

**Transcription ICANN Buenos Aires Meeting
RAA Remaining issues session
Thursday 21st November 2013**

Note: The following is the output of transcribing from an audio. Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an authoritative record.

On page: <http://gnso.icann.org/en/calendar/#nov>

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page

Attendance:

Reg levy
Terri Stumme – USA Dept of Justice Drug enforcement
Andre Kellum - USA Dept of Justice Drug
Karin Davis- USA Dept of Justice Drug
Osvaldo Novoa
Holly Raiche
Steve Metalitz
Stephan leguer
Stephanie Perrin
Wendy seltzer
Maria Farrell
James bladel
Michele neylon
Justin macy
Graeme Bunton
David cake
Paul mcgrady
Carlton samuels
Peter roman – dept of justice USA
Alex deacon
Amr elsadr
Loiue lee
Richard peterson
Kristina rosette
y.J Park
Hector Manoff - IPC

Maria Farrell: All right everybody, I'm going to call this meeting to order. Yes there's going to be order here.

Michele Neylon: No, no, no order.

Maria Farrell: This is what happens when you too Irish people at the top table, pandemonium. Okay so my name is Maria Farrell and I am from the Non-Commercial Stakeholders Group, and I have been appointed as the GNSO liaison to what will be the Proxy and Privacy Accreditation Services Working Group. So basically I'm the person that reports back to the GNSO. At some point over the next couple of weeks when this working group meets officially, we will be appointing a proper chair.

So I just want to welcome you all this morning, and also I understand we have two people on the phone: (Gordon) and (Todd). So we're going to go around and do a round of introductions. I'm going to ask the people on the phone to introduce themselves if I may. (Gordon), could you go ahead?

(Gordon Dick): Sure. I'm (Gordon Dick). I work for (Demis). We're a registrar but dealing with corporate registrations so we also do lots of work on brand protection as well, so both sides of this issue are important to us.

Maria Farrell: Thank you very much. And (Todd) could you please introduce yourself?

(Todd Williams): Hi good morning. I'm (Todd Williams). I'm with Turner Broadcasting. I'm an intellectual property attorney, and I am in Atlanta so it's quite early for me.

Maria Farrell: Thank you very much. Okay let's go around the table briefly. Steve Metalitz if you wouldn't mind kicking off.

Steve Metalitz: Okay I figured out the technology. This is Steve Metalitz. I represent the Coalition for Online Accountability, which companies and associations

depending on copyright protection. And active in an intellectual property constituency of the GNSO.

(Alex Deacon): My name is (Alex Deacon). I'm with the Motion Picture Association of America. I'm based up in Silicon Valley and are leading their Internet technology efforts.

Wendy Seltzer: Wendy Seltzer. I'm also an intellectual property attorney. It seems there's a few of us in this room. But I'm with the Non-Commercial Stakeholders Group and work on other things such as (TOR) project, have strong interests in privacy and anonymity.

(Stephanie Perrin): My name is (Stephanie Perrin) and I'm not sure how to describe myself. I think I'll go with privacy consultant.

Mary Wong: Mary Wong, ICANN staff.

Marika Konings: Marika Konings, ICANN staff.

Volker Greimann: Volker Greimann. I'm with Key Systems, a large German registrar and I'm also on the GNSO Council.

(Graham Bunton): (Graham Bunton). I'm from Tucows, a large Canadian registrar.

James Bladel: James Bladel with GoDaddy, a medium-sized North American registrar, and on the GNSO Council as of yesterday.

Michele Neylon: Michele Neylon, (Unintelligible), an Irish registrar which is quite small. I'm chair of the Registrar Stakeholder group and I'm also on the EWG as is (Stephanie). Thanks.

Paul McGrady: Paul McGrady. I'm an attorney at Winston & Strawn and our firm is a big one so we represent new gTLD applicants, trademark owners, even I think a

registrar or two. I also right the domain name treatise for LexisNexis and participate primarily through the IPC, although I'm also council to the BRG.

