
DUBLIN – Registrars and Law Enforcement
Wednesday, October 21, 2015 – 14:00 to 15:15 IST
ICANN54 | Dublin, Ireland

UNKNOWN SPEAKER: October 21st, 2015. This is the registrars and law enforcement meeting, in Liffey meeting room two. This session will run from 2 PM to 3:15 PM local time.

MICHELE NEYLON: Is my mic on? Hello. No, it's not on.

Good afternoon. This is the law enforcement with registrar session, and I see Mr. Flane has arrived. Good afternoon Mr. Flane. [Inaudible], you'll get my name right eventually. It's going to take you 20 years, but you'll get it right.

Do you want to join us up here? Or are you comfortable down there in the corner? Yeah, if you wouldn't mind.

Since I see, Bobby, you're still taking lead on this.

Good afternoon everybody. This is the law enforcement with registrars session here in Dublin at ICANN 54. I'm Michele Neylon. I am Chair of the registrar stakeholder group. I'm joined up here by my wonderful vice-chair, Mr. Graeme Bunton. And we also have Darcy Southwell who is the secretary of the registrar

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stakeholder group. And I see plenty of familiar faces around the room, including the FBI's tallest agent, Mr. Robert Flane.

So, the registrar stakeholder group within ICANN has met on a number of occasions over the last few years with various parts of the law enforcement slash public safety realm. At times, our engagements have been adversarial. But they're always kind of colorful, if nothing else. So we are hoping to continue these dialogues with you, and hopefully work with you more closely on areas of common interest.

So the two topics that we had put forward for today's meeting, from our side anyway, one was a voluntary...

GRAEME BUNTON: Sorry, this is Graeme. Uniform Registrar Responses to Abuse.

MICHELE NEYLON: So that, we'll go into that in more detail momentarily, and the other item we had put through on the agenda, on the two items we sent you, was law enforcement identification. Are there any matters that you wish to raise with us?

For the record, he is shaking his head vigorously.

ROBERT FLANE: No.

MICHELE NEYLON: And that was Robert, Bobby Flane for the record. Sorry Bobby. Okay, so on the first item, essentially this is a document that has been worked on, within the registrar community over the last couple of months, is a collection of input from quite a number, a growing number of registrars about how they handle various types of abuse reports.

But since it's more Graeme's baby than mine, I'm going to hand it over to him.

GRAEME BUNTON: Thanks Michele. So what I'm going to do is just give you a brief outline of what that document is so far, what we hope it will become, and probably give you a rough timeline on when you can expect to see it. Most of the registrar's in the room have probably heard us talk about this quite a bit this week.

So what we've done, and this is sort of spearheaded by a number of the larger registrars, Go Daddy, Endurance, Web dot Com, One in One, have all been involved. And what we've done is we've gone to each of us and we've interviewed all of our compliance departments, and we've collected from those different places, how registrars typically respond right now to the varying different complaints of abuse.

And what we're trying to do, and reasonably successfully so far, is collect all of that in a single document. And find a way to standardize approaches across registrars who wish to agree in theory to this document when it's sort of into a final stage. And the goal there really is to provide people like law enforcement and other people complaining about abuse at the registrar level, transparency into what we would need from you in order to act appropriately on an abuse complaint, and also what sort of response you can expect from a registrar in such a complaint.

So we've got this document out amongst the registrars currently. We're still working on it pretty vigorously. And we've got lots of registrars involved now, which is great, and we're going to build that into a more robust document than it is currently, and then we hope to share that with the community At-Large in the relatively near future.

I suspect that will be in two or more weeks by the time we've collected all of the current feedback, and edit it, and got a new version out. I think that's a pretty reasonable overview of what it is. I will say a couple of more things, it's meant to be less aspirational at the moment, and is what is happening currently, what registrars are doing at the moment.

And the other piece there that's probably important to note is that it is a living document and it will evolve as we collect more

input from registrars. And as we see how this set of standardized practices, how it moves well going forward. How registrars are reacting to it, and how the abuse complaints process is working.

And so I guess in that sense, it should be sort of a longer dialogue with registrars and the abuse complaining community At-Large. And so that should start now-ish, and hopefully continue long into the future as we refine, and get better, and communicate about what it is that we need, and what it is that you need.

MICHELE NEYLON:

And just to add to that a bit more flavor. I mean, part of the, the way this is being built out at the moment, it's based on the kind of issues that are reported to us that we are, that we see. So there may be a certain types of issue that aren't covered in it. It's not because we're ignoring it, we might just simply be that we don't know about, for example.

