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ICANN Transcription

Registration Data Accuracy Scoping Team

Thursday, 16 December 2021 at 13:00 UTC

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JULIE BISLAND:	Good morning, good afternoon, good evening, everyone. Welcome to the Registration Data Accuracy Scoping Team Call taking place on Thursday, 16th of December, 2021 at 13:00 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom Room. Is anyone on the telephone only right now? All right. Seeing no hands, we have apologies today from Brian Gutterman, ICANN Org. Statements of interest must be kept up-to-date. If anyone has any updates to share, please raise your hand or speak up now.
MICHAEL PALAGE:	Real quick, Julie. I did update my statement of interest yesterday to reflect some work that I am doing with the Ethereum Foundation. As noted, it has nothing to do with WHOIS accuracy

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scoping issues or anything GNSO related. But I just made that update do just want to raise that to the group.

JULIE BISLAND: Great. Thank you very much. And seeing no other hands, if you do need assistance updating your statements of interest, please email the GNSO Secretariat. All members will be promoted to panelists for today's call. Members, when using the chat, please select "everyone" in order for everyone to see the chat. Observers will have view only chat access.

All documentation and information can be found on the wiki space. Recordings will be posted on the public wiki space shortly after the end of the call. Please remember to state your name before speaking. As a reminder, those who take part in the ICANN multistakeholder process are to comply with the expected standards of behavior. Thank you and over to our chair, Michael Palage. Please begin.

MICHAEL PALAGE: Thank you very much. Good morning, good afternoon everyone. As usual, we'll start off with some quick administrative issues. The first is the issue of formally appointing a vice chair to the group to help out with the work, as well as in light of this perhaps stretching out longer than originally anticipated my original commitment. I thought that it would be prudent to bring in a vice-chair sooner as later. I have no immediate intentions of leaving the group just yet but always want to sit there and make sure that's in place and consistent with best practices, followed by other recent groups.

So one the things that I have considered and wanted to raise with the group is asking that Olga perhaps serve in that capacity. The reason for this is, I believe Rafik, a previous GNSO Council, I believe he served as vice-chair. I think that was in EPDP Phase 2. So that is one of the things that I have considered. I've discussed this with Olga and wanted to sit there and raise that with the group. So with that, any thoughts or considerations on that particular issue? Okay. Seeing no hands.

The other thing that I am doing—and I will share this with the list before sending this communication—is we have fallen a little behind schedule in our work but we will slow down to make sure that we're going to do it right or we're not going to do it at all.

So in that regard, I did, though, however want to communicate that there potentially could be some slippage in our time from what was originally communicated to the GNSO Council. So this would also be in the communication regarding the guidance on the appointment of a vice-chair. I will try to share this draft communication. I've shared an initial one with Olga, obviously, in her current capacity as Council liaison.

I see Volker in the chat. There we go. That's one of the reasons that I am raising that with the group. I made a suggestion. Does the group disagree with that suggestion or does the group have an alternate vice-chair? So there you go, Volker. Do you want to speak to that right now, Volker?

VOLKER GREIMANN: Yes. Thank you, Mike. Not in any way disrespecting Olga. I think she is a good choice for that. But if we are to select a vice-chair, I think we should have a little bit more time than the first minutes of a call to noodle this over. Let's get back to this at the next session, next year, and then maybe agree or disagree on that. But I think this is a bit too quick.

MICHAEL PALAGE: Okay. We are going to have a call next week so would seven days be enough?

VOLKER GREIMANN: Yeah. I think so.

MICHAEL PALAGE: Okay. So what happens is I have no problem. What I will do is I will share the draft communication with the list as well so we could tick both of those boxes, okay? So there we go as far as administrative issues. As well, we have one call remaining next week. Out of respect to our ICANN Org colleagues, we will not be having that last meeting in the year during the ICANN general holiday shutdown period. So that is what is remaining on our work.

Just a reminder today. From the interest of time, this meeting is only scheduled for one hour because of the conflict, which has previously been shared and agreed upon. So let's see. Let's begin, if we could, with, if you will, finalizing the questions to ICANN Org. I think everybody saw the e-mail from Brian explaining that there will probably be a delay. We will probably not

be able to get these answers back from our ICANN Org colleagues until after the new year, which as I said, is somewhat expected.

If you could, Marika, I will perhaps turn this over to you. I believe there were some changes. So just to recap, ICANN Org shared the proposed document. Marc, Sarah, I believe you both caught … There was some exchange on, I believe, it was question 21. Marika, I believe there were some tweaks made so perhaps we can go right to that issue first to perhaps finalize these questions before moving on to our gap analysis.

