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HYDERABAD – Update on WHOIS-Related Initiatives
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ALICE MUNYUA: Good afternoon, everybody. I would like to start the next session, an update on WHOIS-related initiatives. My name is Alice Munyua of the African Union Commission, chair of the Governmental Advisory Committee public safety working group that is the host and organizer of this high interest topic session. And I'd like to invite the panelists to introduce themselves, name and constituency. I can start with you.

GRAEME BUNTON: Hi, I'm -- loud. Sorry. Graeme Bunton from the Registrar Stakeholder Group where I'm currently chair.

KRISTA PAPAC: Hello, everybody. My name is Krista Papac. I am a member of the ICANN organization, and I work for the global domains division.

CHUCK GOMES: My name is Chuck Gomes, and I'm chair of the RDS PDP working group.

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GREG MOUNIER: Good afternoon. My name is Greg Mounier from Europol, and I'm a member of the public safety working group.

JARED ERWIN: Hello. My name is Jared Erwin. I'm also part of ICANN GDD staff.

MARGIE MILAM: Hello. I'm Margie Milam, and I'm with ICANN, the multistakeholder strategy and strategic initiatives department.

ROGER LIM: Hi. I'm Roger Lim from ICANN contractual compliance.

ALLEN GROGAN: Allen Grogan from ICANN contractual compliance.

FABIEN BETREMIEUX: Fabien Betremieux, ICANN staff, GAC support.

CATHRIN BAUER-BULST: Cathrin Bauer-Bulst, European Commission, co-chair of the public safety working group of the GAC.

ALICE MUNYUA: Thank you, everybody, and welcome to this session. The goals and accept -- outcomes for this session is providing an update from the ICANN community on the scope, timelines, progress, and achievements of the relevant initiatives on WHOIS with specific focus on accountability of domain registration as well as some presentations on the body of knowledge related to accountability of domain registrations and as well -- and we'd like to share views and have a conversation with you all regarding the challenges of accountability of the domain registration.

So I'll hand over to my co-chair, Cathrin, who's going to moderate this session. Cathrin.

CATHRIN BAUER-BULST: Thank you, Alice, and thanks to all of the panelists for taking time out of the busy schedule of this ICANN meeting to speak to us today on the WHOIS. I thought I'd start with a comprehensive history of all the initiatives that have gone on so far. Actually, just kidding. I think you need a directory to find your way only through what's going on at present. And I think what I've heard echoed throughout all the different sessions here at ICANN is that one of the main challenges that we're facing is the significant workload that the different initiatives are creating for many communities. And so this session we're experimenting a

bit with this new format of the high interest topic. This session aims at providing a quick overview, so really not more of a snapshot of some of the initiatives on WHOIS that we thought might be most relevant. Also to the community at large, to sort of try and provide a sort of comprehensive overview of what goes on, provide you an opportunity to inform yourselves, and most importantly to be in a position to participate, maybe also identify horizontal issues that you would be interested in following across the different initiatives.

That means we have a very short time for speakers. We have an impressive slide deck, and you should see this also as a resource for you as a take-home. We're not going to cover everything that's on the slides, but we would very much invite you to go back to those and refer to them for more information.

I said we're going to experiment a bit with this session, and as part of this experiment we've tried to find one topic that for the GAC and the public safety working group is of particular concern across all of these initiatives. And for us, that's the issue of accountability and privacy. What does that mean? We've spoken a lot about accountability in the past months and years, and that was usually referring to ICANN accountability. So I want to be very clear here, that's not what this session is about. We are speaking about accountability for, for example, criminal activity. So the ability to trace somebody who is responsible for

criminal activity related to, for example, abuse of the Domain Name System where we had some very interesting examples in the previous session. And there's actually, I would say, an important role of the public safety community in particular in protecting privacy by using accountability of criminal actors who very often infringe upon the privacy of the normal users of our systems.

We are going to -- to illustrate a bit more why we as a public safety working group and the GAC in general care about these issues, we're going to start by illustrating them a bit through a use case that my colleague Greg from Europol will present in a minute so as to allow everybody to understand why we are dealing with these issues.

Just very briefly let me show you the agenda so you know what's up ahead. As I said, we will start out with Greg, and then we're going to have the rest of the sessions split into two parts. We're first going to cover three of the main initiatives that are dealing with the WHOIS as it is today and then three of the initiatives that are covering the future of WHOIS, where we're headed, for example, on the RDS. We're not going to cover all initiatives. For example, the implementation advisory group on the WHOIS conflict procedures with local laws is another initiative that might be of interest. So again, even though we tried to really cover a lot, we're not going to be able to cover

everything. But please, again, refer to the slides and do feel free to ask questions after each of the updates if you would like more information. So we're going to try and do questions related to the individual initiatives after each initiative has been presented and then we would ask you to kindly keep your general questions until after the initiatives have all finished their presentations.

So without further adieu, I turn it over to Greg. Thank you very much.

GREG MOUNIER: Thank you very much, Cathrin. Hi, everyone. So I'm working for Europol, which is the European police agency. I'm also part of the cybercrime division. As Cathrin said, what I want to do is just to illustrate the panel today by explaining how the public safety agencies are using the WHOIS in their investigations. So first of all, as a matter of introduction, I want to say that the use of the WHOIS has changed over time. It was traditionally and it is still a contact point for incident response. Of course, that's the main purpose. Also used for determining whether a domain name is available. But also, because the Internet has changed, the use of the WHOIS has changed, and nowadays you have many, many different actors, including individuals, business, law enforcement, public safety agency, consumer groups, that are

using the WHOIS to seek redress and identify abuse online. So really, the WHOIS is a great instrument, and it's very useful to attribute crime online.

Public safety use of the WHOIS. Basically WHOIS is only one of the tools that cyber investigators have at hands. But in their investigations very often they start with an IP address, they start with the domain name. So the first protocols will be in 90% the WHOIS. They will do a lookup on a domain. It's not the silver bullet, of course. If you want to take down a botnet, you're not going to only use the WHOIS because you won't go very far. But it is important. It is a first step that you will use. So accurate information in the WHOIS is really important. It make life of criminals a little bit more difficult to carry out their crime.

The first case is related to botnets, so just want to stress how DNS is extremely important to run a botnet infrastructure. You need to have the ability to generate regularly and very often new and fresh domains that you are going to register from various registrars around the world. You need to do that faster than those that are actually taken down. And if you have that ability, if you master the DNS, then you can sustain a very robust botnet infrastructure. You can sustain takedowns requests, sink holing attempts, and the rest. So DNS is key for botnet infrastructure.

This is very simple example which is actually very, very positive in the end, just to show how we've used a botnet to identify WHOIS -- sorry, to identify a criminal running a botnet. So FP Cyborg is actually the division within the cyber division of Europol which is dealing with botnet takedown. And they had identified suspects using WHOIS information. What happened is that there was a criminal group running a botnet that was deploying banking malware. And so there were monitoring communication between various suspects and one of them mentioned a domain name which was actually used to host the administrative panel of that botnet.