If you guys come to us and say, well hey, how would you deal with situation X, situation Y, then hopefully we'll be able to give you some kind of response. This is not a change of how anybody is handling anything. It's more a case of documenting clearly what people are currently doing. Also as it is being drafted initially by some of the larger registrars, so you're talking about

companies that are already actively engaged, who have processes, and staff, and resources in place, it should, hopefully, help the smaller players to give them an idea of how they can respond to certain types of complaint.

I mean, this also is kind of fitting in with a few other things that we are doing within industry around abuse handling, abuse reporting, and working towards a better place so that you don't want to strangle all of the time Bobby. This is all I care about ultimately.

So I don't know if you have any questions or feedback either from you or anybody else. I mean, please we're here to talk with you, this is meant to be a dialogue, not us talking at you.

GRAEME BUNTON: Speaking of dialogue, I was just reminded by ICANN to ensure everybody says their name before they speak, which I just didn't do. I'm Graeme.

MICHELE NEYLON: I'm thinking of renaming him though.

ROBERT FLANE: This is Bobby Flane from the FBI. No, that sounds great. I mean, we always want to encourage best practices and how we can

work with you. I think the whole goal, just to reiterate why we always come to ICANN, and you know, participate with the whole multistakeholder model is, you know, the name of the game is prevention and attribution, right?

For criminality and abuse. So any way we can get there, that's what we're interested in. So we're going to be very interested to see, you know, how you work it, what's in there, and I think it's really great if you have, if you are, I don't want to say the few, but the registrars who are, you know, going to sign out to this, and lead the way as best practices, that you can get the other registrars on it too.

So I guess whatever the substance is going to be, we'd be very interested to see how that's going to help things. So are there details that you can give us? Can you give us a preview of anything? I know it's not ready, but is there a preview?

GRAEME BUNTON:

This is Graeme for the transcript. It's hard to give you a preview, a thorough one, but it, at a high level breaks down at the beginning of what a registrar is, the types of abuse complaints, how we can make all of those processes better, and some of the base principles that apply to all abuse complaints. And then goes through sort of definitional, each of the major types of complaints that we receive.

Sometimes it will be like WHOIS accuracy, it will be phishing, it will be malware, it will be IP issues, law enforcement requests...

MICHELE NEYLON: ...intellectual property in IP addresses.

GRAEME BUNTON: Yes, intellectual property. I'm a [inaudible] guy, I wouldn't reference the... So it's going through all of those major categories and breaking down what's distinct about those categories for some of the other ones, and so how the requirements reporting on those and getting an answer are different from some of the others.

And then expectations for each one of what you can expect a registrar to do with that sort of complaint. And, you know, timelines and that sort of thing, where they're appropriate.

ROBERT FLANE: Are you considering...? I know some registrars have excellent terms of service that are very helpful. Will you consider that as best practices and how you handle abuse?

GRAEME BUNTON: This is Graeme. We haven't addressed terms of service in the document yet. That's an interesting idea, perhaps we want to

do so. I will try and reframe this right now. We're deliberately not calling it best practices. And so we're really trying to, and it's awkward as all heck, and we're happy for contributions for a better name for it, but currently what we're calling it is uniform responses. But there are issues, I think, with calling it for us best practices.

ROBERT FLANE:

This is Bobby Flane from the FBI. I know, that's fine. I'm just wondering if, you know, the reason I'm asking that is I know you're talking about abuse complaints and how you receive things, but one of the things that may be good, I don't know for consideration, is the terms of service where you can kind of, I guess, maybe spell out some things up front, so that might help you in the backend when you're actually dealing with the abuse.

GRAEME BUNTON:

Thank you Bobby. This is Graeme again. That's an interesting idea. We'll take it back and see if other registrars have thoughts on that.

MICHELE NEYLON:

This is Michele. You know, I think a lot of us probably already do that anyway in some shape or form. I mean, if we want to take action on particular types of abuse, speaking in my personal

capacity, not on behalf of anybody else, we would include the terms of service. And I think most registrars have various things in our terms of service.

We also have nice little things in our terms of service that allows us to update our terms of service. Speaking as a small registrar, we had to make changes to ours in reaction to certain types of scenarios that are arose. I mean, I didn't think I would ever have the situation of ending up with a Nazi website hosted on a server of ours, where the guy was making so many claims about the Holocaust never happening.

And we didn't want that there. So you have to allow for the fact that this does not come with a handbook. What we're not saying that registrars are going to kind of sign on to this, but more, let's document what people are doing. If people have... The kind of things we need to be conscious of and careful is, is that for example, under US law, you have to DMCA.

For the Europeans, we can't use that. We don't have that, we don't have that protection. And there is various other things in different jurisdictions, so trying to kind of encapsulate that so we're talking to a US registrar, you can rely on DMCA for certain types of reports, but if you're talking to an European, you can't.

I think also one of the other things that we want to get into this as well, is also registrars may not be the best port of call. That

for certain types of reports, or certain types of activities, you know, we may not be the best place to go. You're probably going to get a much better response from somebody else.