MARIKA KONINGS: Sure. Thanks, Michael. What you see on the screen is a slightly updated version compared to the one that was circulated earlier this week with the agenda. As we discussed on the last call, staff basically went through the questions and tried to group these together so that questions the focused on similar topics or seemed to be related could be addressed, as well, by our ICANN Org colleagues together.

In some of the cases, we tried to clarify some of the questions where it seemed that some words may be missing or it would benefit from a bit more language to really make clear what the question was trying to get to. In some cases, as well, we added some of the quotes. In certain cases, I think there were partial quotes provided or no reference was provided from where the language came from so we updated that as well.

I think the one comment that we received was from Marc on the list. I think everyone will hopefully have had a change to look at that and I'll just scroll there now. It was basically question 21 in relation to the working definition or interpretation of existing accuracy requirements. We made some modifications to that question based on what we thought were some of the concerns from the Registrars Stakeholder Group in the way in which the description that they provided was being referred to.

But I think Sarah has confirmed on the list that they're actually fine with the way Marc has phrased that question. So we've replaced that with the language that Marc included in his e-mail. So this is the update that we made based on the input that was received. I don't think there were any other comments, or at least I didn't see them.

So again, if there's anything else that people believe needs to be fixed or corrected, I think they should speak up now. And if now, we'll basically clean this up, meaning removing all the redlines here. And we'll submit that to Brian so that the ICANN Org colleagues can start working on this and hopefully get responses to the group as soon as they can.

MICHAEL PALAGE: Thank you, Marika. Marc, have the proposed changes …? Does that address some of your concerns?

MARC ANDERSON: Hey, Michael. Do you hear me okay?

MICHAEL PALAGE: I can hear you, Marc. Yes. Thank you. Please.

MARC ANDERSON: Presumably it was copied and pasted correctly and looks to be so on the screen. To be fair, I received feedback that I had not provided the entire context for the information Registrars had provided so I was adjusting to that as well. Marika's confirming that copy and paste worked so thank you. So I hope that this updated version provides more, fuller context to the question I'm trying to ask and is more clear for staff when they're trying to answer it.

MICHAEL PALAGE: Thank you, Marc. With that, unless there are any additional questions or concerns with regard to these questions … I just want to make note of one other thing that I think was discussed. This list of questions is just a first list. This is not precluding the group from coming back with additional questions in the future. I did want to get that on the record. I know there were some concerns from some other people. But again, this is our first list of questions. And should we have any more that arise over the next couple of months as we do our work, I'm sure we will reach out to ICANN Org and get the clarity that everyone is seeking.

So with that, I'm going to propose to close this topic unless there are any objections. Seeing none, let's begin to move on to the discussion of the gap analysis homework, which was due today. Marika, I guess the first thing we could do is … I know the

Registries, Registrars, GAC, I think ISP, ALAC … Congratulations. I think most stakeholder groups have completed the assignment. So perhaps we could just roll through and see if there are any stakeholder groups that did not complete it. Okay. So we have the ISPs, Non-Commercials, BC. All right. Excellent.

So what I would propose here is let's start off with the top. I believe the Registrars were the first ones to submit it. So perhaps we could start off with the Registrars and Registries. I believe those should be aligned. Regarding how we are going to go through this assignment, I discussed this with ICANN Org. And for this initial readthrough, I think it would be constructive for each group to explain their gap analysis and then open it up to, perhaps, questions. The key here is let's just get through all of these first submissions before we start trying to synthesize or distill something down.

So I view this as something that is going to be an iterative process. That is, I believe, the current approach we're going to take. Marika, is this consistent with what we discussed as well or do you, perhaps, have any additional refinements on making this a more productive and efficient readthrough?

MARIKA KONINGS: No. Thanks, Michael. It sounds good.

MICHAEL PALAGE: Perfect. So with that, I will turn this over to our Registrar colleagues. Roger, Sarah, would one of you like to share this? Sarah, you have the floor.

SARAH WYLD: Thank you. Good morning. I hope you can hear me okay.

MICHAEL PALAGE: We can hear you fine.

SARAH WYLD: Excellent. Okay. So the first one, just the current goal, we really looked back to the EPDP because there was a lot of work done in that group to figure out what, exactly, are we doing with the data? What is it for? So we understand that the current accuracy requirements support the ability to achieve those purposes. So we could think of those purposes as the goals of the accuracy—well, kind of.

