ICANN79 | CF – GNSO: CSG Membership Work Session
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DEVAN REED: Hi, everyone, and welcome to the CSG Membership Work Session. Please note that this session is being recorded and is governed by the ICANN Expected Standards of Behavior. If you would like to speak during this session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute in Zoom. On-site participants will use a physical microphone to speak. Please state your name for the record and at a reasonable pace. I will now hand the floor over to Philippe.

PHILLIPE FOUQUART: Thank you. And good morning, everyone. This is Philippe Fouquart speaking, ISPCP Chair, acting as a CSG Chair today. Welcome to the CSG Working Session, I think we called it. This is our daily dose on the RDRS. I think a number of us have met each other already, but it is meant to take it a step further to share figures and experience on this. I should say that beyond those that I'll mention on the slide and possibly on Lori's slide, there will be an open mic, so everyone should be welcome to intervene if they want to. And with this, I think I'll just hand over to you, Lori, to manage the session. Thank you.

LORI SCHULMAN: Hi. Good morning, everybody. I'm going to take a moment to share my screen. I apologize for that. We had some very worthy last-minute additions. I'll actually do it as Steve starts to speak. So, I want to welcome everybody to today session. I feel it's very important that we have this moment to share our practical experience on the requester side of the aisle, so to speak, when it comes to RDRS. And there is a group of us in the community that's working very hard to gather good information, solid information, to be constructive in how we present it to ICANN. I want to welcome Eliza Agopian from ICANN staff who's here and running the show on RDRS.

ELEEZA AGOPIAN: Yes, absolutely. So, I'm sort of running the show. My colleague, Lisa Carter, is also at the table. Wave, Lisa. And she will actually be our new liaison to the standing committee, so I wanted to be sure to introduce her to all of you. Lisa's been with ICANN for 7 years as an account manager, so she knows the world very well. Welcome.

LORI SCHULMAN: That's wonderful. Welcome, Lisa. We look forward to working with you very closely.

LISA CARTER: Thank you.

LORI SCHULMAN: You're welcome. And to keep things moving, the way this is going to work is I started with saying we're collaborating, and the collaborations are coming from all over the community. And because of this, we decided it might be a good idea to centralize and join forces. And so, the leader of this effort is Dr. Steve Crocker from the Edgemoor Institute. He's working with my association, INTA, and we're working with a variety of community members from all of the SO/ACs to make sure that we're delivering what needs to be delivered to improve access and disclosure for registration data. And with that, I'm going to welcome Steve, and Steve will share his open remarks. Thank you.

STEVE CROCKER: Thank you, Lori. First of all, as Lori said, and I think needs to be emphasized, this is a cross-community session, not specific to the Commercial Stakeholder Group. But nonetheless, we're here in CSG's facilities and their time. So, a big shout out and thank you to CSG for hosting and organizing this. As I said, the session is for everybody from the requester side of the equation.

With no judgment or coloring associated with it, I tend to divide up the world that we're living in in this project in three parts, the requesters, the collectors, that is the people who have the data, that is registrars usually and the registries, and then the ICANN staff. And of those three, this is 100% focused on the first of those, on the requester side of things. And the rationale for that is that there are and continuing to be organized forums that are managed and organized by the other two, but there is no natural forum for requesters across the community. Requesters so far, and I've been in many, many meetings, and I suppose

most of you have too, tend to, when they have an opportunity to speak, are in one or more limited forums. And so, this is an attempt to get across all of them.

The other big thing to say is that this is not a decision process. This is not a debate process. This is an information gathering process. So, this is an input to what might come further. And there's no sort of comment that is out of scope. So, you can say this is my experience, and this is what happened, or you can say, I really wish it would do this, or you could say whatever. There's no guarantee that that will go anywhere, but there's equally no bar on saying that sort of thing. And another very important aspect is, depending upon how this goes, this is intended not to be a one-shot process, but is an opening of a process that, at least some of us, will put some energy into making sure that information is gathered and made available.

This is intended to be completely public, nothing hidden. If you have things that are proprietary, scrub them or keep them out. But the intent is to make all of this information publicly available to everybody for whatever they want to do with it. And we're going to try to operate on a fairly tight time schedule here. So, a few minutes for each person, but no limit on the amount of information to upload into the various repositories that have been advertised. I think we have advertised more than one, but no matter, they'll all get merged together. And that's it. So, on with the show. Lori, you've got the queue?

LORI SCHULMAN: Yes, I have the queue. So, the way this is going to work, we have signed up speakers in advance who would like to intervene. I'm going

to start with my intervention. The interventions will be kept to three minutes. Our timekeeper here is Mason. This is for the gathering of data portion. We'll do about 30 to 40 minutes, depending on how many interveners we have. Then we're going to switch over to Mason leading a discussion about what could future activity look like.

We know already that I can tell you INTA and Steve have made a promise to share all of the data with the small team, working on improvements, so that we have a pipeline directly into the ICANN-- I couldn't call this policymaking, but ICANN process, we'll just say process, so that at least you have our feedback in one good touch point. We will also ask people how else do you think we should be approaching this problem. It's a community effort. ICANN took the lead with developing RDRS, and there is a Board mandate that it's a two-year pilot. There's some things we can discuss in this group about what does the future look like. Mason will be handling that portion, and I will be keeping the time.