ROBERT FLANE:

This is Bobby from the FBI. That is actually an excellent point, because anything that, I guess, illustrates our point to what you can do, I think is also, is very helpful for us as law enforcement, internationally, because some people like, oh we'll go to the registry, no you need to go to the registrar. You know, so on and so forth.

So something like that, I think, would be very, very helpful. And I just want to, before we go further, we did have extra, I mean not extra, but we did have, [inaudible] from Interpol is here, Chris from the Quebec police, also Frank [inaudible] is here, and Adrienne [inaudible] I see as well also joined us, from Switzerland.

MICHELE NEYLON:

Yes, the worst spy in the world.

I thought the entire thing about being a spook was that we didn't know who they were.

Well done, well done. I think you're just angry over something, I'm not too sure. Maybe it's the gold, I don't know.

GRAEME BUNTON:

This is Graeme. Just one of your points there Bobby, in the document, what it does do for some of these practices is say, we are not the first port of call for these issues, and here is where you should start, here is the next place when you've gotten through those and had no satisfaction, here is the best way to come to a registrar.

So it should help clear up some of those issues.

MICHELE NEYLON:

The other things is, which is something that we want to make clear to you and to your colleagues. I mean, look, I know that, both myself and Graeme, who've you met previously, have said this but just for those who haven't. I mean, if there is anything we can do to help you and your colleagues have a better understanding of how some of this stuff works. I mean, as in, you know, the best way to do with X would be to talk to person Y, and that you know, we can't do certain things, and that, you know, just down to, you know, how some of this stuff works.

I mean, for example, I know you know this, but some of your colleagues may not know, that if we are the registrar of record

for a domain name, our choices around action are very binary. Either a domain is in the DNS, or it is not in the DNS. And that, you know, a website is not a domain.

I mean a lot of us also happen to be hosting companies, but you know, the two are very, very different. And very often it's the two separate entities completely.

UNKNOWN SPEAKER: Hi we have a comment from the remote participation forum, from Chris [Pelling] who says, "Some of it comes down to education on how to use WHOIS, to know whom to contact if it is a hosting company, for example."

MICHELE NEYLON: Thanks Chris. Chris is one of the members of the registrar stakeholder group, and some of you may have met Chris at the event we held on Sunday evening for law enforcement and registrars, part of the thing that I've been promising you for a very long time, now that you're in Dublin. So Chris actually did all of the organization of that. And Chris's company, my company, and ICANN paid for your drinks.

This is how I set up a meeting with law enforcement so they can't get too angry with me. I mean, if you have other questions,

or if any of your colleagues have any questions on this, please, I mean, we're here. We want to talk to you.

ROBERT FLANE: I'll ask them if any of them have any questions, but while they're thinking about possible questions, one of the things, I think, that might, I don't know if this is unrealistic or if it's a silly idea, but one thing that may be helpful is when you have certain registrars that engage in very good practices, abuse practices, good terms of service. Is there any way to kind of give them a good housekeeping seal of approval?

MICHELE NEYLON: This is Michele. From whom?

ROBERT FLANE: I don't know, the registrar group, somebody who...

MICHELE NEYLON: Why don't you?

ROBERT FLANE: Okay. [CROSSTALK] Consider it done.

MICHELE NEYLON: I mean, this is the thing. I think that's a fantastic idea to recognize companies that are acting in the best interests of the Internet and I personally I think that's fantastic. But I'm not sure that we as the registrar stakeholder group, would be even appropriate for us to start saying that member A is better than member B.

That's a breach of the ICANN bylaws if I think about it. I mean, I'm not sure how we can do that.

ROBERT FLANE: I'm just trying to highlight... Basically the idea is to highlight the good actors. That's what we're trying to do.

MICHELE NEYLON: This is something that PP, what are they calling themselves? The Public Safety...

ROBERT FLANE: Public Safety working group.

MICHELE NEYLON: Yes, the Public Safety working group. You're no longer LEA.

ROBERT FLANE: Right, because we're more than LEA, we're a lot of consumer agencies, anything that actually touches upon, you know, ICANN and public safety. It's a lot more, you know, we kind of started as law enforcement, criminal law enforcement, but just to rehash where criminal and civil, we have consumer trust, we have Lorene right there from the Federal Trade Commission and some of her international partners.

We also have some health agencies such as the Food and Drug Administration. And you know, their counterparts. I know that they're actually working with the Italian pharmaceutical government agencies. So we're looking more holistically and more government wide, as opposed to just law enforcement.

So we know that's where we kind of initiated this, but we are trying to definitely expand beyond just law enforcement, even the certain usual countries and suspects, to make it more diverse and international. I think Lorene has a comment or question.