Yeah. I didn't list the whole thing here. I'm sure we all have a copy of that final report that we can go open up and refer to any time we want to. So there are various different things, like assigning a domain to its owner, being able to communicate with the owner. Of course, the crucial security, stability, and resiliency. And we can't do those things without accurate registration data. So that's number one.

Then for number two, in terms of who can measure the accuracy, we thing that the registrars can do that because they've got three special ways. Number one, we've got a WHOIS accuracy program that's got validation and verification. It tells us exactly what to do and it requires updates. So we've got the annual WHOIS data reminder. If that message comes back, we've got to verify the data

again, number two. And number three are reports of inaccurate data. So that's different than the registrar discovering it themselves—reports from either third parties or from the domain owner themselves.

So those can have different reasons behind them and different outcomes. But those are different ways that we could determine whether the data is accurate. So brining those together, we've got how many domains are validated and verified, how many are currently in that process, and the how many were suspended.

We are not aware of other goals. So for number three, as we said earlier, the EPDP did exhaustive work determining the purposes for processing registration data. And let's rely on that exhaustive work. So I'm not aware of other reasons for which data needs to be accurate, other than to support the processing purposes. Thank you.

MICHAEL PALAGE: Thank you, Sarah. Is there anyone that has any initial comments or feedbacks in connection with the gap analysis as provided by Sarah on behalf of the Registrars? Steve, I see your hand up. You have the floor.

STEVE CROCKER: Thank you. Good day to everybody. Sarah, thank you very much for the way you've presented that. As I listened to that, I was thinking, Sarah, you're coming from a very well-organized and highly-reputable registrar. But there are quite a large number of registrars and the actual practices vary considerably. Where, in

your mind, is any feedback or assessment about the variations across the registrars? That is, if we simply left the accuracy assessment to each registrar, what happens if some registrars are not as thorough as your registrar is?

SARAH WYLD: Yeah. Thank you, Steve. I'm going to take a quick shot at answering. And then I see that Volker politely put up his hand so I'm going to defer to him in just a moment. I'm interested to know why do we think that accuracy practices vary? How much variability can there be in following the WHOIS accuracy program is a good question, I think, because it really specifically lays out exactly what needs to happen. So I guess I'd like to know where do we get that from, that there's variation?

And then I think we would turn to the ICANN audit. The purpose of the audit is to ensure that registrars are adhering to their contractual and policy obligations. We have this WHOIS accuracy program specification. That is an obligation. So I would think that that audit would make sure that registrars are doing those requirements in a consistent and appropriate manner. Thank you.

MICHAEL PALAGE: Steve, do you want to follow up? Volker, I do see you in the queue. You will be next.

STEVE CROCKER: This gets into a bit of a tricky situation. I don't have firsthand data myself but I believe and understand that not everyone thinks that

the operation by the registrars is as uniform and as effective as is being suggested here. I don't know what the results of the audit program from ICANN have resulted in that respect. So I don't think that closes the topic, frankly. My first reaction is that the claim that the registrars are doing what's prescribed, and therefore the problem is solved, would likely be met with a certain degree of incredulity in the larger world.

MICHAEL PALAGE: All right, Steve. If I could, I think your comment about this being closed … I think what we're doing here for assignments one and two are, again, trying to come up with a definition/explanation for what we believe. That was assignment one. Then assignment two, obviously, here is part of our gap analysis. When we look at assignment three and four, where we perhaps may want to undertake additional surveys, maybe that is where we can actually get to some specific documented evidence on whether or not this is a problem. Volker, you are next. You have the floor.

VOLKER GREIMANN: Yes. Thank you. I wanted to support Sarah in what she was saying. But something that Steve said struck me in a weird way. I don't really care what people think or believe. Believing is something that you can do in church and thinking is free for your … All I care is what evidence exists that these purposes are not being met. If there is evidence that there is an issue with these purposes not being met, then we will have to look at what can be done or should be done to address these issues.

However, unless there is evidence to the contrary, we should assume that the contractual obligations the registrars are meeting under the 2013 RAA and the WHOIS Accuracy Specification are sufficient to meet those purposes unless there is evidence. And I mean data-driven evidence and not circumstantial evidence or edge cases that might appear from time to time. But rather, is this a common problem that needs addressing? Then that's something that we would have to look at. But feelings and beliefs, I don't think, qualify for any requirements—any work of that. Thank you.