I'm going to skip down to something that Steve mentioned. It's our last slide, but now it'll be here on the board if you want to take these addresses down. INTA is running an information, very open-ended information collection effort. Again, share statistics, stories, model responses, anything that could be helpful to the community to use this system. You're welcome to submit to rdrsstories@inta.org. Also, Steve is running his collection, but it's all the same. We are sharing, that's rdrs-requestors@edgemoorresearch.org, and we will be participating in an ongoing information exchange.

To Steve's point, what you submit to INTA is covered by INTA's privacy policy. We do not share personally identifiable information. However, if you wish your firm's name to be shared or you'd want a specific model used, we're happy to include it. It's a little bit opposite there. But yes, Steve, you raised your hand.

STEVE CROCKER: For anybody who's writing down that email address, note the double O and the double R. We tried to register some other names that would catch those, but I don't think they'll work, so be careful. And note--

LORI SCHULMAN: RDR stories, same thing, don't worry.

STEVE CROCKER: And we had an amazingly intense conversation about how to spell requesters, and the answer is with an O.

LORI SCHULMAN: Although I will say, yeah, I will disclose that my husband actually did research on it, and Steve, E-R-S is acceptable as is O-R-S, and so the decision that we made was to follow-- This is ex post facto, our decision and our debate, but we decided to follow the ICANN spelling, just for ease of use. But let's get on because we do have a lot of ground to cover. And I'm going to start, I'll break the ice, so to speak. With INTA's experience with this system, and for those of you-- Oh, sorry. How did

that happen that it went away? Oh, I see, it's still up. I'm going to read from that screen. Okay, weird. I will find it after my intervention.

So, the INTA has been conducting an ongoing effort to promote uptake to the system, and we've had sessions at our leadership meeting. We will have a large plenary. We're expecting 500 to 1,000 people at our conference in April. We are sharing our own stories internally. We're providing helpful documents. We're doing the best we can. We have given our data protection and internet committees the goal of having 100 members file 50 requests each, so we can bump volume to really get a sense of demand, and we're doing what we can to help. In the very initial stages of this, I'm going to share two representative stories and some overall thoughts about what we see as the positives, what we see as needing improvement, and something to help corporates in this room who are filing.

So, we have a large US firm called Holland & Knight. They very early on submitted 20 requests on behalf of their client TEMU to Namecheap. Namecheap approved all the requests and disclosed the information, so 100% responsiveness, which was great. As an aside, though, the information that was revealed was found to be quite inaccurate, and our member's quote was, "They gave us information, but it was almost all garbage, fake names, bad addresses, etc". Then we had a very large European corporation with a famous brand that you know well, Chanel. They submitted 227 requests to GoDaddy. They were all denied, so batting zero. The system required 7,900+ clicks to do all of the submissions for 227 files. This was an average of 35 clicks per request.

There were additional requests to other registrars with requests approved. Information was disclosed, yet there were comments about the issue of accuracy. So, though we're not here to talk about accuracy. Accuracy is emerging as an issue that even with disclosure, we're finding accuracy issues. So, ICANN started on an accuracy scoping exercise over a year ago now, and we had delayed parts of it for several good administrative reasons, but we certainly might want to consider rethinking and opening that up.

The pros are that this is a centralized system with templates, and people really like that. What seems to need improvement is the ability to bulk requests, have cleaner explanations for denials or partial acceptance, the ability to attach powers of attorney or legal authority to the template permanently, character limit in requests, which are about 1,000, are not working for many of our members, and trademark requests seem to be automatically denied in some instances with some registrars.

The corporates who plan to submit here-- Submitting a power of attorney in this system is not realistic for corporates. It's really important that you use a secretary's document or certification. Verizon has provided into a model. You're welcome to email me at RDRS stories, and I will be happy to provide a model power for you for the corporates. The legal advisors, the outside counsel, your power should be sufficient. And so, with that, I'm going to move along, and somehow I lost my screen, and I have to figure out why, what happened here.

UNKNOWN SPEAKER: Lori, while you're looking, one quick question. If GoDaddy responded with the privacy proxy information, the same that's available, do you consider that a denial or a response?

LORI SCHULMAN: It's a quasi-response, I would say. They are responsive. They've listed, but it's not responsive to the request for information. Oh, I'm sorry. Yes, in the data we compiled, we considered that a rejection. Yes. Mark.

MARK DATYSGELD: Thank you, Lori. Very quickly, just so that we're clear on this. Were these complaints a mixture of different types of complaints, such as phishing and malware or IP? Was it mostly IP? Was it mostly phishing? Do you have any sense for that?

LORI SCHULMAN: I have a sense that it was mostly IP, but I can dig and ask that question. These are good questions because I don't-- We're at the stage where I'm not even sure what questions to ask, so by digging into our data and asking these questions, I will certainly know moving forward what I should be filtering out so that I can report more accurately. So, that's a very good constructive question. Thank you. Who else had--? Susan Payne.

SUSAN PAYNE: Going back to Steve's question about the privacy proxy. When you're in the RDRS system, there are a variety of sort of tick boxes for the reason for a denial, and so one of the reasons for a denial is the information is publicly available. And I think a practice is developing for that to be the one that's ticked by a registrar, but I think it's developing as a-- It's not an official policy. I think that's what's tending to happen. Yeah, I think so.