LORENE: Yeah, I actually have two questions. The first is, I think you said at the beginning Graeme, that you're not using the term voluntary best practices and there are concerns with that and also emphasize that what you're coming up with is not

aspirational, at least at this point in time, it's more reflective of current practices.

And I'm just wanting to get an understanding of the concerns that you have about that voluntary best practices label, and avoiding aspirational as opposed to, I'll say informational.

GRAEME BUNTON:

Thank you. This is Graeme. Michele is going to have a better response to some of this, but the reason it's not aspirational at the moment is because we don't, I think, currently have a strong sense of all of the practices that are out there. And I think it's really worthwhile spending the time now to figure out what people are doing and where it really works, and once we've got a really good handle on that, then we can move forward.

I believe there is a contractual issue with the phrase best practices.

MICHELE NEYLON:

Yeah, there is. There are two things here. As Graeme points out, at this point what we're trying to do is to get maximum engagement and input from as many registrars as possible and then we're hoping to socialize the documents say with others to get some more input. I mean, as I said, we can only document the way we handle the issues that we're aware of.

I mean, if you're coming to us and saying hey, you know, we use this particular type of report to deal with something else, which is, you're tackling through something else. We might know that. But on the best practices thing, I'm going to turn, I'm going to pick on an ICANN staffer to read the exact terms in the contract, but there is actual language there...

UNKNOWN SPEAKER: Hi, we just have a quick question from the remote participation forum. [Inaudible] from dot Berlin is wondering whether the, sorry, the uniform response document is available to the public?

MICHELE NEYLON: Not at this time. It will be, but not yet. The best practices thing is somebody, I'm sure who is more, who is better at parsing the RAA can pull up this exact thing. There is actually a, there is a line in the contract that essentially, if X number or X percent of registrars adopt best practices, they become automatically binding on all registrars. So using that, we will get nowhere essentially because they just refuse to deal with it.

So dealing with this, calling it something else, which I know sounds ridiculous, means that you get progress, forward motion, and engagement whereas putting the other one, it's just going to hit a brick wall. I spent two or three weeks arguing with a

couple of people about this a few years back until eventually I realized, it's in the contract. That's the wording. Mike can explain it probably.

MIKE: So I'm not familiar with the specific concern, but the phrase code of conduct is used in that way, so there may be some conflation between that and the code of conduct.

LORENE: I don't have the contract in front of me, so I'm not pretending to be any sort of expert on the language, but when I'm hearing code of conduct, I'm thinking that voluntary, voluntary with a V, best practices are different from codes of conduct, which implies something much more mandatory, that's just... I'm just purely responding to what you said Mike. I'm not talking about the contract language which isn't in front of me.

And for the record this is Lorene [inaudible] from the United States Federal Trade Commission.

MICHELE NEYLON: Jeff Newman.

JEFF NEWMAN: Thanks. Jeff Newman. Can I just maybe turn around the question? Is there an issue...? You know obviously, Bobby, you have, you want to call it best practices, is there a reason why you want to do that? Because I can tell you generally in the law, in the United States, you call something a best practice, you're implying that anyone who does anything else is not doing the best practice, and therefore could aide to a negligence claim, which is brought against the registrar if they do not do the quote, best practice.

So I think that's something that at least the American registrars are a little concerned with calling it a best practice. But, is there a reason why we need to call it a best practice? There must be something behind why you're asking.

ROBERT FLANE: No, I just know at ISOC and IETF, and there is a movement called [B Cop?], best common operating practices, where they're trying to develop these, I won't call them standards, but practices that can be used as a guiding post if people want to ensure that they are performing optimally. So best practice, it's semantic. You can call it something else, but that's what the goal is, you know, to have optimal practices, standards, conduct, whatever word you want to use, that everyone will know that that will ensure optimal service, optimal practices.

I'm sorry, I'm at a loss for word other than practices. But you know, where you're doing things that, you know, can be commonly agreed upon, that would serve the best interest.

LORENE:

Right. And this is Lorene again, just to chime in. Because we didn't say call it this or call it that. I'm asking the question because I think in prior communications it was actually suggested that voluntary best practices were going to be a topic of this meeting. So when I heard that there is a difference in naming, then I wonder why and I asked the question.

But I don't want to be misunderstood. We're not dictating to you what you should call this. But I do think messaging and optics are important, and there is a real difference between words that imply a model, you know, an example, rather than this is what's done. I mean, those strike an audience very differently, and I think that's an important thing to keep in mind.

GRAEME BUNTON:

Thanks Lorene. This is Graeme. I think that largely falls on us for playing a bit fast and loose with the title of the document as we've been cooking it up in relatively short order. And when we find it's really ready for prime time and sharing, we'll make sure

we have a thorough robust discussion about exactly what it should be named.