So they simply did a lookup on the domain names, they came up with an email address, and then they did a reverse lookup on that email address, and then the whole list of domains that have been registered using exactly the same email address came out. So they continued to do open resource research on every single domains that came out that were linked to that email address, and by chance they found very old domains that was hosting some kind of a personal page where they could find some more information on the person. They contacted the local law enforcement authorities, did some check -- more investigations, and it turn out that that person indeed was a known cyber criminals and after further investigations it was the one running that botnet. So it's just a very simple case where relying on

accurate validated information in WHOIS, you manage actually to find the person who is behind the botnet.

The second case I wanted to show and to present to you today was based -- linked to child (indiscernible). We have another team that is dealing with that, and they are currently actually investigating a group of criminals that are running a number of websites on the clear web. You have -- you have the -- two URLs on these slides. And on those websites you have a splash page with simple pictures of young girls but it's not child porn, but then if you click on that website and you go further, then you have a whole infrastructure where if you buy your subscriptions, amongst these subscriptions then you're taken to a different website and then you've got unlimited access to hard-core child porn. And these are really criminals making a lot of money out of them. So they're setting aboard those websites. And so we had one or two URLs, plus some law enforcement friends gave us some more, and what we've done is that we went in WHOIS and we tried to find -- we find the DNS information on all those URLs and we connected it to the IP addresses and then we research all the WHOIS data. And then you cross-check all that information, and yet again we found one email address that was common to all those domain names. We haven't -- this is ongoing investigations, but what I want to say is that by finding one particular information that connect everything, then you

find a connection between various domains. Usually when you have a domain that is connected to an IP address, you can't connect it to a different domain. But by cross-checking all that information with validated information from the WHOIS data then we managed to find one registered email. So again, conclusion is very simple. If you have accurate and reliable WHOIS information plus that remains publicly available, then you help crime attribution online, you save very precious time for investigation, and you make life of criminals a bit more difficult. So that's just -- I wanted to illustrate the case with this two case studies. Thank you.

CATHRIN BAUER-BULST: Thank you very much, Greg. And without further adieu, we will kick off the presentations on the present day WHOIS with Jared who will take us through the accuracy reporting system.

JARED ERWIN: Thank you, Cathrin. My name is Jared Erwin. I'm from ICANN GDD staff, and I will be talking about the WHOIS ARS.

So the ARS was designed to meet several recommendations from the 2012 WHOIS review team as well as address GAC concerns on WHOIS accuracy. And as part of ICANN's

commitment to identifying potentially inaccurate records and for follow-up and investigation.

The ARS is being implemented in phases based on the types of accuracy validation identified in the SAC 58 report. So far we've completed a pilot phase which was basically a proof of concept testing how we collect the data and analyze it. That finished in 2014 with a public comment period following that. Phase 1 looks at syntax accuracy which was one of the types identified in SAC 58. Syntax being the format of the WHOIS record, the contact data in the WHOIS record. So is it correctly formatted.

Following phase 1, phase 2 looked at both syntax and operability or operational accuracy. So in addition to the format of the record, is the contact data in the WHOIS record operational? Does the email go through? Does the telephone number work when you dial it? Can the mail be delivered to the address?

Phase 2 is essentially the fully operational ARS. It's intended to be repeatable and phase 2 is a repeatable system. So we've already completed two cycles of the phase 2. Last year we completed cycle 1. Then June we completed cycle 2. And we're about to complete cycle 3. So you can see about every six months we produce a new report. And all of these reports with a

lot more detail than I'm going to go over today can be found on our website WHOIS.icann.org under ARS reporting.

So just briefly, the process, we take a sample of WHOIS data that we use to create estimates on the general population of WHOIS records, the accuracy of the general population of WHOIS records within a 95% confidence interval. Once we have that sample data, we test it based on requirements in the RAA for -- Registrar Accreditation Agreement, and again we look at syntax and operability of the WHOIS record.

Once we've tested it we analyze the results, and we report on overall accuracy, as I mentioned, of the WHOIS record but also we look at three subgroups of interest which are accuracy by region, also RAA type, whether 2009 or 2013, and also gTLD type, legacy -- excuse me -- or new gTLD. And finally, we provide these results to ICANN contractual compliance within -- conducts follow-up as needed with registrars on potentially inaccurate records. So again, every six months a new report, so twice a year.

Here you can see some sample results. In our reports we have a lot more statistics than these. This is over operability accuracy by contact mode. Mode being postal address, email address, or telephone number. And you can see the results from cycle 1 to cycle 2. Up in the right-hand corner you see a little box with

overall accuracy, operational or operability accuracy, meaning every contact data type is -- in the record is fully accurate or operational. And so for cycle 1, that was about 65% and that went up to 70% with cycle 2. Right now we can't attribute that to anything besides random sample variation, but eventually we expect to see changes in accuracy based on contractual compliance follow-up.

And finally again, we provide all the results to ICANN contractual compliance, and they review and follow up as needed. And again, we expect to see an increase in accuracy over time. We -- in June 2016, just three months ago, they began -- ICANN contractual compliance began processing phase 2 cycle 2 tickets, and we provided the phase 2 cycle 3 results to begin processing. We provided that just a few weeks ago. And again, we expect to have a third report, cycle 3 report, at the beginning of December. That's all. Thank you.

CATHRIN BAUER-BULST: Thank you very much, Jared. I have one or two questions to follow up. I was just wondering, looking back at the case that Denise just mentioned, the Facebook case, I was wondering when you check whether a phone number works or an email address, do you check whether it is someone's phone so a phone

that exists somewhere, or do you actually check whether it is the phone number of the entity that has registered the website?

JARED ERWIN: The former. So we dial the number or send email to the address, but we don't check to see who's on the other end.

CATHRIN BAUER-BULST: Okay. And I saw that the telephone number is actually the most frequently incorrect one of the data points that you checked. Do you have any theories why that is the case or any information on that?

JARED ERWIN: So nothing off the top of my head. But I can follow up with you after to provide you more details. It's all in the report, but nothing comes to mind.

CATHRIN BAUER-BULST: Sorry, don't mean to put you on the spot. I just have one more question regarding the follow-up. You said for those where you detect that it's incorrect you forward it to compliance. Do you have any figures -- do you check again whether it is correct after compliance has dealt with the case?

JARED ERWIN:
We don't check again after compliance has dealt with the case. The record may appear in our sample again, but that's not necessarily what you're referring to. But we don't -- the part of the ARS, we don't check it again after it's been followed up with.

CATHRIN BAUER-BULST:
Okay. Thank you. All right. To continue on the -- well, now compliance. Oh, sorry, go ahead, please.