David Cake: David Cake. I represent Electronic Frontiers Australia, an organization that's strongest in privacy and civil liberties, and I'm also on the GNSO Council.

Carlton Samuels: I'm Carlton Samuels. I'm on the ALAC and I'm also on the EWG, as is (Stephanie) and (Michele).

Holly Raiche: Holly Raiche. I'm on ALAC and representing the Internet Society of Australia.

Man: I'm (unintelligible) from (Antilla), a telecommunication provider in Uruguay. At this moment I hope to find a place in the GNSO Council for the Internet service providers constituency.

Maria Farrell: Thank you all very much. Is there anyone else sitting in the room who would like to introduce themselves who's not at the table. Okay, thank you all.

All right well how this is going to run is James Bladel is going to very kindly give us a quick rundown on the origins of this PDP for about seven or eight minutes, and then I think we have a discussion - one of the things, although this is not a formal meeting of this working group, but I think it would be useful if we left today with some at least broad ideas of perhaps what the subtopics on privacy, and subgroups of this working group are going to be so we may have I think a discussion for about 20 minutes about what those topics are. And in that we will be guided by the list of questions at the beginning of the chart here, so it would just be really helpful to hear people's thoughts at that stage on what the priority issues are and just some suggestions for perhaps what a useful division at work and a good labor might be.

So before that I'm going to kick off to James for the introduction to the PDP and where it's come from.

James Bladel: Thanks, good morning. And once again I'm James. I wanted to offer to provide a little bit of background on how we arrived at this point coming out of both the Whois review team that I was a member of as well as the recently concluded RAA negotiations that ended in the privacy and proxy temporary specification which now lives in that contract.

So this has always been an interesting and lively topic within ICANN circles, and I think it was during the Whois review team which issued its final report in 2012 that this was first perhaps given a comprehensive and thorough examination by a cross-section of the ICANN community. And there were a variety of opinions on that group. I think some folks wanted to see just a complete prohibition of privacy services in the Whois and other folks of course wanted to see just more formal structure put around those services and a variety of different things in between.

But where we ended up with this was this idea that these services, particularly if they are offered in conjunction with registration services by an ICANN-accredited registrar or other contracted party, should have some basic boundaries or guidelines about their business practices and how they interact with their customers but also with the data escrow program and those requirements as well as requests from law enforcement and third parties inquiring about the person or entity behind a particular domain name. So that was one of the recommendations coming out of the Whois review team.

In the RAA negotiations there was a discussion about putting in a temporary specification to govern those practices in advance of a PDP, and there was I think some discomfort with the length and depth and breadth of that temporary specification, the first draft. I don't mean to throw staff under the bus, but it felt very much like the PDP was happening right there on the table in between just behind closed doors with a couple of people working on it. And so we stepped back a little bit and I think it was myself and with a couple other folks, including some of the folks from ICANN staff, put forth this temporary specification which just lays out some high-level principles about

disclosure, contact-ability, basic abuse requirements and publication of contact details and escrow requirements for privacy and proxy service providers, and the key thing here being when they are associated with an ICANN-contracted party. Some of these I think that may be the norm but there could certainly be service providers that are completely outside of the ICANN ecosystem and that's something obviously that would not be covered by the RAA.

So that specification is part of the RAA. Anyone who signs the 2013 RAA is bound to that specification beginning January 1, 2014. And to ensure that this effort was not backburnered or did not go into ICANN purgatory, we set a sunset date of January 1, 2017 so that if there was not a full formal PDP to replace that temporary specification by that time, then the temporary specification would evaporate. So that's what led us to this point, that's why we're here and that's - I don't know, if you have any questions, I'd be happy to answer on how we got here and the background but I think that's, in general, the lay of the land.

Maria Farrell: Thanks very much, James. Okay well I'm going to kick off with one question to you and perhaps more broadly to the room. It's the first question on our chart here and it's a pretty key one, which is what, if any, types of standard service practices should be adopted by ICANN-accredited privacy and proxy service providers? I think that's sort of the fundamental - it's the sort of the yes-no, the red-green light. So is that - I mean my understanding is that if this PDP does work it would be to produce a draft and then an initial report on what those types of service standard service practices would be.