MICHELE NEYLON:

This is Michele. Just to add to that. I mean, I think we could have called it [inaudible]. The title at the moment, it has changed, I think, in the last two to three weeks, it has probably changed like five times, six times. Words have been added, words have been removed, they've been moved around.

So it has a working title. Makes me think of like the movie company, Working Title Productions. It will change again when it's more final, ready for wider dissemination. Hopefully it will have a title on it that addresses those concerns, because I totally get where you're coming from. I mean, it makes sense. I mean there is no point in having something that's fluffy and not of much use to you because you want to be able to do everything with it.

But we are aware of, very conscious of that.

GREGORY:

Hi. Gregory from [inaudible]. I'm completely new to that process. I find it super interesting that at least we have a dialogue between registrars and law enforcement. Let me get back to, what is your objective with that document? If it's to

map the various practices that are going on in your industry, that's great, but is the ultimate objective to draw any conclusions? To don't include best practices, don't include guidelines, or anything?

Or is it just to have another view of what's going on? That's it.

MICHELE NEYLON: This is Michele. Thanks, I assume you're the new tech.

GREGORY: Much shorter.

MICHELE NEYLON: Okay, no problem. So is this a kind of an economization on behalf of law enforcement agencies that you send vertically challenged agents to events?

GREGORY: Because we're the smarter.

MICHELE NEYLON: Okay, perfect. Okay, now the thing with this is that we are very conscious that there is a, how can I put this? That various agencies out there may have the opinion or the view that registrars and industry in general, that we are not taking certain

types of action, or also that certain things have been addressed to the wrong people and the wrong places.

Clarifying how we handle different types of reports should help to set expectations. So for example, and I'll use the DMCA example again, because you are [inaudible] and hopefully you understand this, [inaudible] is unlikely to get upset with me as an Irish registrar for rejecting a DMCA notice, I hope.

Because last time I checked, DMCA was only US. But this is the kind of example we get where we receive a report using something which is illegal, essential, in our jurisdiction. So setting that kind of expectation, explaining which things that we are working, which entities we are working with, which entities, what we expect in an abuse report, for example, is the kind of thing that has been documented.

Luke or others around the room can give you examples of the kind of challenges that they face on a day to day basis, where they receive reports from both public, private, and other entities out there, that they are unable to act on, or do anything with because they didn't have enough information. Does that help clarify?

GREGORY: More or less.

GRAEME BUNTON: This is Graeme. Let me add to that very briefly, which is, in a sense it can be quite practical. All of our abuse queues are filled with complaints that require considerable amounts of back and forth. Anything we do to make that better, allows us to spend more time addressing more serious issues.

MICHELE NEYLON: And just to add to that again, because we like adding things. I mean the kind of things some of us have been engaged and discussing things would say, [French], this Internet Jurisdiction Project, he is working on a number of things in that space, and I know some of you have got, your guys have also been following us. I mean, as setting expectations, I think is helpful in some respects.

I don't know. I mean, if others want to weigh in. Or are you all happy to say whatever I want. Okay, I'll just shut up now.

GREGORY: Just a suggestion, but why don't you call it guidelines for law enforcement. So you are teaching us how to engage with you, instead of setting rules for you guys.

GRAEME BUNTON: Thank you Greg, this is Graeme. It's not specifically directed at law enforcement, it's going to be directed across people complaining about abuse. And not just you know sort of the broader public safety area. It may well be individuals who have complaints about any number of things, which are filling our abuse queues.

But that does segue into a slightly different conversation that we don't have to have at this moment, but I would like to raise, and it comes out of something that Bobby was saying earlier too, which is that public safety working group is new year membership is growing and changing, and there is some interesting dynamics there.

And it occurs to me that there is probably quite, I'm assuming and feel free to call me wrong here, an information gap there about who registrars are, and what we do, and we'd really like to make ourselves available, and we should probably, and this might be an offline discussion, figure out how to help you guys understand just who we are and what we do.

And I don't know if that's webinars or something, but that's an open thing we would like to help you guys with.

MICHELE NEYLON:

Just to add to that. Michele for the transcript. If there is something that you're not clear about, if you need help understanding, you know, why we do certain things or don't do certain things. The problem within ICANN a lot of the time is everybody talks about registries and registrars as if we only do one thing.

A lot of us do a hell of a lot of other things. You know, if you were to ask some of the registrars around the room... I mean, how many registrars are in the room just to start with? Okay. How many of the... Benedict, I'm not sure if registrar covers you, but okay. Recovering law enforcement agency trying to be a registrar.

How many of the registrars in the room also host websites? How many offer wholesale registrar services? How many deal with only corporate big brands? How many only do retail? That's me. There is more. Okay, I can't see behind me, I've got a bad back.