But I was also going to say, in terms of the reasonings, my understanding when this system was set up was that sort of detailed information about requests and reasons for denial and so on were not supposed to happen through the system. They were supposed to be by happening external to the system because ICANN doesn't want that kind of detailed information that could in itself be public data or personal data. But I think what people's experiences are is that they're not getting that external communication giving any kind of explanation for why their request is being refused.

LORI SCHULMAN: That's correct. We're all getting form letters with ticked boxes. To my knowledge, I have not received any reports of an extra form that says more deeply what the issues might have been with 227 that went to GoDaddy. I don't know. It could have been the same type of complaint filed 227 times, and that's-- We'll dig into that, but this is what we've gotten initially. And Eleeza, you've raised your hand.

ELEEZA AGOPIAN: Sure. I just wanted to confirm what Susan just shared. So, the way that a registrar could respond in the system if the domain is under a privacy or a proxy service is to note all data publicly available. Alternatively, there's four categories, basically, for how a request gets closed. Approved, so you get the data, and you're right, it goes outside of the system. Denied, that's a denial, and there's a number of different reasons that could be provided to the registrar.

Partially approved, which means some of the fields that were requested were approved, others were no. And then all data publicly available, which is where we think that's where most of those should be going, but it is a bit mixed. And you're right, we're also interested in digging a little bit more into those last two categories to understand them better. Sorry, I just wanted to confirm that.

LORI SCHULMAN: Thank you, Eleeza. And I'm going to go to our next reporter, who is Patrick Flaherty from Verizon, who you've been hearing a lot from. Verizon's been probably our most high-volume filer. And Patrick's been diligent and very gracious with his time to share his outcomes. So, Patrick, please take it away, wherever you are. There you are.

PATRICK FLAHERTY: Thanks, Lori. So, we started using RDRS at the beginning of the year, and since then, we've filed, or tried to file, approximately 300 requests, but off that, only 48 have made it into the system for participating registrars. For the requirement for proof of authorization, we originally

started with just a simple declaration that I did and had notarized. But for the denials that we saw coming in without really any specificity around why the requests were being denied, we decided to change that, and we went with that certification document that we had signed by one of our corporate secretaries, allowing in-house staff within the legal department, or sorry, within the trademark department, to be able to submit requests. And that has been working.

So, as Lori said, I shared it with her and with INTA, and if anybody wanted to see it as an example, please feel free to reach out. It's just a simple one-page document. And then following on from that, using a vendor, Tracer, to help us with submitting requests, we decided to give them an LOA, a letter of authorization, and that seems to work really well and easier to do, maybe, than a POA. Again, just a simple one-page document, giving them permission to submit requests on our behalf when we're not doing it in-house ourselves.

So, off the 48 that were submitted, we have received some positive results in terms of we did get approvals. So, we got 12 approvals in total from various different registrars, Internet Domain Name Service BS, Key-Systems, Tucows, and eNom. And for each of those approvals, we did get full registrant contact information. Again, some of it looks a little squirrely. Some of it might not be legitimate, but that's an issue for another day. It was still nice to be able to see some contact information. It helps us with just investigating infringements, trying to piece together if there's a particular individual or organization that's registering a lot of domain names.

Because up until this point, we really haven't been able to do any of that type of due diligence. We've really just been doing guesswork, looking to see when domain names are registered, like if they're registered on the same day, if they're with the same registrar, if they use the same kind of naming architecture or misspelling of a domain name, and then following on from that, primarily filing UDRPs. And we did that recently in connection with a UDRP that we filed involving over 100 domain names.

And these domain names, we tried putting through the RDRS, but the registrar is not participating, so we didn't get any contact information. So, files that, and off that, then we determined that only 98 or so of those domain names belonged to the same individual, and so you have to go through that process then of separating things out and filing multiple UDRPs. So, where we have been getting positive information back, this is helpful to us in putting together future UDRPs or legal action or, if possible, sending the individual a letter.

We did get some partial approvals, and these ones I don't particularly like. I also, I don't know, I'm not a fan of this category of response, only because there seems to be a lot of confusion around what it means. So, we had one response from one registrar that said it was partially approved, but the reason for the approval was the contracted party cannot disclose the data due to applicable law. So, we see that same response in connection with denials, so I don't really see that as a partial approval. And then in other instances, we've seen partially approved telling us to go onto the registrar website and use their abuse complaint inbox to try and contact the registrant directly.

LORI SCHULMAN: Patrick, you've hit the time, but I'd like you to go through your points just perhaps a little more swiftly.

PATRICK FLAHERTY: Okay, will do. And so, denials, obviously it's a really high number. We have some registrars that just deny all of ours. And for example, in the case of GoDaddy, they've denied them all, but the response is really generic. It just says that further action is required or something like that without any specificity around what the further action is. So, some description around the reasoning for that type of response would be really helpful for brand owners, I think, so that they could either engage directly with the registrar and try and figure out what's wrong.

Because overall, what you're seeing here is we're using the same template to submit all of these requests. So, we see some registrars responding and providing access to the registrant information, and then others just rejecting it outright, but again, the template that we're using is the same all the way around. And then lastly, publicly available, this relates to just telling us that it's behind some type of abuse contact on the registrar website, so not super helpful when it comes to publicly available as a category either.