MICHAEL PALAGE: Beth, I believe you are next in the queue. You have the floor.

BETH BACON: Thank you. I actually was just putting my hand down because I thought that—

MICHAEL PALAGE: You do that all the time, Beth.

BETH BACON: Because other people make my points and I don't want to take up people's time and be repetitive when other people have already said it very nicely. But I think that that's certainly something to look into, Steve. And I think that the questions we've already asked of ICANN regarding the audits—and, Mike, you got to this as well— will provide us with some evidence to actually discuss the

question. But I think it's certainly a relevant one that we've already, I think, flagged in our questions.

MICHAEL PALAGE: And thank you, Beth, for being efficient. I do appreciate that. Melina, you have the floor.

MELINA STROUNGI: Yes. Thank you, Michael. Thanks, everyone, for your feedback. Just thinking out loud. It's not as much a straightforward question. In general, I have to say that I was a bit confused by the phrasing of some questions. As Volker pointed out, we're referring to existing requirements dated 2013. So I would assume that these requirements would serve purposes that were taken into account back at that time—back in 2013. So while EPDP identified purposes, of course, which we have to take into account now, it came, of course, much later so there is definitely an objective time gap between then and now.

So there are so many elements to take into account. A, what were the purposes at the time, overall, and whether these requirements met these purposes at the time. What are the purposes now and whether these requirements are enough to address the purposes of this time, today? So I think it's really just to keep in mind that we support a holistic approach on this matter. And of course, when the time comes to present the GAC input, we'll have already made this point. I just thought it's not that straightforward, this question, to me. Thanks.

MICHAEL PALAGE:	Okay. Thank you, Melina. So with that, I see no other hands up at this point in time. So what I would like to do is I would like to turn over the floor to our Registry colleagues, Beth, Marc, or Sophie, who will be walking us through the Registries Stakeholder Group's position. Sophie, I see your hand up. Does that mean you will be speaking?
SOPHIE HEY:	Indeed it does, Michael. Just trying to run everyone through the gap analysis homework that the Registries completed. First of all, we went through, and like the Registrars, we identified the existing accuracy requirements in enforcement under the RAA, WHOIS Accuracy Specification, and that they're trying to meet the overall goal of ensuring that registrants are contacted by registrars and that that data provided meets certain technical standards to ensure the security and stability in operations.

As also flagged by the Registrars, this is in line with the processing purposes. And also, referenced by Melina, referenced in the EPDP. So at the moment, these are currently set out in specific sections of the RAA for the validated and verified fields. So at the moment, Contractual Compliance are charged with evaluating and enforcing those requirements. And third parties, to a certain extent, are contemplated in monitoring of accuracy under the WHOIS Accuracy Specification, section four.

The goal, we think, that's currently being overlooked in the current accuracy framework is the concept of accuracy separate from the implementation of accuracy in ICANN contracts. Put another way, there's no plain meaning of what accuracy is. There's only things

that explain how accuracy is implemented. So in other words, how to validate and verify and that's quite at a high level.

So what we propose is looking at accuracy as being the state of being precise or correct, and specifically, when we're looking at the accuracy of registration data, whether it's correct when measured against a given standard. I think part of the problem, we think, is that we all have different ideas about what standards against which registration data accuracy is being measured against. So for some, as we flag, it might be syntactical/operational.

So, for instance, it might be the standard for an e-mail address and to meet the syntax of it. So yeah. That's what we're looking at, at the moment. I'm not sure if either Beth or Marc want to chime in at all but that's it.

MICHAEL PALAGE: All right. Thank you very much, Sophie. Beth, Marc, and additional contributions or did Sophie hit it out of the park? I will assume silence means she did, in fact, hit it out of the park. Any questions, comments, or concerns? Steve, I see you with your hand raised. You have the floor.

STEVE CROCKER: Thank you very much. Can you scroll back to one for a second? "Existing accuracy requirements and enforcement are trying to meet the goal of ensuring that registrants are contactable by registrars." That strikes me as odd because the registrars don't have any problem contacting the registrant. They have a business

relationship, etc. I thought the whole purpose of the WHOIS data is for other parties to be able to engage. So that's the primary comment.

I do want to comment, if you scroll down to four, that I liked very much the way they … Can you scroll it a little bit, please? Thank you. "Moving forward, we need to assess the purpose for which a data element is collected and what is the standard against the accuracy of which the data element is measured." That has the implication, at least to my reading, of revisiting whether or not the purposes, as stated, are sufficient to meet the needs, which is a topic that I come in on. So I was pleased to see that. I'm not sure whether or not my interpretation of that matches what's intended there. But I wanted to flag that. Thank you.