So would it be useful - I think it would be useful this morning to have just a brief discussion on what are our assumptions here, will there actually be standard service practices, is it our job to develop them, how much time in the working group are we going to spend discussing the yes-no issue, should we do that, if you like? I see a hand raised. Wendy, I'm going to go to James and circle back to you.

James Bladel: I think even prior to that we should either develop or reconstitute some of the definitions that were adopted because privacy and proxy I think have a lot of different meanings and different services will call themselves different things depending on what the specifics of the service that they're offering. So I'm going to sneeze here, so just a moment.

I would recommend folks go back and take a look at the definitions as a starting point. We're certainly free to alter them, but as the definitions in the final report from the Whois review team, and perhaps staff can help us dig through the archives and mine out those definitions, but we set up what a privacy service was, what a proxy service was, what it means to be affiliated with a registrar, and I think making sure that we understand so that we're using some common terminology before we dive in I think would be helpful.

And then yes for the question that you posed, Maria, is the central thesis of our whole thing here, and I think that most of what we have discussed in our work are some basic business practices -- not all -- but basic disclosure, contact, relay and reveal, disclosure so that people understand that they're dealing with a privacy service and what relation it has if any to their registrar, making sure that they're formalized or sufficiently professional enough that there's a terms of service associated with the privacy service.

Relay, if I want to communicate with the underlying customer of a proxy service, under what terms will they relay my communications, noting that unsolicited communications is primarily preventing those from reaching that person is one of the reasons why these services exist in the first place because it's hard to tell genuine inquiries from spam. And then reveal, when you actually have some indication that there is a harm occurring or that, for example, law enforcement through the course of an investigation wants to understand the relationship between the privacy service provider and its customer, under what terms would it reveal the identity of that party.

So I think those are the four. And I ticked them off and now I'm already forgetting them so we may have to go back to the transcript, but relay and reveal being the ones that I think most folks are focused on.

Maria Farrell: Sorry. Just before Wendy comes in I think the four topics you mentioned were -- I've got them down here -- disclosure, contact, relay and reveal. And I think the results of the topic when and how the registrant may be aware of any requested closure. I have Wendy and the Steve.

Wendy Seltzer: Thanks, Maria. Wendy Seltzer. So I think it's very important that we sort of keep in mind the gating questions here. What if any appears many times and that was one of the points that I stressed as we were drawing up and approving this charter that we have to keep in mind the various burdens that additional rules would put on registrants and users of the domain name system, and we should be willing to go back at any time during our investigation and say the burdens are just too great, we should not adopt any requirements here.

And so I think we need to go through the analysis before we necessarily reach that conclusion, but we shouldn't get ourselves down a path where we think we've done so much work therefore we should just - we have to adopt something. We should feel free at any time to say it's just too much. It's too burdensome on the registrant or it's too burdensome on the registrar or it's too burdensome on the service that provided valuable service to other parties and so we can't come up with a workable solution, or we need to shift that burden, we need to say ICANN has to pay to subsidize some of these services or we need to find other sources to relieve those burdens.

Maria Farrell: Okay so, Wendy, I think what I'm hearing from you is that rather than simply giving a green light to the whole notion of services, or best practices if you like, and then going from there, you think there should be a point and perhaps several points during the proceedings as the working group goes on, which

you might say this is now too much and I want to look at the whole point of principle of whether these things should exist in the first place.

And I think as a working group it needs to - as a group of people we would need to know we are in principle going to go ahead if the group decided in principle it would be going ahead with developing some form of best practices, bearing in mind that at any point in the proceedings some people may feel that those best practices were too burdensome. Am I right? Because it doesn't sound rational to me as a group to say we're going to do a year's work on something without having decided, made a conscious decision that we were going to go ahead with it in the first place and then as the work proceeds, obviously people might agree or disagree with what's in it.