You know, there is a bunch of different business models. There is some who... I mean, I could ask how many SSL certs? How many are their own CA? Sarah, hand up, you're your own CA. Yeah you are. Certificate authority. Never mind. Yeah, but there is a lot... The thing trying to explain to you is that there is a lot of different business models, the assumption that registrars and

registries only do one kind of thing is a problem, and also as well, maybe the people you need to be talking to aren't here in the room.

Maybe you need to be looking at the hosting providers, the ISPs, others. The educational thing. And if you need help with that, just let us know, happy to drink your coffee Bobby.

ROBERT FLANE:

No, I mean that's a good point. And we do. Maybe not systematically but we got [inaudible] meetings, where the ISPs are. You know, we've been going to IETF meetings courtesy of you. I went to the first hosting com in San Diego this summer. So we went there. So yeah, we are trying to be very strategic and ensure we know who the players are so we're being intelligent on addressing what we need to address. This is Bobby Flane from the FBI, sorry.

MICHELE NEYLON:

Okay. I'm conscious of the time here. So anybody, registrars have any comments or questions or anything? I mean, I'm not including Benedict in that group. Law enforcement people, public safety people, any questions or anything on this topic before I move on?

UNKNOWN SPEAKER: We have a comment from the public forum. It's Nick [Shorey] of the UK GAC. The UK GAC have setup a subgroup of public safety bodies to discuss, collate, and contribute ideas to the public safety working group. We've been discussing the benefits of getting registrars into come and speak with us at our meetings in London to develop a better understanding of the various working practices, and I would certainly like to extend this invitation.

MICHELE NEYLON: Please let the person know if he needs help to contact any of the registrars, to reach out to either myself or to Graeme, or to Darcy who is being very quiet. We'll be more than happy to help facilitate putting people in contact with people. There are several registrars in the room who I know are quiet close to London, and can easily go to London.

Bobby.

ROBERT FLANE: Yes, Bobby Flane, FBI. So when you're finished with the draft, I guess the initial report, will you send that out? And will you say who are participants of it?

GRAEME BUNTON: Thanks Bobby, this is Graeme. I don't think we haven't in typical, maybe registrar fashion, developed like a launch plan for it. There will be some sort of release, and we will share it broadly. It will be open to everyone.

MICHELE NEYLON: It's not a... We are working on certain things internally within the registrar stakeholder group to improve our communications and engagement. You may have noticed in your delegate bags for this meeting, for example, you all have a lovely little brochure explaining what the registrar stakeholder group does, you may never see that ever again, but you do have it this time around.

In terms of this document, it's essentially we're taking input from a bunch of different people. We're not going to formally say, you know, we've got input from and have a list of companies or anything like that. We're trying to get as many people to engage in providing input and add it and what have you.

It's not a report or a formal ICANN produced document or anything like that. Then that's, it's more a case of, as we say, us with an industry documenting stuff, hopefully filling some gaps around what people's expectations, education, etc. etc.

UNKNOWN SPEAKER: This is [inaudible], I'm with the FBI as well. Kind of related to that, I was curious to some of the levels of specificity that you anticipate being in the report, because I think Graeme earlier mentioned, you know, that the report would highlight items where law enforcement may not have necessarily gone to the right area, and that you know, when you do the survey really just a little while ago.

Does the report only including practices, or whatever you want to call it, that registrars have done? Or in cases there are instances where law enforcement has maybe gone to other entities, are you including those kinds of anecdotes as well? If that makes sense.

GRAEME BUNTO: If I understand you correctly... Sorry, this is Graeme for the transcript. I don't think we're doing that. We're really sticking within just what registrars are up to currently.

UNKNOWN SPEAKER: [Inaudible] from Interpol. First of all, thank you for this initiative. I think it's a great opportunity for our member countries to learn more about registrars. Often when we go to meetings, and they

have comments from Africa, Asia, Americas also now and then, they don't know what this is all about.

And if you can provide information, then that would be most helpful. Would it be possible also to share this document via our own channels directly to law enforcement? And then second question is, we're talking about webinar. Would it be possible to have a video or webinar online kind of an information package available for, not only to law enforcement also, public safety authorities?

MICHELE NEYLON:

This is Michele. In terms of once this document is ready to be distributed, actually we want you to distribute it. We want you to actively share it. As Graeme mentioned, at the moment, registrars are getting a lot of, how can I put this? Crappy badly worded vague complaints. I think that about covers it, yeah. They're rubbish. They're hard to deal with, they take up a lot of time, and I...