ROGER LIM:
Hi. I'm Roger. I'm not Maguy. Representing Maguy today. I've just got one slide to present. All right, I just have one slide to present actually. So this is an opportunity to provide an update on the WHOIS-related compliance efforts that compliance has been undertaking. So, for example, we have actually done more detailed breakdown of the WHOIS inaccuracy complaints dashboard information. So, for example, now we have a breakdown of the total WHOIS inaccuracy number down into quality review, which is basically review of domains that might have been suspended initially. And then after that it has become unsuspended and then we find out -- we actually do a follow-up with the registrar to find out what has happened to cause the unsuspension. We also have -- and that's proactively done. We have also got the breakdown into bulk submission. This is individual submissions of complaints as well as the number of

tickets that come from Jared's WHOIS ARS information. So that's one of the things that we've done so far.

We also have ongoing outreach activities with contracted parties. So, for example, this year alone we've done two pretty big ones. One's in Korea and one's in China. We spent a few days in China reaching out to contracted parties there. We talked about WHOIS accuracy -- sorry, WHOIS accuracy specification program which is the WAPS program WHOIS format and also other areas that contractual compliance is seeing issues with. So we reached out to I think over 150 participants while we were in China, and we also had spent a couple of days in Korea reaching out to the Korean registrars and doing this similar kind of outreach to them. If you're interested you can proceed to the link provided to read about these outreach activities.

We also have what we call monitoring and reviews. So same countries. We've actually done ongoing reviews of WHOIS information in Korea and China. So what we're doing is WHOIS review project basically to test compliance with the 2013 RAA requirements regarding verification and validation. So that's still ongoing. We also have remediation efforts regarding the testing and validation of past remediation efforts that have been completed by the registrar. We just want to make sure that they're tested and validated again.

And also audit activities that include WHOIS reviews. So I think that's about it.

CATHRIN BAUER-BULST: Thank you very much. I'm sorry for the confusion. If I may just follow up, during your outreach activities or your other work, do you have any overview of which or whether there are any significant number of registries or registrars that do any sort of proactive checks on the accuracy of the WHOIS data? Or are most of them more on the reactive side?

ROGER LIM: Well, we have the contractual requirements per the 2013 RAA on the verification and validation. So we're actually doing the -- like I mentioned earlier, we're doing the WHOIS review project right now where we're actually asking the registrars if they've actually done the required validation and verification of new domains as well as domains that have been transferred in so that we can actually verify if the requirements have been fulfilled from that perspective. So I think that actually covers, I think -- I hope that answers your question.

CATHRIN BAUER-BULST: And those figures are available?

ROGER LIM: They're still ongoing now. We have not completed the project. We're still discussing with the registrars.

CATHRIN BAUER-BULST: Is there any expected timeline for when they might become available?

ROGER LIM: The data? We're hoping to complete the project by the end of this year.

CATHRIN BAUER-BULST: Okay. Excellent. Because, of course, it's always one thing with -- on the paper. And another thing what is happening in practice. So that would be very interesting to see. Thank you. Are there questions on the floor, first two presenters?

GREG DiBIASE: Hi, Greg DiBiase, for the record. For WHOIS, how are you testing if mail is deliverable?

GREG MOUNIER: Good question. We're not actually sending any mail. We're not sending out postcards or anything like that to the address. It's all based on database validation, automatic tools of -- based on

country requirements whether that address is likely to be deliverable. And we have different grades of, like, deliverability, essentially.

GREG DiBIASE: So physical address validation? That's you're relying on?

GREGORY MOUNIER: Essentially, yes.

MARC TRACHTENBERG: Marc Trachtenberg, for the record. When looking at the samples of WHOIS data that's being tested for accuracy, are there any numbers or any information on how many of those addresses are privacy or proxy services?

GREGORY MOUNIER: We get that question a lot. And, unfortunately, I don't have any information -- we don't track that. We don't have any numbers for that.

MARC TRACHTENBERG: Is it possible that might skew the results of the studies, especially if you're not taking into account any underlying data?

GREGORY MOUNIER: I can't answer that.

CATHRIN BAUER-BULST: All right. Thanks for the questions and the answers. Now we will turn to the final presentation in the present day WHOIS. And we're going to pass the speaker to Krista.

KRISTA PAPAC: Thanks, Cathrin. Krista Papac, ICANN staff and a member of the Global Domains Division as well.

I'm going to provide updates on the various implementation efforts -- sorry. I don't know what that humming is -- on the various implementation efforts that are going on right now related to WHOIS. The three projects that I'll be discussing are the thick WHOIS, the registration data access protocol, and the -- sorry. I'm not smart enough for the clicker. The thick WHOIS policy implementation project that's going on, the registration data access protocol project, and the recently approved translation and transliteration policy implementation project.

So the thick WHOIS policy recommendations, the GNSO recommendations, were adopted by the board in February of 2014. The recommendations essentially said two things, said that all gTLD registries should provide thick WHOIS services and they should have consistent labeling and display.

The PDP working group concluded in their final report that requiring thick WHOIS would provide things like stability of and access to WHOIS data, that it may reduce the acquisition and processing costs for consumers of WHOIS data, and it would provide a more level playing field for registries.

So the current status of the thick WHOIS policy implementation is the project team divided the work into two tracks -- the first track to deal with the consistent labeling and display of WHOIS and the second track to deal with the transition of those registries that were thin to a thick registry model.

There's three registries which are dot com, dot net, and dot jobs. So, as of today, the draft consensus policy for track one, consistent labeling and display, was published for public comment just a week or two ago in October. And in that draft policy it's set up so the target effective date for consistent labeling and display would be August 1st of next year, 2017.

For the transition from thin to thick, part of the policy for COM, NET, and JOBS, that draft consensus policy was also published in October for public comment.

In that policy, the effort to make new registrations thick versus transitioning the data from registrars to registries for existing registrations is a much different level of effort.

So the policy -- the draft policy has two effective dates: One for new registrations saying that they should all be -- they would all be thick by May 1st of 2018 and the second being that existing registration data would be transitioned fully to these three TLDs by February 1st, 2019.

So the next project that we have going on is replacing the WHOIS protocol. So the SSAC issued SAC 51 in November 2011. And they, basically, said that the community should evaluate and adopt a replacement registration data access protocol or RDAP.

The reasoning behind this that they provided is that the current protocol provides only rudimentary functionality, that it's heavily constrained by its data model, and that it lacks standardized output and things like internationalization.

There's a bunch of work that happened after that. And, in March of last year, the IETF published the RFCs for RDAP. And those RFCs are -- the RDAP model protocol includes benefits like standardization, which makes it easier to use; uniformity, which makes it easier to understand; and support for internationalized domain names as well as secure access to data.

It's also important to note that all but seven of the existing registry contracts have language in them regarding RDAP as well as the 2013 registrar accreditation agreement.