Wendy Seltzer: I think that's sort of precisely what I'm trying to get at that, that we shouldn't get ourselves into some cost mode of thinking because we've done the work we must use it, that we might instead find that while we have done good work and it forms a good background to further consideration, the work might reveal that there is no workable solution or set of best practices that serves all of the different parties that we need to reach here. And so the work that concludes there is nothing that should be done is valuable work even if it reaches the conclusion no accreditation standard is required.

Maria Farrell: All right, thank you. Sorry, I'm thinking procedural terms and you're thinking much more (unintelligible). Steve, I have you, and after Steve, (Stephanie) then Michele.

Steve Metalitz: Yes, thank you. This is Steve Metalitz. I want to thank James for his rundown, his scene-setting presentation which I think was very helpful. I would just add two other points to his list then just a couple other comments of resources that might be useful for us as we get started on this.

One is besides relay and reveal there's a concept which I think was well stated in the status report from the experts working group that another

possibility is unmask. Reveal I think we want to be able to distinguish between providing the proxy customer contact information to a requester who meets a certain standard of showing the threat of harm that would justify kind of piercing the veil there. That would mean revealing it to that party for the purpose of remedying that harm, but unmask means you kind of put it into the publicly accessible Whois or you put it into the system just like any other registration. That's a somewhat different - that's obviously a different result, and we may find that we want to identify the standards both for reveal and for unmask.

The other issue that I think we should be thinking about and it was in the negotiations or in the public discussion about what became this interim specification of the RAA, and that's a question of verification or validation of contact information. If you register under the 2013 RAA and don't use a proxy registration, then the information you provide has to be validated to some extent at certain points in the process, but the information that's provided to a proxy service by its customer, there isn't any requirement for validation, even though ultimately that information may be either revealed, if the circumstances warrant it, or potentially unmasked which means it's put into the Whois. So I think there's a disjunction there, and one issue we would need to talk about is what, if any, obligations does a proxy service have to verify or validate the information provided by its customer.

I just wanted to mention two other resources that I think it would be helpful maybe the staff can direct us to. One is of course there have been a number of studies about Whois that have been commissioned by ICANN, and they provide some information I think for this group about the current characteristics of privacy and proxy registrations. For example they show that really this is a question of proxy registrations. Over 90% of the universe of privacy and proxy registrations are proxy in that no actual contact data for the true party and interest for the customer is provided. They also show that this is a huge issue, not a marginal issue. Something like 25% of all registrations in the gTLD universe are proxy registrations. So this is a very large segment

of the population and therefore I think that underscores the importance of having good accreditation standards.

The other area beside the Whois studies, and there's several members of the experts working group here and maybe they can talk a little bit about what research they have planned. In their status report they indicated that they wanted some research on the current practices of privacy and proxy services or they refer to a shield in proxy services, and that certainly would be very useful information for this group I would think. So it would be interesting to know what they have planned and also as people probably are aware, their status report includes a rather detailed discussion of this issue, and I think it could be a very useful element in our deliberation so that just might be something else to throw into the hopper that will help us to do our jobs. Thank you.

(Stephanie Perrin): Yes this is (Stephanie). My question is probably a naïve one but I think it's (unintelligible). What's the regulatory reach of ICANN in this matter? Because one of the things we're looking for in the experts working group is an impact assessment. One of the impacts that could come, and I must say I'm on the side of more accountability for privacy and proxy services, or shield services as I would prefer to call the privacy ones. But if the impact of that, if you cannot reach the non-registrar-related proxy services, then you're effectively driving more people out of the ambit of ICANN's rather tenuous regulatory reach. So if - and you'd want to have a close look at who those proxy services are in that research report, and I must say I haven't done it, the one assessed the number of bad actors that are using these services. I understand ICANN used it the other day to register its One Net thing, and presumably we're not a bad actor but yes.

Anyway so that's sort of - have we've done the work on that? Do we know?

Maria Farrell: Sorry. That's a very broad question. But, Steve, you've got an answer you want to give.

