Extract of the discussion that followed from:
Item 6: Update on the RAA negotiations

>>ZAHID JAMIL: Becky, thank you. That was a lot more information than we've ever had about this. And it was very helpful, especially the way it's laid out.

It's very encouraging to see the progress that's been made. I want to say that's excellent news. Keeping in mind the fact that the GAC made some comments yesterday about the fact that when we, as governments, recommend that you should look at the law enforcement recommendations, we do also balance that against privacy. So I think, in a sense, it's a good thing the GNSO when we were having our prep meetings doesn't necessarily bring that up in getting into the fray there. Having said that, I do believe privacy issues are a concern.

But I think the governments are hopefully looking at that from what they've said. Margie is going to be putting on a -- we believe a certain update which will show the high and medium priority items like we did last time in Costa Rica. So we look forward to that.

But, on the substance of the presentation, I had a question. You mentioned business licenses being required. And I was wondering, number one, how would that sort of be sort of -- I don't know if you can talk about it right now or not. But to what extent, you know, is it going to be burdensome on registrants to be able to provide that or not? That was one question to you.

>>BECKY BURR: It's not registrants, just to be clear. The law enforcement request was currently, when a registrar comes into accredit, they provide a lot of information about ownership and location and officers and business license and all that. And sometimes those lapse. So the fix was to essentially say that information needs to be kept current.

>>ZAHID JAMIL: For the registrars.

>>BECKY BURR: Throughout the life the registrar's accreditation.

>>ZAHID JAMIL: And with the verification on SMS, et cetera, and telephone, what happens if someone is unable to either receive an SMS or receive a phone call? What would happen? Does it go into suspension? Are they unable to register?

>>BECKY BURR: So the reason that we proposed -- in some places there's more ready access to SMS. And in others, e-mail is a better verification mechanism. So what we proposed is an either/or, because we know it varies by jurisdiction. And what would happen is, if the sort of automated response, whether it was e-mail or SMS text didn't work within a certain amount of time, then the registrar would go out and attempt to manually verify the individual and if they didn't, then there would be a suspension. But this is from the registrar's perspective a -- it does not prevent

resolution. And there's a -- you know, there's a period of days for people to work through the -- whether something's fallen into a spam folder or not.

  >>ZAHID JAMIL: Just one last point. When we talk about law enforcement, do we distinguish between different countries or is it just any law enforcement?

  >>BECKY BURR: This gets back to the verification and validation and compliance with law requirement. And there's some ambiguity in the law enforcement requests. We believe and we have spoken with the law enforcement officers that, essentially, a registrar in Canada should be obligated to respond to Canadian law enforcement; a registrar in India should be obligated to respond to Indian law enforcement.

 Now, if the Canadian -- you know, the Royal Canadian Mounted Police want to designate in writing somebody in another country that the registrar has to respond to, that's going to be a local decision.

 But the notion is you know who the law enforcement authorities in the jurisdiction that you're operating in, that's the first stop.

  >>STEPHANE VAN GELDER: I believe Wendy has a question. I'm looking around. I can't see her.

  >>WENDY SELTZER: Thanks. I wonder, first, are these slides available? Extra helpful information.

  >>BECKY BURR: I'm sure it's consistent with the ICANN documentation policy to make them available.

  >>WENDY SELTZER: Thank you very much. I had a couple of questions.

 One was I see various domain security threats in the verification process. Do you have in this process computer security experts analyzing the ways that this could be abused to steal a domain, for example, denial of service against somebody's e-mail server while sending the verification request in order to cause them to fail?

  >>BECKY BURR: So this is a really good point. I think that there has been concern about, though, what we don't know about how this will affect users and their access to this. What were some questions about how effective this will be and how easy it is to game it.

 I want to be sure everybody understands, there is not unanimity among the Registrar Stakeholder Group that I have discerned with respect to this, and there is a great deal of skepticism about it.

 The proposal that is here on the table is, first of all, the negotiating teams proposal, and second of all, it's designed to provide some choices and to provide a first step, but not to take steps that might have unforeseen consequences at this point.

>>WENDY SELTZER: Thanks. And the other question, quickly, was on the -- if registrars will only accept accredited privacy and proxy services, is there a notion -- I assume, first of all, that we'd have to define privacy and proxy much more closely and set some threshold. For example, as a lawyer registering domains on behalf of a client and keeping information private required to accredit.

>>BECKY BURR: Right. And I think that's a very good example. In private practice I often registered names on behalf of my clients. And so there are some issues about, you know, whether you know you're dealing with one of these services or not. All of that would be -- that's one of the reasons why the privacy accreditation process is important as opposed to just simply sort of dumping in some of these requirements.

>>STEPHANE VAN GELDER: Thank you very much.

Any further comments or questions?

>>MARGIE MILAM: This is Margie Milam. Thank you very much for the presentation.

Just a couple points we'd like to highlight from the ICANN perspective.

The documents that were published prior to Prague, although it says ICANN proposal, it was really an attempt to put into words the law enforcement recommendations. And the idea this week was to give the community an opportunity to comment on it.

So one of the reasons we had the sessions, for example, on Monday was to solicit information from the community as to whether or not those specific law enforcement recommendations were acceptable.

And so just want to have you keep that in mind as you look through the documents and as you provide comments to these recommendations.

And as we mentioned in some of the sessions this week, there is the community Wiki page that's up, and we certainly welcome further feedback to be able to get to a negotiating position that can help close the gaps on some of these issues that Becky has highlighted.

And then with respect to the consensus policy issue that you raised, our understanding was, what we put into the proposal was simply a reflection of what's in the RAA at this time. And so one of the things we're going to do as, you know, we've heard from the community is really take that back and look at it and see if that's the case. There was no intent to try to expand in any way what's currently in the RAA.

Okay. So anyway, that's just the two points we wanted to highlight. And we certainly welcome -- I continue to welcome input from the community and the Council with respect to those issues.