So the status of RDAP is that in July 2016 a profile that maps the RDAP features to allowable policy and contractual requirements was published. The implementation of the RDAP profile was initially required in the first iteration of the consensus labeling and display policy. However, there was a request for reconsideration that was submitted regarding that initial policy by the stakeholder group -- the registry stakeholder group regarding the inclusion of RDAP in that consistent labeling and display policy, among other things in the request for reconsideration. So, with respect to RDAP itself, ICANN plans to request RDAP implementation rather than through the policy through the existing contractual requirements.

And that will be done following the finalization of the consistent labeling and display policy, which I mentioned earlier is out for public comment and also in consultation with the community.

And then, finally, there was a recent policy, a set of GNSO policy recommendations approved regarding the translation and transliteration of contact information, WHOIS contact information.

That was approved just in September of 2015. And, basically, what it says is that registries or registrars may voluntarily translate or transliterate WHOIS data. If they're going to do that,

there are some requirements in the policy recommendations that would need to be followed.

And then, lastly, the recommendations require the work to be coordinated with other implementation efforts related to WHOIS.

The status of this particular project is the implementation review team has been created. And they're in the early stages of scoping and discussing draft language for the consensus policy.

And that's it for me. Thank you.

CATHRIN BAUER-BULST: Thank you very much, Krista. It sounds to me, just going back to the previous session, that the idea of standardizing abuse reporting would be greatly facilitated by adoption of the RDAP and having a consistent thick WHOIS policy. Because then, if you have a standardized WHOIS, it might make it easier to actually report abuse on that standardized WHOIS.

Are there any questions from the floor to Krista?

HOLLY RAICHE: Holly Raiche. My understanding was that the RDAP protocol has or suggested a functionality for gated access. I wonder whether that's up to. And that is in line with the EWG report, which is

supposed to be taken into account. Is that going to be adopted or not?

CATHRIN BAUER-BULST: Maybe we will shelve that question until after the RDS presentation. That might be useful because, obviously, that's being discussed in the ongoing policy development process as well, unless you want to say something to that already, Krista.

All right. If there are no other questions at the moment, let's turn to the future of WHOIS in RDS. We will start with Margie and the RDS review team.

MARGIE MILAM: Hello, everyone. I'm going to take a few moments to give the update on the reviews that we've been looking into on the WHOIS. Under the new bylaws that were adopted -- let me have the clicker, please -- with the transition, there's been a change in the way that reviews are conducted.

Essentially, it's referred to now as a review of the registration directory services, because the bylaws acknowledge that the policy may change in the future. And the bylaws also indicate that this review is to commence in October of this year. As a result, we did a call for volunteers in October. And we're now in the process of trying to identify how that review will go forward.

Essentially, what the review will look at is the WHOIS policy to see whether it's accurate or accessible and safe. That's, essentially, what the bylaws ask that the review look at. And part of the problem with kicking off the review of this type at this time is the amount of activity that's going on right now. As you can hear from all the discussions we've had this afternoon, there is a lot of WHOIS related work and there's been concerns that have been expressed in the community as well as among the leadership of the SOs and ACs about the amount of work that it would take to actually kick off a review at this time and what it would mean for the community workload.

So I wanted to provide you a little bit of overview of some of the thinking behind how to go forward with this review in light of all these activities.

There's been some discussions with the leaders in the SOs and ACs, in particular, collaboration with a board working group on registration directory services to see if there's a way to conduct this review more efficiently and more effectively. And, essentially, after considering the concerns of bandwidth and all the activities underway, there's a proposal that's being considered that would limit the scope of the review so that it won't take as much effort as it would if it was a full-blown review.

I'm not going to go into the details of the proposal. But, essentially, what the SO or AC leaders are thinking about is suggesting that the scope of this review would be limited to a type of post mortem of implementation activities of the first WHOIS review team. The idea is that, if we bring a small group of review team members that would look at the implementation from the past review and it would start with an assessment by ICANN as to how we did on the implementation from the prior review team recommendations. And then there would be an evaluation by the review team to see if there's any need for additional implementation activities. One of the things that this proposal would consider is that there's no need to go into some of the issues that are being actively pursued in other avenues, in particular, the issues that Chuck Gomes will talk to you about with respect to the PDP on the next-generation RDS. The thinking is that there's no reason for this review to address those issues. So the idea is that this would be a limited scope review. It could be done rather quickly, perhaps in six months. And in that way, we satisfy the obligations under the bylaws and yet not, hopefully, overwhelm the community with additional WHOIS related work.

And so on this slide, this is the timeline. As I mentioned, we have a call for volunteers out. It's open until December 7th. And there will be a process that is conducted to select the members

of that review team with the review team to start its work probably around March of next year. And, if this proposal is adopted, the idea is that the review team would finish its work in six months. And it would be a much condensed process and, hopefully, not as much work given all the other activities that are currently under way.

And I provided a link to the materials, in particular, if you're interested in volunteering for the review, the announcement is on this slide. Thank you.

CATHRIN BAUER-BULST: Thank you, Margie. If I could just ask one question to kick us off. In terms of defining the scope, I think it's a very interesting proposal and, as you say, workload and possibly conflicts with what's ongoing. I wonder how is this being decided and who is deciding it? Will it be for the review team to have a say on this, or how do you propose to take this forward?

MARGIE MILAM: As I say, this has been a collaboration with the ACs and SOs. There's a document that each of the chairs of the organizations have that they're hopefully socializing within the GAC or the GNSO. And the request is that they would come back with a letter to the Board essentially saying that they agree with this

limited scope. And, if that is the agreement, then the next step would be the charter for the review team would follow that scope, given that there's a community agreement on those issues.

SUSAN KAWAGUCHI: Hi, I'm Susan Kawaguchi. I'm a GNSO councillor. And I'd like to follow up on her question. I was also, as you know, on the WHOIS review team and the EWG. So this is my area of expertise. But, as a GNSO Councilor, I haven't seen this proposal. So I'm wondering what SOs and ACs have been consulted for this proposal?

CATHRIN BAUER-BULST: All of them. James has the proposal, and I'll share it with you.

SUSAN KAWAGUCHI: We are pretty busy right now. I may have missed it. But my personal opinion is that -- and I'm also on the RDS as vice chair on the working group. So very engaged. And felt that the work we did in the first WHOIS review team resulted in a lot of good initiatives moving forward. But the RDS working group is -- it has a long road ahead of them. So I'd be very concerned that we would not review existing WHOIS issues and delay anything that we are working on you know on the RDS -- delay looking at those

topics that are existing right now because we may not have a new RDS for 10 years or five years or, you know. And so we still need a full review of the WHOIS. I personally would not be in favor of really reducing that. I would be in favor of, once the WHOIS -- this RDS or WHOIS review team is seated, that they take a look at that, that the team sort of looks at the requirements and decides on the scope of it.