Steve Metalitz: Yes, I think you've asked two questions. On the first one I think since ICANN accredits registrars, ICANN -- and I think this is really, and James can correct me or others that were involved in negotiation -- the idea was that if there is an accreditation system in place after the policy development process it becomes a consensus policy, et cetera. At that point ICANN-accredited registrars would only be allowed to take registrations from proxy services, or whatever they're called, that meet those accreditation standards. So it could drive people to unaccredited services, but at least in theory, those people couldn't register in gTLDs anymore because those wouldn't be valid registrations under the RAA at that point. Now that assumes that we reach a consensus policy on what these accreditation standards are.

(Stephanie Perrin): So that would solve my problem of the regulatory impact really. And would that include lawyers too? So that would solve my second problem which is you have a special class of proxy services through lawyers? Just kidding.

Steve Metalitz: I know you've discussed this is EWG and I think it was discussed here yesterday that you could take account of other relationships whether it's accountability and how you label them, that would be a question for defining the boundaries of this accreditation process.

But in terms of your other question about use of proxy registrations for good or bad purposes, that I think was the subject of the most recently released study from the National Physical Laboratory Group so the staff has that. And that showed in general that not surprisingly a lot of people who were engaged in bad actions through the use of the domain name system used proxy registrations somewhat disproportionately because they didn't want to be found, but also, and I think I would certainly agree with this, there are certainly legitimate uses for proxy registrations and that they found certain categories of users that used proxy registration quite a bit that didn't seem to be engaged in illegal activities. Again I think that's other factual or at least the

results of that study criticized the study in certain ways, and we have, but that's certainly some evidence of how proxy registration is being used now.

Maria Farrell: All right. Thank you very much, Steve. I have a queue. I've got Michele, I have James and I also have Kristina. But first I'm going to ask (Ahmer) and Kristina and this gentlemen who just joined us, if you wouldn't mind just briefly introducing yourself.

(Ahmer Sadrack): (Ahmer Sadrack) from the Non-Commercial Stakeholder Group.

Maria Farrell: (Hector Romana) from the IPC. Thank you.

Kristina Rosette: Kristina Rosette, IPC.

Maria Farrell: All right. Michele and then James.

Michele Neylon: Thanks, Maria. So I'm hearing lots of stuff here and some of it's really, really making my head want to explode which probably is helped by the fact that this is the morning after the night before.

Wendy, there has to be an outcome. It's not optional. This is not something that it us up for a discussion and debate. The 2013 RAA has a temporary privacy proxy accreditation specification. It times out -- when is it, 2017? -- pending the output from this PDP. So it's not a question of there not being something coming from this because this has to be. That's already been decided.

In terms of some of the other things I'm hearing about proxy and privacy services not related to registrars (unintelligible) to this again, that's pretty much out of scope as well because the 2013 RAA it only speaks about proxy privacy services which are associated with ICANN-accredited registrars.

With respect to the EWG...Sorry?

Maria Farrell: Okay we're going to need to keep a bit of order here but I see Marika has her hand up. Do you want to make a point of information?

Marika Konings: This is Marika. As I understand we are developing a accreditation program and it doesn't only - or as far as I understand it doesn't only apply to...

Michele Neylon: Okay well maybe I misunderstood that one.

Marika Konings: (Unintelligible) anyone that wants to apply to become accredited.

Michele Neylon: That's fine, that's fine. I just think that we can't come up with something doesn't make any sense to me.

On the EWG side of things Marika's colleagues have a huge amount of paperwork and various studies and other things which have been developed over the last few months so there's a lot of work already done. Thanks.

Maria Farrell: Thanks. James?

James Bladel: Just a couple of quick comments and I see Marika already made her point relative to the accreditation program and that is what we're looking at from this PDP. The second point being that there is always going to be this question of awareness on the part of the registrar. The registrar could say we have an affiliated proxy and privacy service. We are abiding by an accreditation program. I'm thinking some hypothetical future. Or we are using only those accredited programs that are known to us.

But as we have discovered in our efforts to define what a privacy and proxy service are, there are a number of services out there that it's not always clear whether they're operating on their own behalf or on behalf of a larger client base. If they are selling these registrations service retail or if they are, for example, a law firm acting on behalf of their clients or a family member acting

on behalf or a web developer acting on behalf of their clients. It's never as cut and dry as well they should just do this, there's always the question of awareness attached to any responsibility.