MICHAEL PALAGE: Thank you, Steve. Any other questions or concerns from the group on the registry gap analysis? Melina, you have the floor.

MELINA STROUNGI: Yes. Just to say that I believe I agree with Sophie's point that, indeed, we should … When approach the accuracy and how it should be defined, we should indeed not limit ourselves to how it's currently implemented because these two are not the same thing. So I think it's a fair point. Thanks.

MICHAEL PALAGE: Excellent. Seeing no further hands, questions, or concerns, we will continue to move forward. Who is next up in the queue? Marika?

ISPs. And I believe I saw in the chat, Thomas said that he would be providing that shortly. So Thomas, thank you. Much appreciate it. The IPC. Olga, thank you. There is a question from Sarah to Steve in the chat. Thank you, Olga for helping me with that. Sarah, do you want to sit there and perhaps elevate that question to the full group or would you prefer that to stay in the chat?

SARAH WYLD: Thanks, Michael. It was more of a thing to think about. I'm not sure if Steve wanted to discuss that right this minute. If he does, that's fine. If not, just something to keep in mind as we move forward. I feel like I'm trying to question my own assumptions here and so I'm sure everybody else is doing the same thing. So I'm just curious where that idea comes from, that the purpose of WHOIS is for not the registrar to contact their customer, the domain owner, but for third parties to contact the domain owner. Thank you.

MICHAEL PALAGE: I guess I could give the answer to that. As part of my gap analysis, which I did not finish … I was actually a much harder assignment. I can tell you some of the original purposes actually go back to the white paper that literally predated the creation of ICANN. And the white paper there specifically cited the abilities of third parties to contact the registrants for purposes of, if you will, intellectual property violations. So as far as the genesis, Volker you thought I was going back when I was referencing the 1999 Registrar Accreditation Agreement. I actually dusted off the white paper.

So perhaps that is part of the purpose. I'm not speaking for Steve but I could just say that's some of the research I was doing or I was looking at in the broader picture. Anyway, Steve, I see your hand up. Go ahead.

STEVE CROCKER: Thank you. I'll be super brief. I totally agree. But even further, the only purpose of collecting the information is for third parties. The registrar does not need any of this machinery. It has a relationship with the account holder, and it has on record who the registrant is, and it has full access to that relationship as a regular business process. So I think the answer is it only has third party use. Hence, if you say, "It's not needed by third parties," then there's no need for the entire system whatsoever.

MICHAEL PALAGE: Beth, you have your hand up and it has not gone down so you have the floor.

BETH BACON: Thank you, Michael. I just wanted to have us think about one thing. We've had a few, over the last few calls, notes that perhaps the 2013 RA purposes and needs are outdated. So then we start thinking about purposes and uses for the WHOIS data that were identified 20 years ago. So at what point are we …? I'm not saying that it's not relevant. I'm saying that we need to remember that we need to take into consideration all of these things and that if we are honoring purposes from 20 years ago, are we also looking at the needs identified in more recent documents?

I understand that a lot of this is background but I also want us to remember that if we're saying that perhaps things have evolved, perhaps things have evolved. Again, not dismissing the white paper as a relevant source. I enjoyed that white paper. It was excellent, well-written, and well-done. But it's also 20 years old.

And I do want to note that, certainly, registrars do that the contact information and they have that relationship. But we're talking about accuracy, not access. We're talking, at this point, about accuracy of data. So I think we need to remember that as well. Thanks.

MICHAEL PALAGE: Beth, I think you raise a valid point. If my ICANN Org colleagues can pull up the instructions that Council gave the group and if we could go to page three. Oh, wow. Okay. Go to the section entitled—what is it entitled?—charge to scoping team. And go to the paragraph, "In carrying out its work …" Right there. And if we can make that a little larger for the visually impaired, that would be much appreciated.

I think I, myself, have … I am mindful, as chair. One of the responsibilities as chair is not only to be neutral but to make sure we do not stray from our original scope and mandate. So this is something that I have gone back to many times, and in fact, referenced as part of my gap analysis homework.

So it says there, in rather clear terms, "However, the scoping team is not tasked to review the purposes." So regarding the work of EPDP Phase 1 and Phase 2, we are not tasked to review those

purposes or suggest changes." However, "If the scoping team finds that further review of these purposes is necessary … especially in the context of implementation and enforcement," it will identify that.