It seems to me that's more appropriate.

CATHRIN BAUER-BULST: Thank you, Susan. Margie, would you like to react?

MARGIE MILAM: Regarding the full review versus the narrow scope? Essentially they're looking at the review -- the scope is looking at how the implementation from the past review and whether it was effective. So I think it would probably cover a lot of those issues, but it wouldn't be as widespread, I guess, of a review as perhaps happened in the first review. And this is a community discussion. So certainly if there's no consensus for it, then, you know, this proposal may not end up being adopted.

CATHRIN BAUER-BULST: Sorry. And just before I turn it again to the floor, can I ask if there's a deadline for the feedback to you?

MARGIE MILAM: The request was that the SO/AC leadership provide information after the Hyderabad meeting.

CATHRIN BAUER-BULST: Thank you. Please. Sorry to keep you waiting.

STEVE METALITZ: Thank you, Steve Metalitz. I may have missed this, and I haven't actually seen the request so it may be answered in there. But my recollection is that we have these reviews and we have them on a periodic basis because they're called for in the Affirmation of Commitments that ICANN signed with the U.S. government. So what is -- would this truncated review be consistent with ICANN's obligations under the Affirmation of Commitments?

MARGIE MILAM: The reviews under the Affirmation of Commitments were essentially incorporated into the bylaws, so what we're talking about now is the bylaws-related reviews. And there's -- there aren't two separate sets of reviews anymore. In fact, they were just evolved into the bylaws reviews.

STEVE METALITZ: Has ICANN withdrawn from the Affirmation of Commitments?

MARGIE MILAM: I'm sorry, I can't answer that question.

STEVE METALITZ: Thank you.

CATHRIN BAUER-BULST: Thank you.

JAMIE HEDLUND: Sorry, this is Jamie Hedlund, ICANN staff. I just wanted to follow up on Steve's question.   It is true we have the review requirements both in the Affirmation of Commitments as well as in the bylaws, and we are now governed by the bylaws. We closely coordinated with NTIA both in the discussions on the review, on the reviews that are covered by both, and the timing that is both. And where we've gotten to is really -- it really is up to the community to decide both the timing and the scope. So that's -- and we do anticipate working with NTIA on eliminating or dealing with the overlap between what's in the bylaws and what's -- what's in the Affirmation of Commitments as well as what is not. Thanks.

CATHRIN BAUER-BULST: Thank you, Jamie, for that clarification. It sounds to me like this proposal has not yet been socialized sufficiently for many communities to be able to provide feedback very quickly, so maybe one idea would be to extend -- consider extending the deadline a little bit. Thank you, Margie.

So now turning to the RDS PDP, my favorite acronym of the moment. We turn it to Chuck.

CHUCK GOMES: Thank you, Cathrin. Let me start by saying that there are over 130 members of this PDP working group. Many I see out here, and including our two excellent staff persons over on my right here and a few members up here in the front as well. So it's a great group of people. As I think all of you know, it's a challenging area, one that has a lot of history. But I've been really impressed with the cooperation of people from all points of view in this.

Now, what I'm going to do is give you a very brief status report. If you want more detail, it's available. I'm going to go through the slides, just certain portions of them, but they will be available if you want to see more on that.

So one of the key questions that this working group is tasked with answering is, is a new RDS system needed or could the

existing WHOIS system be modified to meet whatever requirements we come up with? The working group's charter is divided into three phases. We're just in the early stages of phase 1, which is to come up with recommended requirements for an RDS system if we decide that one is needed.

In this slide here, I'm just going to focus on the -- for the most part, on the 11 tasks that you see on the right part of the slide. Those are the first 11 tasks of the working group's work plan. All but number 10 are essentially completed. And I'm not going to go through them one by one. It will be up there a little bit if you want to look at those. If you look at task 8, you will see that it was to develop an initial list of possible requirements for an RDS system. And we did that. It hasn't yet been finalized, and that's task 10. There's some work going on on that right now. In fact, that may never be totally -- I shouldn't say never. That may not be finalized to well into our working group efforts because we may discover a new possible requirement as we're proceeding. So we're not going to close the door anytime soon on that. But a very extensive list has been developed. In fact, it has over 1,000 possible requirements that have been identified for the working group to now deliberate on. We actually started our deliberation on those requirements, and that will come up in the next slide. So I guess I should go there. You can see that task 12 is to deliberate on the possible requirements for an RDS system.

We started that on Thursday of this week in our face-to-face meeting. And we will be deliberating on requirements for quite a while in -- in the future.

To start with, and this is a result of work in the -- in the working group over the past months, three areas that we're focusing on first, users and purposes, in other words, who should have access to gTLD registration data and why, data elements, what data should be collected, stored, and disclosed, and privacy, what steps are needed to protect data and privacy. We're actually going to go through those in an iterative manner. We're not putting one of the three ahead of the others. We will be moving back and forth because a lot of them are interrelated.

These are the first 5 questions out of 11 questions that we're dealing with. Notice we only picked three of the five. You can see users and purposes, privacy, and registration data elements at the top. We will also, in the first part of phase 1, talk about gated access and registration data accuracy. And then at the bottom you see the fundamental question that we need to answer after we deal with these five areas of possible requirements.

The -- and I -- I'm not going to cover this slide. We covered that with the GNSO Council this week and did that. So I'll just leave that there. And what I want to do is just briefly switch directions

a little bit and talk about how accountability will come into play for this working group. And it comes in in a lot of places, as many of you can figure out for yourself. Keeping in mind that we're in the very early stages. Even though we've been working for many months already, we're in the very early stages of our work in phase 1. But just to highlight some things with regard to accountability, we're going to be dealing with accountability of registrants. We're going to be dealing with accountability with regard to data protection laws, privacy requirements, and different jurisdictions that vary across the global Internet. We're going to be dealing with ICANN accountability for enforcing whatever requirements we may come up with if they become consensus policy. And as you know, there are dozens of perspectives on these issues, many of which conflict. So the challenge we will have, of course, is to come up with recommendations that have strong enough support to move them forward, if that exists.

We will get into the area of gated access. That's one of the first five questions. And we -- you already heard about RDAP and the facilities it provides. It allows for gated access, for WHOIS information, something we can't do now. So we will be looking at that. And so if there is gated access, we're going to have to deal with the accountability of who authorizes parties to have that access. Very important accountability feature. That will

come in even more so in phase 2 when we develop policy recommendations and certainly in phase 3 when we're talking about implementing those. The EWG report, the Expert Working Group report that's been referred to by several, talked about purpose-based contacts. That's another area of accountability, ensuring that there's a legitimate purpose for access to RDS information. And contacts will be accountable for the use of their data and so on. Most of these we haven't talked about yet, at least not in serious deliberation, and we're just getting started in that.

We've got a big task ahead of us, we've got a great group of people working on it, and we welcome others, if you want to get involved in that process.