And then I just wanted to caution and I know a lot of people have issues with the National Physical Laboratory report and want to pick at the edges, I thought it was interesting but I thought in some ways it also muddied the waters more than it clarified them. Because while it indicated that there were issues, there were links between bad behavior and privacy and proxy services, it also demonstrated that there were no links, that there were legitimate reasons for using it. In some cases the use of privacy and proxy services prevalence was lower than it was in the general population.

I just want to say because they were so thorough in creating all these different categories and measuring all these different variable and axis of use, I think in some cases it may have done a little bit more harm than good because it's very difficult to sum up what that report is actually concluding in just a few minutes. It's a very complex set of conclusions.

Maria Farrell: Thank you, James. Kristina?

Kristina Rosette: I just want to support the point that Steve made in terms of adding on the unmasking. I think One Net.org has demonstrated to all of us that there is in fact a need to cover that possibility.

Maria Farrell: Volker I have you next and then I had...

Man: (Unintelligible)

Maria Farrell: Oh there you are. In that case next in the queue I had Wendy then (Stephanie) and then (Ahmer). (Ahmer) you were the third if you didn't hear.

Wendy Seltzer: So in response to Michele, I think we have more freedom of action than you're indicating. We can - it is clear that we need to address the subjects here and to do serious work because ICANN wants policy developed on this subject, but there is room in the RAA for us to conclude that the appropriate privacy and proxy accreditation program they have registered and they are doing business or that it can be a very thin shell of accreditation. I'm not saying that's where we will end up, I'm saying we shouldn't pin ourselves down to the only conclusion this work can reach is a detailed specification with burdens and costs up the wazoo.

Maria Farrell: Thanks, Wendy. (Stephanie)?

(Stephanie Perrin): Yes and my point was -- and I'll leave the in scope, out of scope thing -- as a delightful device in government, when you regulate you have to table -- and I'm using that in the Canadian sense -- you have to publish a regulatory impact assessment, otherwise known as an RIA, that actually measures the likely impact of the regulation that you are proposing. All I'm saying with this, I doubt that you have an easy way to reach the actors who are not associated with registrars. You definitely don't want to regulate the registrars and drive the proxy business away from them and into actors that you can't reach. So you have to have enough mechanisms in whatever you do to catch them. That's all. And if you haven't done that regulatory impact assessment or whatever you would call what ICANN's action in, because it isn't regulation, then you need to do that.

Maria Farrell: Thank you. That's useful pointing out of perhaps unintended consequences regulation from an experienced regulator. (Ahmer), you're up next.

(Ahmer Sadrick): This is (Ahmer). I just wanted to address some of the comments on the National Physical Laboratory study. I think it's important to note a few things out of that study. And one is that if anything had showed that the majority of people performing illegal activities online do not use the privacy or proxy services except perhaps in one of the sample groups that was studied, which

was phishing I believe, which was over just slightly 50%. What the study did say is that there was a significant percentage of people performing illegal activities online using privacy and proxy services, and that is referencing to a statistically significant percentage of those folks from a cross-data analysis perspective.

And another of the things that this study pointed out was that people who are performing illegal activities online if they're not using privacy proxy services they're finding some other way to hide who they are. And this is something that needs to be taken into consideration when addressing the burdens of creating difficulties in registering domain names using privacy and proxy services for registrants, as (Stephanie) pointed out earlier, and sort of the reach of ICANN in implementing not specifically a policy that it wants to implement but what is the bottom line, what is it that we want to achieve with this policy. And so these are things that I think this working group should also take into consideration over the next few months during its deliberations.

Thanks.

Maria Farrell: Mary?

Mary Wong: Thanks, Maria. And it may be useful here to point out for those who haven't been following this discussion in as much detail as some people around the table that immediately after this session there is an update on various aspects of the Whois system, including work that ICANN has been doing and is doing starting at 9 o'clock and I think some of the folks here are actually on that panel.