For example, I was at MOG earlier this year, and you know, you get some guy standing up going, why aren't you dealing on my complaint quickly? My problem is huge. I'm dealing with an imminent threat to, I don't know, whatever. And the reason that person [inaudible] is because they've got like 200 or 300 complaints ahead in the queue that's going to take them forever

to deal with because the person has put in a complaint to the wrong place, it's vague, or they've sent in something which has got nothing to do with the person on the receiving end.

Like WHOIS for example, not just on domains but also on IPs. Making sure that people reporting the IP addresses to the people actually control the IP address, not the people who just happen to be in the same country as the IP address, which I do find slightly frustrating. But no, happy to do that. In terms of the videos and other things like that, I'm happy to discuss with you further on that.

I mean, maybe it might be appropriate for something we can work on together, I don't know. We don't know how we want to do some of these things, but if there is a particular way of presenting the information that will be useful to you, and we can do it, we're more than happy to explore that with you.

UNKNOWN SPEAKER: I was just going to ask you, do you think we could do this again in Marrakesh? Do you think the document will be ready then?

MICHELE NEYLON: First, two things. One, do this again in Marrakesh, always happy to. I enjoy winding up FBI people.

We would like to continue having these meetings with you. With respect to the document, I would hope that by Marrakesh there should be something. I mean, yesterday in the closed meeting with the registrars, we made a point of soliciting feedback with a specific timeframe, because otherwise we were afraid that it would drag on and on and on.

So unless things go pear shaped, I would hope we have something for you prior to Marrakesh. You know, I mean, that's what we're aiming towards.

All right, I think we're done on that topic. Jeff, are you trying to escape? Jeff is escaping so there will be room at the table. The second item I want, we wanted to touch on briefly was law enforcement identification. Is that confusing you? Do I need to explain what that is?

UNKNOWN SPEAKER: You're talking about how to get in touch with law enforcement around the world?

MICHELE NEYLON: No.

UNKNOWN SPEAKER: No? Okay. How do you verify who law enforcement is?

MICHELE NEYLON:

Yes. So I can speak to this very, very briefly, but I am fortunate in that I come from a jurisdiction where this is incredibly simple. It's so simple it's awesome. The issue essentially is that in many jurisdictions, including yours, there are a multitude of entities and agencies that fall under the broad umbrella of law enforcement. Registrars do not have the in-house expertise to know about every single one of them.

So for example, and I'll channel my American colleagues, they are probably more than capable of recognizing FBI, or I don't know, DEA, or one of the big ones, but when it goes beyond that, it becomes very, very hard. And the issue is, again, and actually I can use my personal example, some of the Irish law enforcement have a charming habit of contacting me from free email addresses.

You swear to God they didn't have [inaudible], they'll send an email from IOL dot E which is a free ISP. So from the registrar's side, we might be contacted by a legitimate law enforcement agency, I'm not saying they're illegitimate law enforcement agencies, but I won't get into that with you.

But we don't know. We're not sure how to handle that. This is something that we have raised previously. In the last time I think we discussed this, you were in a kind of a different place,

so I don't know if there is anything, any of you can do to help us with this.

ROBERT FLANE:

Well we have [inaudible] here from Interpol, so I think he's going to be in the best position, but one of the things we can do as the public safety working group is take that on as a project. I think Interpol, and we have Europol, and I know within the FBI, we can be the American, domestic to see who is criminal law enforcement, but then we have to define law enforcement because you have the US postal service, you have the FDA, you have a lot of other agencies which people don't instinctively think of as law enforcement, but which actually do have law enforcement capabilities or remits.

We call them 1811s in the United States. So it depends on how, I guess, extensive, we're going to be. I'm assuming the reason you're asking that question is because once you receive requests, you want to know that they have the authority to actually ask you those requests and how you should respond.

So I think we could start to delve on that, but [inaudible] is here so I don't know... I don't want to put [inaudible] on the spot, but maybe it's something that more international organizations, and that could also be something that we as the PSWG start working on. So at least we move, maybe we may not have a very

definitive answer, but we can start improving an answer, so at least you will have a start.

MICHELE NEYLON:

And just to clarify, thank you Bobby that's very helpful. Just to clarify, Michele again for the record. Part of the reason why this is so important to us on the registrar side is, we've got stuff in our contracts. You know, we have an obligation to respond to law enforcement and, I mean look, if the US postal service were to contact a small little registrar in the back and beyond somewhere in the US, they're probably not going to recognize that the US postal service is a law enforcement agency.

I wonder if that means if the Irish postal service is a law enforcement agency? Now you've upset me. Thanks Bobby, well done.

UNKNOWN SPEAKER:

Yes. [Inaudible] from Interpol. Yeah, this is a problem we've faced quite frequently, that some law enforcement organizations around the world, they send their requests in by the email or Yahoo, and we have been building, or we have a project to have a solution for that.

So we have been discussing with big service providers like Google and Yahoo, also with DOJ from US, and national center

bureau for Interpol in US, to have a platform where Interpol would be the gateway for member countries who want to use this service.