LORI SCHULMAN: Thank you, Patrick. Does anybody have questions for Patrick before we move on? I might, for the interest of time, just keep moving through the batting order, and then we can ask questions later. I think that might

make us move a little faster than everybody has their intervention, if you don't mind. I think we'll make an executive moderator decision here. So, with that, I'm going to ask John McElwaine to please present on behalf of his firm, Nelson Mullins.

JOHN MCELWAINE: Okay. So, this slide is really just to demonstrate that I'm seeing the same thing that the prior two speakers are, where I'm either getting 100% success rate or 0% success rate. The registrar number one is GoDaddy, so that's 40 denials, 40 requests, 40 denials. Registrar number two is Namecheap, and that's 20 requests and only one denial, and that one denial was on the basis that the website had been taken down because a phishing scam was being run on it. So, the rest is probably not relevant, but really just to illustrate that there are some baked-in ideas as to what a good request is or not.

And I would say the same thing as Patrick. The 40 denials on GoDaddy's behalf run the gamut of the reason. I suspect it's because they're behind Privacy Proxy, but that's certainly not clearly disclosed. So, move on to the next slide. So, our 96 requests fell into that category of 27 being approved, 4 cancelled, meaning we decided to pull it for one reason or the other, 42 were denied, and 16 are still pending. Like Patrick, we're finding that we had 41 registrars we wanted to submit to, but they weren't participating, covering 91 domain names. So, 48% of the time were unable to submit due to non-participation.

And I think Patrick's was even maybe even double that, which is, I think, a surprise to the community because we're being told, oh we've got so many domains under management, this should be useful, and it's

surprisingly high number of non-participating registrars. So, denials due to privacy, I believe, are 39 out of 42, so a high percentage. That asterisk on the 39 is that a large percentage of that is GoDaddy, and I really can't tell what the reason for the denial is. And the other trend that I'm seeing is that a few are denying the request, but then taking down the website if they're hosting it as well. So, yeah, that's it.

LORI SCHULMAN: Thank you, John. That's really helpful. And I think it's notable here, I'll interject a quick comment, that when you have takedowns without disclosure. Now, what troubles us about that is, I mean, we're glad there's a remedy applied. I mean, we're not going to look a gift horse in the mouth, so to speak, but a lot of times the takedown is, as many in the registrar side have said, the ultimate issue, the last resort. And by not disclosing the information from a practical perspective, it does give a real disadvantage to the investigator who may be looking simply to contact, or who may be looking to have a solution that is not the full takedown.

We don't know, and so we find it troubling that we're getting remedies ahead of investigation. And from a balancing test perspective, my observation is that's probably a little out of balance. And that's all I'm going to say, because we're supposed to disclose today, that that is something that members are saying, that actions are taken, but they're still not getting the information to research whether or not that actor may have other sites, there may be patterns, and that becomes critical to the investigations.

And so, that's the portion of our program with prepared slides, but we do have other people on the list here. And I'd like to go to Greg Aaron from Illumintel, who has offered to provide his observations. If anybody on this list, or anybody in the room has a slide you'd like me to display, you can send it to my email right now, lschulman@inta.org. If I can quickly flash it, I will, but if not, what I will do is I will add it to this deck, and this is the deck that I will ask ICANN to distribute. So, if you had prepared a slide and it's not in this deck, it's not too late. Greg.

GREG AARON: I think I'm going to send it to Mason, and you can circle back to me.

LORI SCHULMAN: Please go ahead, Greg.

GREG AARON: I need the slide. So, I'm going to send it to Mason, and then you guys can put it up.

LORI SCHULMAN: We will come back to Greg. So next on the list, I apologize for that, is Margie Milam from Meta.

MARGIE MILAM: Hi, everyone. So, we've been submitting requests since 2018 outside of the RDRS. And now we've just started submitting in the last month inside the RDRS. So, some of our information is fairly new. And

probably we'll have more trends when we come together at the next ICANN meeting. But our initial observations are that the compliance rates, in other words, the disclosure rates, have gone down since joining the RDRS dramatically.

We were seeing roughly about a third success prior to joining the RDRS. And it's down to about 7%. So, it's a significant decline in getting the disclosure rates and disclosure of the information, which is a little troubling for us. Because we looked at the RDRS as something that would be making things easier and facilitating interactions with registrars. And it looks like it's going the other direction. But maybe it's too early to tell. And I'm happy to share information when we get together again in the future.

We're also seeing the same trends that were mentioned earlier, where a domain name may be taken down for phishing, but we won't get the disclosure for it. And in fact, even before the RDRS, we would have lower disclosure rates for phishing-related domain names as opposed to non-phishing domain names such just a straight-up brand inquiry. And to us, that's counterintuitive because as a company, we want to do the investigation to find out who's behind the action and to identify any other domain names that might be part of the scam. So, that's something that I think is a theme that I'm hearing from others as well.

Just to give you an example, the kinds of names that we get denials on are names like facebook-business-support.com spelled correctly. So, it's pretty obvious that a domain name like that is going to be trying to defraud our customers. Another one is meta-facebook.com spelled

correctly. Denial. And so, it kind of troubles us, because we're like, what kind of information do you need to be able to get disclosure for that kind of a domain name?