Secondly on the NPL study, there were a number of public comments that ICANN received and we're in the process of processing and analyzing those comments. I would encourage I think all working group members who have not read that study to actually do so because as some have said, it's really hard to do justice to all the findings and summary. I would particularly say that we ought to be cautious in using terms what is above average, what is below

average until we know actually from the study what the numbers and the average is. To say something is statistically significant is very different from saying that something is above average, for example. And in that study there were a number of work packages that included looking at phishing, typo squatting and registration by unlicensed pharmacies and such, and those were some of the categories where there was a very high percentage of use of privacy and proxy services. Whereas in other categories of so-called illegal activity, the rate was lower.

So as James said, it's a little difficult given that there were a lot of results that came out of it. So I do think that the members of the working group might like to look at the study in some detail, and that might be a discussion that you might want to have in one of your subsequent meetings, just on the results.

Maria Farrell: I've got Steve in the queue. Before I let you hop in, Steve, I'm just going to suggest I think it would be extremely useful for this working group were we all to begin with a common understanding of some of the background and also some of the terms. So I think some of the essential, in fact required, reading I would like to say as a mere interim chair is certainly the experts working group draft paper currently, which has lot of very useful and very detailed information. Obviously I think also the Whois proxy and privacy abuse study and very important, our own charter naturally and what was the other thing? The Whois review team report I think is also an essential read because lots of these issues have been covered before and lots of us are coming to the table having discussed them before. So I think that will be very useful. And if it were possible for staff to just send one e-mail circulating links to each of those three reports, that would be great.

James, what was the - you mentioned earlier -- Mary, I'll just let you in in a moment -- a set of definitions of terms and where would we find that? Because I think we should agree on that.

James Bladel: I believe -- and again this is just a starting point; we're free to develop our own definitions if we choose, or modify those -- but I believe those were first established in the Whois review team final report where we tried to articulate the distinctions between privacy and proxy services.

Maria Farrell: Thank you. And, Steve, while I'm on this role here I think the other thing that would be really useful and given that we had some slight differences of interpretation and background on it, from staff would be I think just an e-mail or a one-pager setting out what are the expectations in terms of the RAA. I know there is a certain amount of that in the charter already but I think just to set out this is what we are expected to provide, by when and this is our understanding of what the start of that document would be, that would be great.

Steve, if you don't mind I think Mary had a point of information and I'm going to let her hop in first.

Mary Wong: Thank you. And we've already put on the wiki for this group some of the background documents you've been discussing, including the Whois review team's report as well as the initial report and the status update from the EWG. What we will do - and on top of that, sorry I'm going to take a step back, there was a staff paper that was prepared upon the conclusion of the RAA negotiations that also contained some of the background that you're talking about here, Maria, not just how we got here but what some of the other work was.

So what we will do before the next meeting of this working group is put together a short summary of all of those things and in particular, the definitions that have been used. I think James already talked about it in the Whois review team report. For example, definitions of privacy service, or what we called shielded service, proxy service and some of the other relevant terms that were used not just for the Whois studies but has been used across ICANN and the work on this issue.

Maria Farrell: That would be terrific. Steve you've been very patient.

Steve Metalitz: Thank you. This actually relates to what was just being discussed. Just in terms of our next steps, two questions. First of all I see several members of the ICANN staff here and there are a lot of references to staff doing this, can we just clarify? Is Mary our primary contact here? Marika and Mary? Oh, okay. So that's good. So we know we're in good hands.

And I guess the next question is would the next step be to we talked about the next meeting or future meetings of the group, is it appropriate to circulate some type of doodle poll or something like that to try to come up with a standard day and time for meetings, not that we would always have to use that but that we would at least start off with that so that we can get the ball rolling I guess is the question?

Maria Farrell: I see staff nodding vigorously so that's good to hear. I think what we should walk out of here today is simply our background agreement so that we're all pretty much on the same page, and an agreement that I think we should have a first proper and official launch meeting of this working group within two weeks. I think that would be reasonable. And I think Steve's suggestion of not simply scheduling that meeting but looking at a generally standard time slot would also be helpful.