We know that not all the countries, they would like to use these kind of service, because they already have a solution, how to request information. So we would like to force all of the countries to use this kind of service. But what we do, we would validate that organization or person who is requesting the information but we wouldn't validate the request.

So what is the content of the request? So we would go there and we would have access to that information, but we would like to provide best practices, like the document we discussed, to countries, to law enforcement organizations, and then via this channel, they could send their request to service providers.

We haven't been discussing yet about the possibility to reach out to registrars for this kind of service, but it's definitely a good idea. Although there is still some challenges, technical challenges in that relation. But yes, we have a project and hopefully in future meetings, we can share more information about that.

MICHELE NEYLON:

Thanks. Darcy.

DARCY SOUTHWELL: Darcy Southwell. So that sounds like an excellent idea. I think what we were hoping for was maybe something even more simple as a database, because I think a lot of us, although we respect jurisdictions, we also we have obligations to deal with reports of abuse, and knowing where those reports are coming from is important because sometimes we, and we have gotten things that turn out to be bogus.

They were not real, even governmental organizations, let alone law enforcement. So even if we had just a straight up database that we could trust and had some basic information would be excellent.

UNKNOWN SPEAKER: This is [inaudible] from Interpol, just a brief comment. Our interest, of course, is to see who is ending this request, but also to make the information exchange safely. So we would like to have a secure communication between requestor and registrar or service provider.

MICHELE NEYLON: Thanks, that's helpful. So we understand. I mean, from our perspective, it's just to make sure that we are not speaking to

the wrong people, handing over information when we shouldn't. There is a lot of different ways of dealing with that.

Are there any other items anybody wishes to raise? Bobby, are you in a happy place?

ROBERT FLANE: Yes, I'm fine. Thank you.

MICHELE NEYLON: Okay. You seem very happy today.

ROBERT FLANE: I was drinking at lunch.

MICHELE NEYLON: Well I think what I'll do then, is I will draw this to a close and give you 10 minutes more drinking time. If you go down across the bridge, there is plenty of pubs. No jokes aside, I hope we can continue to have constructive dialogue. There is quite a few registrars here in the room, if anybody wants to meet any registrars, we don't bite, generally speaking.

ROBERT FLANE: No, no, this is Bobby. We always appreciate honest, good faith, you know, exchange. We really, really do thank you to yourself

and also Mike [inaudible] for planning this. We're always willing to do this, and however we can move the ball forward, I think you know the beauty about what we do is it's very straightforward.

You know, we're just trying to capture bad guys and however we can help do that and facilitate that, that's fantastic. So we look forward to your document, and our takeaway as we're going to try to get the law enforcement, I guess we'll call it verification list, or system, or however we define that, to see how we can move forward with that as well.

And for Marrakesh, we'll try to think of some topics and subjects for you.

MICHELE NEYLON:

I mean, the other thing as well is just on the kind of educational side of things, I mean beyond webinars and all of that stuff. I mean, some of us, I can speak for myself, I know some of us are in whatever city it is for these meetings, over the weekend as well, prior to the meetings. Any time you guys want to spend more quality time with us, you know we're more than happy to spend time with you and help you, if that's appropriate in those different venues.

ROBERT FLANE:

No, one of the things I was thinking of since you mentioned that, we have had people come to our training, the FBI Training Academy, I'll just speak for the FBI. We've had people come to our training academy, whether it's for cyber courses, or maybe it's for new agents, and kind of explain the system we've had for IP addressing.

So maybe this, you know, if we have a local registrar in the DC area, and however that would work internationally, that might be something. So actually coming up with a particular training session that maybe we can use as a webinar, we can open up and do it that way too, because I think there is a lot of things that law enforcement doesn't know about domain names.

People still confuse domain names and IP WHOIS. They don't know what EPP is, they don't know the difference between registries and registrars. They don't know exactly what ICANN does. They don't know about the RIA. They don't know about a lot... They don't know about terms of service.

They don't know how to do court orders. There is lots of things.

MICHELE NEYLON:

I get the impression there is a lot of things they don't know about.

ROBERT FLANE: It's a minority, but we have to ensure that we are acting as intelligent as we can, so that when we do ask things, you're like, okay he knows what he's talking about as opposed to like oh my God, what are we dealing with? [CROSSTALK]

MICHELE NEYLON: Being asked to print the mail logs is the one I love you.

ROBERT FLANE: Right. We want to ensure that that doesn't happen.

MICHELE NEYLON: Yes, well we said, if they would send us 20 bucks as a paperweight, we'd be happy to comply. Okay, anyway, so thank you for this. We're done. We can close this session. Thank you.

[END OF TRANSCRIPTION]