So it's a very fine line. As this says, we're not going to review that. But if, in fact, we think that a future review by the Council is necessary, it is within scope. So I guess this is that fine line. I don't look at the work of what was done in EPDP Phase 1, 2 and 2A. I think that's important. It's clearly going to guide a lot of our work. But that does, I do not believe, handcuff this group from, as it says here, suggesting further review may be necessary. So as chair, I'm trying to walk that fine line or being respectful of what the individual working group members want and what is consistent with the guidance given to us by Council.

Beth, your hand is still up or would you like to respond to my statement? That is an old hand.

So with that, if we can go back. Thank you, our ICANN Org colleagues, for putting this document up. I believe, next, Melina. Thank you, Olga.

MELINA STROUNGI: I'm sorry. You mean?

MICHAEL PALAGE: Yes. Olga pointed to your question in the chat, as I am multitasking here. Would you like to raise this to the floor or do you think that could just be handled in the chat?

MELINA STROUNGI: Sorry if I understood wrong. Was it Beth who stated that accuracy is not relevant because we're talking about access to registration data? I think she said something like this. Again, I apologize if I didn't capture it correctly. So I'm wondering this out loud. It's a rhetorical question, obviously. But if we accept, in certain cases, that access by someone, x, is allowed for x purposes, then how these purposes could be fulfilled if this data were not accurate? So this was just my question. Thanks.

MICHAEL PALAGE: Yeah. And I see Volker responding about the presumption of accuracy. What I would like to do, just mindful … Beth, if you would like to … Yes?

BETH BACON: I just wanted to respond. And I just wanted to clarify that, absolutely, what we're talking about is making sure and ensuring ways that this data is accurate. But what we're not talking about, necessarily, right now, because we're already identified in the EPDP the purposes for disclosure and access, are those items.

So I think what we're talking about here is not necessarily. The question was around what is the purpose for having this data. And I don't know that that's necessarily something to discuss at the moment. What we need to talk about is, as you were saying, making sure that data is accurate so that when we do encounter those moments from those purposes under the EPDP where you can access and disclose, that you're getting something that is

usable. It wasn't meant to say that they're not related. I'm just saying that we're focusing on this one little thing. So I think we're agreeing.

And I think, from Melina's comment in the chat, as well as Sarah, I think we are all on the same page. So that is good. What I now would like to do, mindful of the time—we have 18 minutes left—Lori or Scott, who will be walking through the IPC gap analysis.

LORI SCHULMAN: Mike, I'll do it. I just wanted to note you had seen redlines in blue. That is due to my poor Google Docs skills. Marika very kindly just accepted the changes. There's probably still some typos in there. I typed this directly into the document yesterday, rather than a cut and paste. I won't do that again. So just bear with me on this in terms of the text itself. It probably still needs some cleaning up.

But I think that our input here is following along the general guidance that we're hearing from the different groups into what we think the purposes are, what we think the role of the group is, and absolutely looking at two practical approaches. The first practical approach, of course, is what's currently happening now. And the Contracted Parties have very clearly explained what is happening now in terms of their responsibilities under the WHOIS accuracy framework.

I did note in the chat the Volker said that the information needs to be presumed accurate unless proved otherwise. And while I think that's laudable, I will say this. In the absence of ICANN's ability to do audits and the absence … And we discussed this and I

referenced it in our analysis in question two. I had asked this question last week, directly. Sarah very kindly explained that that actual process itself, in terms of checking the data and then fixing the data if they're finding errors, is sufficient and enough.

My point is that we still need a reporting and an auditing system that's independent, or the IPC's point. So we can't presume that the data is accurate. We don't know exactly what's going on. There's been an inability to do the kinds of audits that we believe, in the IPC, are required to ensure that these programs are running the way they're supposed to.

I often think it's very interesting to know, or would be interesting to know from our perspective, the IPC perspective, that what percentage of data, when it's inputted, is actually accurate. Are the Contracted Parties, when they're receiving this information …? Are we getting usable information, and how much of it, and how much correction needs to be done, and are there ways to improve that system? I think there's too many open questions, quite frankly.

And I think it's up to us as a group to scope questions that could guide an appropriate framework for ICANN to do its compliance and auditing job within the legalities that exist today, particularly with the GDPR, with the CCPA, and the privacy regimes that we know are developing. To say that it simply can't be done because the law doesn't permit it, I don't think, is a good answer because the law does permit agreements. The law does permit ways to work within a system in order to exchange meaningful data. So I'll quickly highlight our questions.

