everybody involved, but it's just understanding what they are actually trying to achieve with the suggestion, rather than the suggestion itself might make that a little bit more feasible for everybody.

Margie Milam: Sure and I, this is Margie Milam. I can follow-up. I received that document from (Bobby Unintelligible) and I can find out. I know that he had some hesitancy in joining our group, but that's different than answering some specific questions or maybe coming on for one of our calls to provide some background. So I'll follow-up with him.

Steve Metalitz: And I think that would be useful and then I guess the other thing I would suggest is that people take a look at this document and on the list either if there are questions about what a particular proposal means or if there are suggestions about how it's organized or to be reorganized - we've had one or two of those already and I think there are probably a few more. I know there are a few more that I would raise.

Let's try to do as much of that as possible on the list and then, you know, we - there's always the possibility of another iteration of this document that's been reorganized or presented in a slightly different way.

But we - I think we should aim if we can to get someone from law enforcement as a guest on our next call.

(Dave Giza): (Dave), a suggestion. It may be appropriate at this point to extend the deadline for topics formally another week. I'd sure love to get some topics from the NCU team representative. Perhaps you could reach out to the folks in the ISC community that (unintelligible) participating on this team at the moment. I don't think it would kill us to allow a little bit more time to see whether we've missed any topics that perhaps should go on to this list.

Steve Metalitz: I'm fine with that. I think we've got a lot of them, you know, there's a lot of them here and - but there could be some non-duplicate suggestions that would come from other sources. So I have no problem...

((Crosstalk))

(Dave Giza): You have had folks in several (unintelligible) being in the IGF during the course of this week, so simply putting it out there for another week is probably a reasonable idea.

Steve Metalitz: Well I have no problem with that and I'd encourage you to reach out to your contacts and tell them we could certainly try to incorporate any further suggestions that they have.

(Dave Giza): Fair enough.

Steve Metalitz: My clock says its two minutes before the hour, so I think we should be wrapping this up.

Were there any other questions or points that people want to raise on this call?

If not, I want to thank Margie Milam in particular and her team for pulling this together. This was obviously a lot of work and I think it gives us a great launch pad for our next step.

We will try - Margie Milam if you and I can talk about trying to get a law enforcement guest and then, you know, hopefully get their schedules then we put up a doodle for the next - for the next call and a time when they can participate because I think there are questions about what they've put forward. There should be some way to try to clarify those and so I would encourage people to look for a doodle in the near future. Hopefully in the next few days for our next meeting.

Holly Raiche   I owe an apology, I'm an hour late because it said Sidney, six o'clock plus one hour. So it's seven o'clock instead of six o'clock.

Could I suggest that the next time it just be in universal time and then I can figure it out and get it right?

Steve Metalitz: I thought the notice was out in the UTC.

Holly Raiche   No it was listed in Sidney as six o'clock plus an hour because we're on daylight saving, but basically I think somebody did the wrong calculation. So (unintelligible)?

Steve Metalitz: I see there has been some notes taken by somebody during this call and there will be an MP3 recording of the...

Holy Raiche: Oh, terrific. Okay. My apologies, I was awake at six and would have happily joined the call.

Steve Metalitz: I think it's our fault if we got the wrong information out to you. So I'm sorry about that and we'll try to make sure that the UTC time is listed in any future notice.

Holly Raiche: That would be really, really helpful and my apologies.

We - I was really looking forward to participating (unintelligible). I'll catch up and join the next call I think.

((Crosstalk))

Steve Metalitz: Anything else that people want to bring up?

If not, thanks everybody and we'll be - look for a doodle in the near future on our next meeting.

Man: Thank you.

Man: Thanks.

Steve Metalitz: Bye (Carolyn).

Man: Bye now.

                                    END