CATHRIN BAUER-BULST: Thank you, Chuck. That definitely sounds like a very daunting task. I have a couple follow-up questions, if I may. Of course, for the PSWG and the GAC accountability, amongst other things, means identifiability of the person who is responsible for a given website, for example. And for that, of course, the WHOIS plays a big role, as Greg was illustrating. I was just wondering whether you could speak a bit to how your process addresses the accuracy of the data that is entered into the WHOIS.

CHUCK GOMES: Thanks, Cathrin. Accuracy, as she knows because she's part of the working group, has already received a lot of attention. Should it be part of our purpose statement? One of the things I didn't talk about that we spent quite a bit of time on over the last month or so. The data accuracy will definitely be a topic of discussion for the -- for the working group, and we will be talking about that related to several things. Certainly with regard to data elements and their accuracy.

So we haven't gotten there yet. We've had quite a bit of talk already about accuracy and where it fits in our work. So I can't be too specific, but it will be -- it will be dealt with. Probably in several iterations through our work.

CATHRIN BAUER-BULST: Thank you, Chuck. And if I may add a bit of an irreverent question, indeed I am lurking on the list but my first actual meeting was the one that we had on I believe it was Thursday morning, which I found very impressive. And Chuck, you listed the number of requirements that -- that there are, of which I think there are over 600, just for the first three questions. You mentioned thousand --

CHUCK GOMES: For the first five questions -- and I'm looking over at Lisa and Marika over there just -- in case I get this wrong, I think there are over 700 questions. We have over 1,000 requirements so far. That may -- that will probably grow. But now, keep in mind that there are interrelationships of those various requirements and staff and the leadership team -- in fact, Susan was up here a little bit ago, she's helped a lot on this -- have indicated a lot of prerequisites and similarities between different requirements so that we -- we're not planning to tackle all thousand requirements one by one. We're going to try to increase our efficiency so that we -- we can look at several at the same time that are related or that are interdependent and so forth. But -- but it's still a daunting task. But in the next few weeks and months we're hoping that we can begin to get into a groove and be as efficient as possible so that this doesn't take forever.

CATHRIN BAUER-BULST: Sort of preempted the rest of my question because as you may be aware, we got through four of the requirements in the face-to-face meeting, so I was wondering whether there are thoughts about either adjusting the timeline or method in going forward.

CHUCK GOMES: Well, we're -- we will learn as we go because it is a lot. And she's right, we only covered a few. We just barely discussed a privacy

requirement on Thursday, we talked about a couple data element requirements, and we talked I think three or four of the users and purposes requirements. And all we did was discuss them and get a general sense of where people were on several of those. We will go back to our list, encourage more discussion, and all we're trying to do in the first pass is to get a rough consensus of agreement on any possible requirements. It appeared the other day that there may be a couple that that's fairly close. There are a couple others that are going to need some more work. We're not even doing wordsmithing yet, but we will do that in the near term. And the leadership team has already been talking about ways that we can do that in an efficient way. You can imagine in a large working group trying to wordsmith on the fly in one of our working group meetings. And we meet every week for 90 minutes. It's a tough challenge. And those that are part of the group know what that goes like.

So I think we will improve efficiencies as we go. But -- and we'll learn how to do it better each week, I think, as we work.

CATHRIN BAUER-BULST: Thank you, Chuck. And just final question from me before we turn it to the floor. I just want to pick up again the question that was raised before in relation to RDAP and the question of gated access. If you can speak to that for a minute.

CHUCK GOMES: Well, the first thing we need to do, of course, is develop a possible requirement with regard to data access. And that will relate to the other areas we're looking at requirements in. And if we decide that a new RDS is needed, that fundamental question after the first five questions, right?   Then that will lead us -- there's some other work we have to do in phase 1. But then in phase 2, we will have to develop policy recommendations that would support those requirements for gated access or for any of the other areas, for that matter. And then, of course, in phase 3 is where the implementation. And phase 2 and 3 may be done somewhat in -- in sync with one another, but in phase 3, which is actually implementation, that's where RDAP would really come into play. Now, for those that have been around for a while, you know that the idea of gated access and other terms have been used for that, has been talked about for a long time. But until the RDAP protocol was in place, we didn't really have a way to do it. You can't do it with an existing system. So ...

KRISTA PAPAC: This is Krista Papac again. I just wanted to add one thing to that because I think the question from the floor -- is this the right time to -- was I think also asking if the profile provided for that differentiated or gated access. And the RDAP profile that was published that we developed does have that functionality. It would only be available to a registry that was allowed to have

gated access, which is the issue that's being addressed through -- you know, or looked at through policy development. But the capability is there, along with seven other capabilities that could be realized immediately. Thank you.

CATHRIN BAUER-BULST: Thank you, Chuck and Krista. Any questions from the floor to Chuck? All right. If that is not the case, we are going to turn it over to Graeme for an update on the privacy and proxy services accreditation and implementation process.

GRAEME BUNTON: Thank you, Cathrin. Thank you for having me. I have got a few slides we can go through here. Great. So I'll give you a brief overview of the -- the PDP process for privacy and proxy and talk a little bit about the Implementation Review Team which has just started.

We took about two years to do the PDP, and I see many of the working group members in the room as well as co-chairs, so thanks again, guys. There was a good long work piece. And I think we're all very pleased to see that now done. The board adopted the recommendations in August of 2016, and the working group held -- or sorry, the Implementation Review Team has now held its first meeting in late October. And we have

another meeting here for our second. So that work is really just beginning.

So the outcome of that PDP established this regime for accrediting privacy and proxy services.

And it's good. I think we came to a really good place after that work. Primarily, I think that good place is that it captured a lot of the best practices currently in place by existing privacy providers. I think it protects registrant privacy in excellent ways. And I think it also allows for abuse complaints to be dealt with in reasonable manners. And we had a lot of interaction in that PDP with intellectual property.

And I think, to a reasonable extent, that their interests were captured in there. I think the best piece of that -- and feel free to correct me, if I'm wrong -- is that it went a long way to providing expectations especially around abuse complaints. And I think that solves a lot of communications problems. And going forward, as we get this implementation under way, I think we'll see improvements there and better relationships built out of that.

Where this is getting interesting for us and, especially as we move forward into the implementation review team, is the Public Safety Working Group filed comments on the PDP. And then the GAC provided advice. And that -- those pieces of advice

were recommended that we deal with in implementation as much as possible. So, as we're beginning to start the implementation review team, I know we have three members from public safety, I believe, who will be participating in that, which I'll say right off, I think is excellent. I think it's really good that we're having that participation from public safety. And it's going to go quite a ways to, I think, making that work more coherent and that the output is more satisfactory to everybody.

So what that -- so those GAC comments and the implementation of those recommendations as much as possible, I think, is likely to look like what's in the PDP as an illustrative framework for intellectual property complaints that will be sort of adjusted and made to look like something that the Public Safety Working Group is happy with.