From our perspective, the current goal is that the information meets technical requirements and is contactable. That the contact information is meeting practical purposes in terms of why parties are contacted. Phase 1 and Phase 2, which has been noted, of the EPDP was specific purposes for data collection. It would be helpful to have a full compendium of … Oh. This goes to Sarah's point. I would like to ask staff, or perhaps I can do it myself in this section.

Yes, we can all go back and read the reports. But I think, as a general reminder, the actual wording of the purposes—in Phase 1, there were seven and then the purpose listed in Phase 2, and I'm aware there's at least one—are probably noted somewhere, so we can keep ourselves refreshed and reminded, so we're not going out of scope, which I know is a concern for some.

However, I do believe that in some of that language, they are implied. It's not direct purposed enumerated. It would be useful to sort out the implications of the language under these polices, particularly in the security, stability, a resiliency purpose in Phase 2, including which is explicit and which we think are implicit. So I think this issue of what are the purposes is not as concrete as some of my colleagues would suggest.

And going down, "how and by whom it can be assured and measured." Of course, the two answers are the Contracted Parties themselves. And as again, Sarah's been very helpful, and Volker, and others, explaining what's going on today. But going back to my point I made a few minutes ago, there is a responsibility of ICANN to ensure compliance, to ensure that systems are meeting

standards across the board, and not just in the largest registries as well—registrars as well. I meant registrars. I apologize for that.

And to the point about thinking versus believing, we don't have any data. We don't know. So I can't presume anything because I don't know what's going on. I don't have an independent audit. I don't have an independent way right now to see results.

If you could scroll up a little bit, one of the things I wanted to mention, too, about measuring is that I did reach out to WIPO, the World Intellectual Property Organization, to ask if they are keeping any statistics on the accuracy and contactability of data because right now, WIPO is the only—WIPO and its peers, those who are offering the alternative dispute resolution mechanisms under the UDRP and the URS—they're the only ones, now, that are truly receiving information. So it would be very helpful for those who are receiving information off different databases to tell us what they're getting and the quality of what they're getting.

So one of the proposals we have is to work with the ADR providers to see if we can implement some type of information exchange. Brian said to me, "There's no formal program that's collecting data, as data in a qualitative method." But he certainly has anecdotes. And I know there's an aversion to anecdotes and edge cases but at least they could be helpful as to what is happening in the real world today. So I would like that to be something that we focus on.

And if you could scroll down further. Are there any goals that have been overlooked? We've discussed this in previous discussions and understand right now that the contractual requirements only

go to the syntactical and operative accuracy verifications. But the IPC strongly believes that there's a third pillar missing here, know your customer pillar—that this is an aspect of accuracy that has been overlooked and it is becoming increasingly important.

I gave an example of the US Trademark Registry here, which has always been open and has always allowed users of the system to just enter the system, and file trademark applications, and go on faith that they are attorneys and agents who are authorized to practice in front of the PTO. Because of the increasing prevalence of fraud in this area, the US PTO, as of next month, is going to be requiring biometric and documentational data so that attorneys and agents, when they file trademark applications, can prove who they are. And I do believe this is the wave of the future.

And I have in our explanation here, when you read it, differentiated that, yes, we understand that the Trademark Registry is operated under a public law rather than through the private contractual system that ICANN has today. But with all that being said, there is still a need to know your customer, to know who is filing for a domain name, that they're providing the right information, that when there are questions and considerations and they need to be contacted, that they are contactable. It purely and, to me, simply falls down to that. And then, finally—

MICHAEL PALAGE: I'm sorry, Lori. There's three hands up, nine minutes. How much longer do you think you'll have? Are you almost done?

LORI SCHULMAN: Yeah. I'm going to take one more minute because I do expect that there will be responses to everything that we've offered. So I'm not surprised by the hands. With that being said, I do want to say that we do support the responses that were submitted by ALAC and SSAC regarding the documentation of the problem. There is documentation of the problem prior to May 25th, 2018. We don't have information since. So I'll end there and I'm happy to listen to what people have to say in response.

MICHAEL PALAGE: Okay. So I see Beth has put her hand down. Volker, Sarah, do you want to determine who, between the two of you go first in the remaining eight minutes of time?

VOLKER GREIMANN: Ladies first.