One of the reasons it took us a while to submit requests is because of the 1000-character limit. So, I think the issue we're hearing from others, it's hard to--If we're thinking about we're trying to put our best face forward to ensure that we're protecting the privacy of the registrant. We want to make sure that we're giving the registrar the correct information to be able to make the decision. And I found myself redlining and trying to get rid of important words in order to hit all the marks to be able to get disclosure. So, I would encourage possibly increasing the character limit. I think that would be useful. And so, yeah, I echo what everyone said. I'll leave it at that. But this kind of gives you flavour for the kinds of things that we're seeing. Thank you.

LORI SCHULMAN: Thank you, Margie. I'm going to go then to Faisal. And then we'll go to Gabe. And then, Greg, I've got your slide now. I'm just putting inside the deck.

FAISAL SHAH: Morning. Faisal Shah with Tracer. A lot of people, everybody has pretty much said the things that I would want to say here. We submitted 128, oh, we actually did lookups for 128 domain names and then we submitted 54. And it strikes me that one of the metrics that we should be capturing is the searches, the lookups. So, for example, Verizon did 300 and then ended up submitting 50-something. We did 128, ended up

submitting 54. I think you'll find that there's a lot more lookups, a lot more searches that are being done. And capturing that might be beneficial to everybody.

Again, we also saw that we're getting proxy information in the portal where it says it's been approved and that may not necessarily be compliant. We had one response where they parroted back the same information that we asked for without giving us the underlying information, and then it said approved. So, things like that, and I think that probably will get cleaned up as we start moving through this because it's still early days at this point.

Some of the things that we think would be great to have in the system, as a brand protection provider, it'd be awesome if we could have sub-accounts within our account so we can actually send it out on behalf of our clients. And then the other thing that we've noticed from an operational standpoint is that we may get responses, but the response may not put the actual domain name that's relevant to that response. So, it'd be great if all of those responses come back with the relevant domain name.

LORI SCHULMAN: Thank you, Faisal. And now on to Gabe Andrews.

GABRIEL ANDREWS: Hi, folks. So, my name's Gabriel Andrews. And just to make it clear that I know it had my professional day job affiliation of being FBI on the screen, but I'm speaking not on behalf of BOSG here, but rather as

someone who's familiar with making many WHOIS requests as part of investigations in my past, as well as using the RDRS system. And the comments are very much coloured by Steve's guidance that we're talking about features that I think law enforcement users would find most useful, rather than what is currently feasible within policy. And I'm sorry, one more caveat here, because I'm sitting next to Eleeza. I also want to say that many of the comments I'm making here, I've already been inputting into standing committee feedback as well. And I have to state that ICANN staff have been remarkably responsive and communicative. And I really wanted to call that out because I think it's to their credit.

So, some of the issues that I think that we're dealing with, first, outreach. I think outreach is missing the most important feature here. Because I've been trying to do a lot of outreach of the RDRS to other law enforcement agents, investigators, cybersecurity practitioners, etc. There's only one place that really matters for outreach, in my personal opinion, and that's within the WHOIS itself.

I note that when you first go to RDRS and make a request, there is sort of a redirection that points you to ICANN's lookup site, because they're advising you might want to check to see if proxy exists. But the one single place that you know that every potential end user of an RDRS is going to be checking is the WHOIS system in the first place when they're first seeing the redacted data. And if there was a link from that to the RDRS, I have to imagine that usage would really, really be much more frequent.

Second, friction and kludginess is a general theme that I think a lot of us have talked about. It's true. I think that this is currently a beta test of a system, and we're experiencing kludginess. And a lot of the feedback that I think that we've been getting as law enforcement requesters is intended to just try to grease that up a bit, reduce the friction. And so, some of the comments we're making are intended to do that to the maximum extent that you can make this system automated and just save some of these requests or some of the circumstances that are used most frequently by the end users the better, from our perspective as end users. And further, the maximum extent that it doesn't seem that we're trying to be disincentivized from using the system or pushed away from the system.

I think this was sort of advertised on some initial flyers as a one-stop shop for requesting the data. You go here, you do this. That's a great and noble ideal for the system. But in practice, there's a lot of reasons maybe behind why we're being pushed away, but we're being pushed away. We're being pushed away at that initial lookup that I told you about to check to see if there's a proxy in place first. When a law enforcement requester clicks the confidentiality box to say that, hey, it'd be great if you didn't tell the bad guy that we were looking at the domain that they're using because we don't want them to possibly destroy evidence, etc. We're seeing a lot of immediate denials being made immediately if that box is checked and then asking the agents to go check the registrar's specific request system.

Which is great that they're providing a path forward. I want to acknowledge. It's not just a blanket denial and no further info. They're providing a path forward, but it does sort of go against the feeling that

this was to be the one-stop shop, right? It'd be great if we could figure out why that's happening and maybe improve the RDRS to whatever minimum level they would feel comfortable answering those requests with.

And finally, on the notion of proxies, because it's been talked about, there's the general feeling of confusion by law enforcement requesters I talked to who wonder what's the point of the system if the registrars aren't making disclosure decisions on behalf of their affiliates, their affiliate proxies, etc. I get that there might be lots of reasons for this and there's a lot of ongoing discussions about this in the policy arena, but that's the feedback I'm getting from the folks that aren't here. Like it's a big disconnect and it's hard for me to message and communicate that back. And I think that that's probably enough of a really fast rapid-fire piece of impact.