The challenges I think we're going to see is where we are trying to adopt those recommendations and find out how they fit without opening up policy disagreements and bringing it back into policy discussions.

Those lines are fine. I think we're going to have to do -- and I should say that IRTs are not community led. They're led by staff. Thank heavens I'm not chairing this thing. Because we'll have to very carefully sort of bracket these issues and move that discussion forward without bubbling back up into policy issues.

And I think the expectation we're working on right now, sort of the timeline is that the IRT will complete by about 2019, January 2019 is, I think, what's been floated. And the risk for delving back into policy issues is that it takes even longer to get this IRT completed. And we're pushing that date even farther out. And I'm speaking for myself -- I suspect this sentiment is shared -- that there's not too much stomach amongst people who worked on this PDP to delve back into some of these policies issues which were discussed at length.

Looking specifically at some of the recommendations from the GAC and public safety, I think we're going to see some challenges around jurisdiction and notification. But I also think those are resolvable. But it will take a good amount of discussion and effort inside that IRT.

I think that's most of what I'd like to say about that. We're just getting started. I think there's 40 members now, I think a few more people have signed up for the IRT. And, having only had one meeting, I think it's hard to say what this is going to look like just yet, but I think we'll find out quickly. Thank you.

CATHRIN BAUER-BULST: Thank you, Graeme. As we have more time left, maybe we can go back into a bit more detail. For everybody's context, the GAC advised that we're talking about concerned three points in

particular. First of all, what Graeme referred to as a jurisdiction question. So whether or not, when law enforcement requests information on a privacy and proxy record, it can only be requested by law enforcement that is in the same jurisdiction as the service from which it is requesting,

which, of course, would be a big obstacle for the Internet, which does not correspond to national jurisdictions, as we all know. The second point relates to confidentiality of law enforcement requests. Because, in many cases, if the proxy notifies the user as it is receiving requests that might be in the interest of that user but where the user is involved in criminal activity and there's an ongoing criminal investigation, of course it's not ideal to make the user aware there's a law enforcement investigation. Depending on the stage of the investigation, it could threaten the effectivity of any investigation.

And, finally, the third point that the GAC provided advice on is the question of whether privacy and proxy services should be available for use by commercial users. Because we do have -- for example, in the EU, we have legislation that provides that, if you are providing a commercial service, you have to identify yourself on your Web site. And so, in a sense, this is a bit incompatible with the possibility of availing yourself of privacy and proxy services.

That is the third point that the GAC has provided advice on. And the ICANN board, to which this advice was provided, has informed the GAC that it is still reviewing that advice. And, once it has come to a conclusion on what to do about this advice, it will instruct staff accordingly as to how this should be or could be considered by the implementation process.

Of course, as you will appreciate, some of these issues are not necessarily easy to implement. So I'm wondering whether that might also affect the timeline and the complexity of the process a bit. Graeme, I don't know whether you want to speak to that.

GRAEME BUNTON: I'm not sure I have too much to add to that without getting into the weeds and arguments of those pieces. I think you're right that the closer we get into those policy discussions, the longer we push this out.

And I will say that there's no interest amongst registrars and certainly amongst the intellectual property community, if I may boldly speak for you, in -- chuckles from the audience -- in taking longer to get this done. Because I think we see it as a really good piece of work, and we look forward to having in place. And to go back to Marc Trachtenberg's question from earlier in this session about the WHOIS accuracy review and not being able to identify if it's a privacy or proxy service, that will change. There will be

interesting things happening within the community like WHOIS accuracy because this is in place.

CATHRIN BAUER-BULST: Thank you, Graeme. Are there specific questions to Graeme on the privacy and proxy? No. All right.

Then we can turn to the general question. First of all, I want to thank all the presenters for being really exemplary in terms of sticking to your time. We were very strict with you in the beginning. But you can't see it from the audience, but we have a clock running down with lights. It's a sophisticated system here to keep everyone in line, which means now we have time for the more horizontal issues and discussions that we were hoping this session would stimulate. And I want to kick it off with a very practical matter, namely the coordination among the different initiatives. Because this has already come up in some of the presentations. And I understand there's already dialogues going on between the different processes on the horizontal issues on deconfliction. And I was wondering whether you can speak to that? What has already happened? What has worked? And what other ideas do you have for liaising with one another in the future?

CHUCK GOMES: Chuck Gomes speaking. And I want to let everyone know that the charter for the RDS PDP working group very appropriately makes it clear that we have a responsibility to coordinate with all the other activities that are happening. Now, one of the things we will deal with and we will get to later in our work is the whole role of privacy and proxy service providers.

And so the work that comes out of there will probably help us a lot and maybe keep us from having to go down certain paths, assuming that they stay ahead of us a little bit. But we're required, appropriately, to coordinate with all of the other WHOIS or RDS efforts that are going on.

KRISTA PAPAC: Krista Papac. From a policy implementation perspective and to Graeme's point earlier, once policy recommendations are approved by the board and they go to staff to be implemented, and then we work with a group of community members, hopefully, that were part of the PDP to sort of validate that we're understanding the recommendations correctly.

From a coordination perspective, what we put into place some -- it's been a couple years now, maybe even coming up on three years ago, was trying to coordinate the efforts that are related to one another, particularly when it comes to WHOIS because there are so many efforts going on.

So where things seem to make sense, we try to bundle them together. Because it also, you know, helps with security and stability. It helps with predictability. It helps contracted parties, frankly, to also plan ahead and schedule out their development efforts.

Part of what we did there is we also came up with an implementation schedule. So we try very hard to stick to that. And what it essentially means is we have policies -- we try to make them become effective either February 1st or August 1st of each year. And we try to give a 6-month warning. So we send a notice saying that hey, this policy is, you know, being published. You have until six months or more from now. The effective date -- and you'll notice some of the dates I published earlier were either in August 1st or a February 1st date. So all of those efforts have been put into place to just kind of keep some consistency going.

Also, internally, within ICANN staff we track across the board the different WHOIS efforts that are going and where they fit into the scheme of things. So reviews versus policy development versus policy implementation and other efforts. And it's like a bar chart almost where you can kind of see where things are in the process. And we have monthly coordination calls where we -- some of the people sitting here and many of our peers that also work on this discuss the efforts that are going on and where

CATHRIN BAUER-BULST: Thank you, Krista. Anybody else want to speak to that? All right then. We'll turn it to the floor. Are there any -- we have 10 minutes left. Almost 15 minutes. So this is your time to share your views, ask any questions you may have. Denise, please.

DENISE MICHEL: Thank you. Denise Michel with Facebook.

So the 2013 RAA includes a cross field address validation requirement. It's been almost four years now. I was wondering why that wasn't mentioned, what the status is. Obviously, it's a pretty common e-commerce activity. We were expecting it to actually be implemented by now. And I haven't heard much about it. Thanks.