MICHAEL PALAGE: Sarah?

SARAH WYLD: Sure. Thank you. Hi. Thank you, Lori for going through that. And I'm sure that we'll need more time to discuss it all in detail. I just have to say identity validation is a really concerning concept here. It's a new type of eligibility requirement that could create a barrier to entry for millions of people who are otherwise legitimate domain owners but do not have what their provider would recognize as a government-issued photo ID. That's a huge, huge concern in not

only domain registration but many different aspects of society. All kinds of people don't have a photo ID that could be used in that way.

And then, on top of that, identity validation would create a time delay and operational issues that I think we would need to be very careful about if we do consider those things, which I don't think we should. And I think Volker can speak more to that. Thank you.

MICHAEL PALAGE: Volker, you have the floor. Volker?

LORI SCHULMAN: I think Volker's on mute, maybe.

MICHAEL PALAGE: Volker, you're still in the queue. Steve, you're next in line.

STEVE CROCKER: Yes. To the point that was just made about the onerous imposition if identity validation is brought into it, I don't think it should be viewed as an all-or-nothing thing. There's plenty of room to have different levels of validation for different purposes and to provide a multilayered aspect of this. I speak a bit more about that in our input and I'll speak a lot more about it as we go along. But I would not like to leave sitting that the introduction of identify validation, as a concept, necessarily means grinding everything to a halt and disenfranchising the very large number of people who can't provide documents. Thank you.

MICHAEL PALAGE: Thank you, Steve. Just to follow up on a technical point to Lori's comments there, I also participated in that US PTO webinar. I believe the PTO is actually doing identity assurance level two under the NIS requirements. This, I believe, would correspond under that eIDAS 2 substantial, that middle ground there. But anyway, I digress. Volker, have we resolved your audio problem?

VOLKER GREIMANN: Yes. Somehow the conference restarted for me. I don't know why and how but I was talking to myself for five minutes, I think. Anyway, I think that Lori's proposal to look at the data that we have available from certain providers is helpful. But we need to consider that this data is, in a way, skewed because of the millions of domain name registrations that we have each year. How many cases do [NAF] and WIPO have? A couple of thousand. So that's just a very, very tiny fraction of registrations selected by obvious misuse. So there is probably some safety to assume that their data is not going to be as qualitatively good as other data—the vast majority of data—would be.

And with regards to comparing registrars, and their operations, and their services that they provide with a quasi-governmental organization like the US PTO, I think, is also flawed because we do not have a public mandate. We do not have laws that regulate our operations in the same way that the US PTO does. Also, they are able to charge quite substantially more for their services and probably can price that in, in a way that registrars and registries simply can't because of the way that this business is structured

and organized. And if we are contemplating about restructuring the entire domain name industry, then we have a very interesting discussion coming.

MICHAEL PALAGE: All right. Thank you, Volker. And we have four … Melina, it looks like you will get the last word.

MELINA STROUNGI: Thanks, Michael. I realize that maybe we won't have time to go through the entire questionnaire, which is a pity because during next meeting, I will not be around. But maybe just as a last remark, trying to conciliate the different views because I think we don't have to be at the two extremes and throw the ping pong table at each other like, "Do you have evidence that something is wrong?" or, "Do you have evidence that something is not wrong?"

I think, on the one extreme, we have cases, as also mentioned in the past by Volker, of registrants who are not who they claim to be, who have a false identity and this creates a lot of problems. On the other extreme, we would have strong identity validation requirements. These are not the two extremes. There's a broad spectrum of possibilities and flexibility in between. So I really think we should try to have a balanced approach and really be open-minded when discussing this. Thanks.

MICHAEL PALAGE: Thank you, Melinda. And with that, unless there are any further questions or comments. One last thing, Melina. I believe you said

you will not be available next week. The GAC is next up on the gap analysis. Will one of your GAC colleagues be available?

MELINA STROUNGI: The Commission closes officially next week. I believe Velimira won't be available, either. But yes. I would have to check with Ryan, if he will be around.

MICHAEL PALAGE: Okay. And if not, we may then have to wait until early January. But appreciate that. So thank you very much. I see no further hands. And with that, I will propose that we conclude today's meeting and give our ICANN colleagues to transition over to the GNSO. And for those that will not be on next week, I would echo Sarah's comments and Olga's as well. Please enjoy your holidays and look forward to seeing those who will be available next week and those in the new year. You can stop the recording, Caitlin.

[END OF TRANSCRIPTION]