And the other thing that we need to do here really I think all we have left to do largely would be to remind ourselves that all of the people in this room do not exhaustively constitute this working group. We've about 30 people I believe who signed up already, which is terrific, but I think it would be great to keep getting the word out because this is going to be a really significant piece of work. I suspect there may be quite a few subgroups so we'll have a lot of work to do over the next year. I think we can probably expect this is probably going to take about that amount of time and given the typical length of a

working group. And I'm showing my ICANN age. I keep calling the working groups taskforces. That's at least at five years out of date.

And what was the final thing? Yes, also this group is going to need to elect a chair or a couple of co-chairs. I myself I'm not going to run for that position so I suggest that we all get our thinking caps on and consider who, singular or plural, might be able to put in the leg work there. And personally I will be on the working group as the liaison to the council as well it will be continuing, and I hope all of you well.

(Ahmer), did you have your hand up there?

(Ahmer Sadrick): Yes, I was just wondering if all - there is no list of members yet for the working group on the wiki page and I was wondering if there are people who volunteered for this working group who are not in the room right now. And also is there a deadline for the call for volunteers? There is no deadline so we can go ahead and start the due diligence so we're not (unintelligible). Thanks.

Maria Farrell: My understanding is it's always open for people to join a working group, given that they make the commitment to bring themselves up to speed. But I think what we should do is develop a deadline and perhaps not here or perhaps on e-mail for nominations for the chair or co-chairs. And I think it would be useful -- Michele, I'll let you in in a second -- I think it would be useful to get that done sooner rather than later so that this group can actually be starting its substantive work before the end of this year.

Michele?

Michele Neylon: I was just going to say, Maria thanks. Due to the rather -- what's the word I'm looking for? -- due to the issue being rather contentious I would suggest that we look at co-chairs rather than a single chair because no matter which group the chair comes from, the others are all going to have some potential issue

with that, so maybe co-chairs might help to make that a little bit smoother.
And also for the record, there's no way I'd be running for that.

Maria Farrell: I have David next.

David Cake: Can I just say that we don't just try and find the one meeting time to stick to because from experience that always means it's 3 am for me.

Maria Farrell: Point firmly taken. That was David Cake from Australia. I've just realized I've not been very good for the people on the phone at calling people's second names. Apologies for that. Marika, sorry I have to say these things while I'm thinking of them be my memory's a bit unreliable. I wonder could we after this meeting have an e-mail from staff with a list of all of the people on the taskforce and I think a call...Oh, my God. Sorry, working group. Thank you, Kristina. Thank you, Michele. It's good thing I'm not going to chairing this. That could get really irritating.

Yes we would love a list of people, current participants in the working group, call for more participants and a call for nominations for chair or co-chairs and then also obviously the links to the URLs of the required reading for this working group.

Marika, go ahead there.

Marika Konings: This is Marika. Just a note that from recent experience, actually the co-chair or vice-chair system has worked quite well especially in those situations when the chairs basically come from two parts of the GNSO house or different parties in the ICANN community so we have a bit of spread. And it allows them as well as chair at some point well I really don't want to speak on this issue so I'm handing over to my partner.

And just to note as well that one of the first responsibilities of the working group will be to develop a work plan. So that's something as well that people

may already want to start thinking about, how to tackle this work, what is required for you indeed to actually start to work, what kind of information would need to be gathered in addition what is already available. As I said, we'll be working as well with the staff supporting the EWG and the research that they're undertaking. But for example, the really specific questions are things that you think need to be included in that. Start already thinking about that now so we can really start moving forward in a rapid pace.

Maria Farrell: Fabulous. Okay well does anyone have any final comments to add or suggestions to make? No, excellent. All right in that case I'm going to exhort all of us to do our background reading and all of us to think hard about who we could nominate as chairs, co-chair, vice-chairs and good laboring participants on this working group. Thank you all very much for coming.

And you can stop the recording. And thank you to the people on the phone, (Gordon) and (Todd).

END