LORI SCHULMAN: Thank you. I apologize for the lightning rounds, but we really want to give everybody an opportunity and we're going to dig deeper. This is hopefully not the first rodeo. We'll have ongoing discussions about this. With that being said, I'm going to go to Greg. And I got his slide. And thank you. I hope all the information transferred. I did it quickly, but is it good? Good. It did not. Okay, no, but that I can fix that. I can go to the slide you emailed me, and I can post it. So, why don't you read from it internally, Greg, and then I'll get the right slide up?

GREG AARON: Okay. Hi, everybody. So, I've been testing the system to understand how it works, but I also spent time looking at the ICANN reports. They provide a lot of statistics of what's happening, how many requests there are and so forth. And so, I broke the information down. What we see is that some of the requests that are made are really not eligible requests. Some of the requests are for ccTLD domains or third-level domains, for example. That is 17%. Some domains are not currently registered. The system can't handle requests for historical data and those are 15.8% of requests.

So, I put those aside. I said, okay, let's just look at the numbers that are eligible domains. They're currently registered gTLD domains. Then what happens? And it appears that only 43% of the domains are with sponsoring registrars. So, 57% of requested domains can't go forward. So, the system's usefulness is certainly affected, hampered by the lack of registrar participation. Now, then some of those 43% of the requests get to go through to the registrar and then we find out how many get fulfilled, how many are approved or rejected by the registrars.

So, I suggested a new metric, which is your overall system reveal rate. What's an eligible name in? Do you get data at the end of the process? It looks like the overall actual reveal rate for eligible domains is 6%. So, that would be an interesting metric to add to the reports and to keep in mind. So, it's very small. So again, the registrar participation is affecting success rates or yield rates. Also remember that there are breakdowns of why the requests were accepted or denied, or I'm sorry, numbers for denials. Why was it denied? Remember that those are put into buckets by the registrars. ICANN staff is not deciding that.

We see the breakdown where the registrar said, we cannot give it due to the law. We requested more information from the requester, but they didn't follow up, etc. So, those are our self-determined categories. We can't see any information below those. Of course, we wonder maybe some requests should have been fulfilled. We'll never know the answers to those questions because we don't have a judge helping us out. And that's all. Thank you.

LORI SCHULMAN: Perfect timing. Well, contemplate the slide. So, we have all our speakers have spoken, which is great. We have about 21 minutes in this session. So, what we plan to do is we'd like to take some interventions from the floor. If you have information, ideas to share, we're going to ask you to limit those to perhaps one or two minutes. Thomas, I see your hand immediately. And then we're going to spend the last 10 minutes sort of futuring, how do we think things are going to look?

So, for the queue, and I'm going to manage the queue by hand. And Brenda, I'll ask you to help me with the queue online, so I don't miss anybody online. So right now, in the queue, I have Thomas, Laureen. I'm spacing on your name. Yes. Thank you. Yeah, Christian, I'm sorry. I know you're Christian Dawson. I am just-- Paul. And who do we have, Brian Beckham? Yeah? Oh, definitely Chris Lewis-Evans. How can we forget? All right, so right now I have a queue of one, two, three, four, five, six at a minute or two each, Margie. All right, anybody else in the room? Anybody online, Brenda?

BRENDA BREWER: No one online, but if you would like to ask a question online, raise your hand, please.

LORI SCHULMAN: Okay, and so we're going to start, and we're going to ask you to be one to two minutes and so we can get to the final part of the portion. So, take it away, Thomas.

THOMAS RICKERT: Thanks so much, Lori. Hi, everybody. Thanks for the presentations. I guess that's excellent information as a discussion starter. I mean, now we're discussing amongst ourselves, but I think that the audience and also the discussion base needs to be broadened to get to improvements. A few observations.

I think that we also need to help manage expectations in the system. So, we've been struggling with the name for the system, and Lori, you've been at the forefront of that discussion, being unhappy with how it's been previously tagged. So, we hear access and disclosure in this context every now and then, and I think we should probably stop using that terminology, because it's not like you can grab, i. e. access data. It's a system that passes on requests. And there shouldn't be an expectation for those who take the effort of making such requests that an answer or even a disclosure is guaranteed. So, I think that's one.

Then I'm not sure I got this right, but I think that you're capturing a privacy proxy disclosure as a denier whilst ICANN is capturing it not as

a denier, and I think it would be good to have a cohesive capturing of information. I mean, you can explain that you didn't get further than a privacy and proxy service provider, but for certain contracted parties at least, that's as far as they can go with that disclosure. Therefore, I would suggest humbly that we use common terminology for that.

LORI SCHULMAN: I'm going to note that I completely agree, Thomas. We're starting this process, as I explained. So, the observations about how reporting is done will be definitely taken into consideration and adjusted. There's no worries on that. We want to be on the same page.

THOMAS RICKERT: And then not being a native speaker, for me, the RDRS stories email address sounds a little bit casual or anecdotal. So, I think what we're looking for is experience or data or whatever term you think is more appropriate, but I think that story sounds a little bit like hearsay. So maybe we can find a name for that if you chose to follow my suggestion that is a little bit more firm and fact-based.

Lastly, I think that, and this is not for me to decide, but I think it would be good to maybe ask our colleagues from the contracted parties to have a little workshop and dive into why there's inconsistency in the decision making. Because I think if one thing we want to build up is confidence in the system, and predictability of outcome is a huge part for forging trust in this RDRS.

LORI SCHULMAN: Yeah, I'm going to respond to that. We have requested that. We're going to figure out how to plan that. That may be a virtual meeting rather than a face to face like this. Also, GoDaddy, Ashley has very graciously offered. Anybody who's receiving these high rejection rates, particularly from GoDaddy, you can contact her. You can contact GoDaddy and learn what the roadblocks have been and see if they can be lifted.

So, I just want to let you know that that thought has occurred. And this meeting was-- Contracted parties were invited here, of course, to observe. And certainly, if contracted parties themselves are requesters from other contracted parties that would be interested through the system would actually be interested in knowing too.

THOMAS RICKERT: What I'm looking for is not like finger pointing. Why did the contracted party make this decision? That sound incoherent, but maybe extract a couple of case studies, such as the one that you brought forward, Margie, where you see almost identical cases leading to different decisions, and then work on those case studies with the contracted parties so that everyone can build up experience and knowledge.

LORI SCHULMAN: I think it's very helpful. Thank you. I'm going to go to Laureen.

LAUREEN KAPIN: This is actually very quick. Gabe had made the suggestion regarding visibility of the system. How do people know that the system exists and

they can use it, that a logical, perhaps really effective place would be in the WHOIS lookup system itself? And my question is for anyone who actually has ideas on how to answer that. I don't want to put Eleeza too much on the spot, but she's raising her hand, so I'm going to put her on the spot. How could we make it so, as Captain Picard would say?

ELEEZA AGOPIAN: So, I'm going to preface this by saying I am not a tech person, but. So, ICANN obviously runs a lookup tool, lookup. icann.org on that page, and I think we put it in the chat. Yuko, who used to work on this project, helpfully put it in the chat. Thank you. If you scroll down, there is a heading that says non-public registration data that points you to the RDRS. Also, within the actual interface, once you're in the tool, we're also encouraging people to go and look up the name first to see if it is under a privacy or proxy, because of course if it is under a proxy, you should be going to the proxy provider to request the underlying data.

But that is one thing we've also thought about in terms of, like for protocol, people who are using the protocol, not our interface, that's kind of a different question that I'd have to think about a bit more, but it's a good suggestion.

LAUREEN KAPIN: And if anyone else has thoughts on the protocol because I know the ICANN lookup, that's its own thing, it's not the generic system. But if anyone has information or thoughts on that latter point, I think that could be extraordinarily helpful.

LORI SCHULMAN: Okay. And then Christian.

CHRISTIAN DAWSON: Thanks. Thanks so much.

LORI SCHULMAN: All right, we're going to stick to the queue for now. Please answer, yes.

GUSTAVO LAZANO: I'm Gustavo from ICANN. I just want to remind the group that there is a policy called the Additional RDDS Information Policy. That policy requires contractor parties to add a notice in the-- well, add the protocol, saying that if you want to send a request about WHOIS in accuracy form or whatever, there is a link. So, we already have policies-- Sorry.

Yeah, so right now, there is a policy called the Additional RDDS Information Policy. That policy used to be called AWIP from years ago. And basically, that policy says that contracted parties are in the WHOIS output or now output, they need to add a notice saying that if someone wants to fill out a form for WHOIS in accuracy, and boom, there is a link. So, if the group believes that something like that could help, I suggest that maybe a policy could be created saying that in the RDAP protocol now that RDAP is going to be the RDDS protocol, a notice could be added saying that if someone wants to send a request about registration data, they can go to the redress link. So, there is already

something similar, and maybe that's something that you would like to consider.

LORI SCHULMAN: Thank you very much. We'll get more details in the email address and send it around. With that, Christian, and let's go quick.

CHRISTIAN DAWSON: Thanks so much. I will. I'll make my interaction very brief. Christian Dawson for the ISPs. I think it's very good what we're doing to try and field test the system, ensure that it is as effective as possible. I want to encourage us not to be too fixated on this system reveal rate number. The reason that we're in this situation in the first place is that the contracted parties want to ensure that the data that they're providing has an asserted legal basis behind it.

I would love to see more information about the legal basis by which the requests are made. Maybe we can start to unpack the effective ways that people can assert legal basis that seem to pass that test where they feel like they have legal ability to disclose. That would be very relevant. And we could maybe communicate with the contracted parties and figure out what assertations of legal basis are working and which ones aren't. And that could be a really effective way to make sure that you're getting the result that you want. I could, today, go in and file 100 requests and I could just say, I want the data because I want it. And I would get 100% denials hopefully and that would be the proper response. So being fixated on the 6% number is probably not the right way to go.

LORI SCHULMAN: Great. That's noted. Paul.

PAUL MCGRADY: Thanks. I'll try to do this quickly. I do have a couple of things. One, thank you to Steve for catalysing this session. Really appreciate it. Steve and I see eye to eye in about 74% of things. The other 26 make me really nervous because I don't like to be on the other side of Steve. But I really appreciate everything that you did to make this happen. I'm glad that it's an internal discussion in CSG and the requesting community. It's also not an internal discussion because there's a big chunk of the standing committee for this project that are in this room. And so, all this is real time. We're taking notes, we're taking it back. So, thank you for that.

I also wanted to say thank you for the tone in the room. I don't feel like the baby is in any danger even though we may need to switch out some bath water. And so, I think that that is good. I think thanks for the specific concerns like the 1000-character limit. That's awesome, right? If that's what's causing a drop in the reveal because you need more space to tell your story, that seems to me like that's a really practical thing that we can take back, right? And so, other things like that, if you see a difference in the way, maybe it's the same kind of domain names, the same kind of registrars, but the system makes you do things in a different way. Isolating those variables, I think will be really helpful because we don't want there to be less disclosure because we have a unified system.

I guess the last thing, also just thanks to everybody, Patrick, others, Meta, who are actively using the system. That's how we get data, that's how we get stories. So, thanks for not just trying it three times and saying this stinks. I really like you guys have dug in. I love that, I appreciate that very much.

And then lastly, just to note, we all know this because we were in the updates this week, but there seems to be a real thawing on the PPSAI work. Staff is suggesting some creative things. We need to figure out whether that's good or bad. We'd not all had a lot of time to take all that in, but if it turns out what they're suggesting is good, I think that we should all be leaning heavy into that work because one of the big concerns about this system is it doesn't tell us anything about the privacy proxy. No one expected it to, but that doesn't make it not disappointing, right? And so, we can lean heavy into getting that work across the finish line to address that part of the concern. I think that that also affects the requester community.

So, I mean, I say let's all take a moment to read it all and figure it out whether or not it's a good thing or a bad thing, but if it turns out to be a good thing, help leaning into that would be, I think, welcome too. Lori, I'm sorry that was so long. Thanks.

LORI SCHULMAN: No, that's okay. So, we've made another moderator executive decision. And the last little bit about futuring, we are going to have a follow-up session and it will be a community-wide session. It may even be outside of the ICANN structure, but there's a lot to unpack here. And I don't want to shortchange the people who have asked to speak. So, we're

going to keep speaking according to the queue. We'll finish out the queue and then we will close the session.

And then you look out in CircleID. We're putting our announcements into CircleID for programs. And the intention now is to go bigger, larger, in terms of now that we've started this collection, let's have a bigger discussion about how we constructively use this. And to Thomas's point, and Greg and Christian and others, that we need to have a larger piece of the community. But again, with this structure, with this tone, with moving forward constructively without debating and where we do have information misalignment, that we get aligned. And so, with that, I'm going to go to Brian Beckham and then Chris, then Margie, and then we'll have Philippe give the last word.

BRIAN BECKHAM: Thanks, Lori. Hi, everyone. Brian Beckham. There was kind of a theme in the interventions from Lori and Patrick and John, which strikes me as somewhat remarkable. And it goes to the concept that Thomas and Christian mentioned. And so, when you see, and presumably, Verizon and John, your firm, and Lori, the people that you mentioned are working off of some sort of a template, right? Do you identify a type of your famous brand on a watch list? It gets flagged for potential infringement of whatever variety.

And so, it seems remarkable to me that on the assumption that the requesters are submitting similar requests, then you have 100% disclosure from one registrar and 0% from another registrar. I think we all understand that there has to be a balancing test. You're not going to get the same results and different registrars might interpret that

differently. But I think you would expect to see something more along the lines of an 80-20 rule rather than a 0%-100% rule.

So, I think whether it's some sort of informal caucusing, a session where people show on screen, at my registrar, this letter of authorization from Verizon isn't going to cut it, we need to see the following. Or in our assessment, this wasn't able to be disclosed because of the following legal reasons. We've seen some, frankly, which I think stretch the boundaries of any reasonable interpretation of the regulations. There's no content being hosted. This is a generic term. Things of that nature. And so, just like it would be helpful to know is this rejected for a procedural reason, it would be helpful to know what are the substantive reasons that registrars are applying in terms of their disclosure decisions. Thanks.

LORI SCHULMAN: Okay, we have one minute left. So, Margie, since you've already spoken, I'm going to ask you if you wouldn't mind declining on the list. Chris, can you do something really quick?

CHRIS LEWIS-EVANS: 30 seconds.

LORI SCHULMAN: 30 seconds, and then Philippe has the last 30 seconds. Go.

CHRIS LEWIS-EVANS: So, my experience is a lot lower than it was when I was in law enforcement, to be honest, but it's very similar to a lot of what we've heard already, and that's non-participation of registrars. I know that's been recorded, I believe, in the system, but just the number of requests, I think that might be helpful considering the offer we had from the registrar around getting more people signed up. If we can also record what are our top non-participating registrars and then ask the registrars, would you mind getting them to join? Thank you very much.

LORI SCHULMAN: Thank you, Chris. Noted. And we will do that. I've been already requested that by the Registrar Stakeholder Group, so that's even in the works. And Philippe, take us out.

PHILLIPE FOUQUART: Yes, I will, hopefully, very quickly. Well, first, I do want to thank you, not only for the information, but also for the spirit that we share. Out of this session, I think it'd be useful to sort out the experience in the buckets of the low-hanging fruits and those things that we talked about, the character limits, the number of clicks, for example, which can be a deterrent moving forward. And as Steve said earlier, we don't want this not to be used moving forward.

So, I think the metrics as well is something that's easy to be fixed. On the other side of the spectrum, the dependencies with the policy-related aspects like accuracy, we're not going to fix that, but it's good to know. And in between, probably things to do as it relates to the semantics and the consistency, the point that Brian just brought up,

consistency between the interpretation between the registrar, that's something that would be really useful. So, things to do, obviously. Thanks again, everyone, for the participation. We'll keep you posted on the next steps. And meeting is closed. Thank you.

[END OF TRANSCRIPTION]