JENNIFER GORA: This is Jennifer Gora, ICANN staff. There's a session on that tomorrow at 5:00, I believe. I'll confirm that for sure. But it's right after the registrar stakeholder consensus day for all the SGs

in which we'll be presenting a strawman proposal to the working group at that time.

I'll be happy to update that, and that will be published as well.

Thank you.

CATHRIN BAUER-BULST: For those of us who might not be able to attend, can you give us a snapshot of what might be coming?

JENNIFER GORA: The strawman proposal is basically a look at what ICANN has done over the past six months looking at multiple solutions that will be proposed to the working group as far as requirements, based on requirements that, having been incorporated into the strawman proposal in which both parties, the working group representing the registrars and ICANN staff will have to reach agreement on in order to pursue a final set of solutions or one simple solution.

CATHRIN BAUER-BULST: Thank you.

JENNIFER GORA: You're welcome.

STEPHANIE PERRIN: Hi, I'm Stephanie Perrin.   I'm with the non-commercial stakeholders group, and I'm on the Chuck group there, the 10-year plan.

First, just a little reminder. The acoustics in this room are a little bit hollow and echoey. I hope you can hear me. I didn't always hear you, because I must going deaf. So, if you could speak a little closer to the mic, those with faint voices, that would be nice.

I was wondering, as we look at how we're going to discuss all of these issues across the different groups, RDS is going to be the hardest, I think.   But, even on this debate over commercial versus personal use of a name, I wonder if FAQ sheets would help. Because a lot of people who have not gone through the year and a half it took us to discuss the -- that particular PDP on PPSAI, the privacy proxy services -- speak about a registration as if it were a Web site. And it isn't. And ICANN doesn't do content. So I might have a different FAQ sheet than, say, the law enforcement folks would have. But at least we could get our perceived facts, basic little kernels down. These slides are great. But, as we try to communicate to thrash out these compromises, it would be good to have that. And, without having to go back over a year and a half of the transcripts, because we certainly did thrash all of that out. And you could find them in the

transcripts. But they don't necessarily get pulled into the final report as fact, fact, fact. Thanks.

CATHRIN BAUER-BULST: Sorry, Stephanie. If I can ask you to follow up on that. Do you mean FAQ sheets that would summarize results of privacy policies, or will it be different FAQ sheets to reflect the understanding of different communities? What would you be thinking of? You were just mentioning that law enforcement might have a different interpretation of say what a registration means than another community.

STEPHANIE PERRIN: Well, let's say law enforcement could give us facts about how they go about an investigation. Where do they start? What do they need? What are the steps in that? That would clarify what we can do to help facilitate law enforcement. And then, as the privacy advocate, I could be boiling down what the privacy laws -- legal requirements are, in my view. Obviously, different provide jurisdiction. The jurisdiction -- I defy you to find on the ICANN Web site a nice concise discussion of the jurisdictional problems, which, of course, weigh in here. And then there's the whole national sovereignty issue in terms of the investigation of different crimes. In terms of criminal procedure, that would be a good set of FAQ sheets, because people talk about this. But,

unless you're an expert in international criminal procedure and MLATS and the cybercrime treaty, odds are good that you're not really getting down to the difficult pieces of this. And, since, as we discussed the requirements on the RDS group, I think, you know, we've already gone through this in terms of our purpose discussions. We're using different language. We're using different words depending on which discipline we're coming from. So it's been a long and fascinating process. But, you know, I'm looking at Chuck. I wonder if I'm going to live long enough to get through to the end. So FAQs would be helpful. It would speed things up.

CATHRIN BAUER-BULST: Thank you, Stephanie.

I don't know whether anybody wants to react to that. But I can already say that the PSWG and the GAC, I think, would probably agree with that. We are very willing to do our part to help define what processes are used on law enforcement. And I think, if we start talking about jurisdiction, that will launch us on our own little 10-year project. That's another question. we're certainly willing to do our part. Anything else you would like to add on this idea? Anyone on the panel? All right. Seems, Stephanie, everyone is a fan of your idea or they're just too daunted by the fact. Please go ahead.

UNIDENTIFIED SPEAKER: Good evening. I would like to thank the group of the panel who gave clarification. The committee was divided into three groups and the three phases were divided into 11 points. And everything except for point number 10 was not finished, and it needs a lot of work.

I followed the work group who is a conflict with the law that deals with the legal side of this issue. We know that there is a technical side and a legal side or judicial side. We know that the WHOIS information is at the registry or the RIR. The law enforcement apparatus or those who want to reach the information about this person, they go back to the registry or the Internet's registry, RIPE or APNIC or sites like that, with regard to safeguarding the information. How do you do to take into consideration the recommendations that came out from WHOIS conflict with law from this work group and to what extent do you safeguard the privacy of the user? Maybe this person could have been subject to such information, maybe this fact could be a crime in one country and not a crime in another country. Thank you.

CATHRIN BAUER-BULST: Chuck, do you want to speak to that?

CHUCK GOMES: Well, I'll try. First of all, what you've done is done a good job of expressing the complexities that we have to deal with. I briefly mentioned that there are lots of varied interests in the work we have ahead of us. And fortunately in the working group membership we have what we believe, and we'll continually watch this, a very representative group. Law enforcement is represented, data protection experts are represented, people from different jurisdictions are represented, and one of the huge challenges we're going to have is to come up with recommendations that as best as possible can accommodate all these varied interests. That's not going to be easy, as you've heard several people say. So I don't know how much more that I can say. You're absolutely right, it's not -- we do not have easy problems to solve. But at least right now we know we have a technical protocol that will give us, we think, tools to allow for, for example, gated access, if we decide to go that way. So, for example, you -- you certainly mention law enforcement, and we're going to have to figure out, though, in developing policies, who are the right people to authorize law enforcement entities to have access and what information should they have? Those are not trivial problems. And I think you expressed that quite well.

Please follow up if you want to pursue that further in terms of my -- of my response, or maybe somebody else can respond better than I did.

KRISTA PAPAC: Thanks, Chuck. It's Krista. I was maybe just going to add to -- one additional piece of information. You mentioned the conflicts -- WHOIS conflicts with national law. There is a procedure that was developed a number of years ago that is published on ICANN's website, and there was recently a review, an IAG was formed and made some recommendations to the GNSO regarding that procedure. So it was -- because it had been a number of years, the group wanted to take a look at it.

Those recommendations are currently being discussed with the GNSO, so that's sort of I guess an update on what's going on with respect to that specific point. Thank you.

GRAEME BUNTON: This is Graeme. I think that that comment touched on some of the jurisdictional issues that we carefully avoided talking about a little earlier in the privacy and proxy IRT. And so if that's an interest of yours, feel free to join in on that because we'll be tackling that. And if I were Chuck I would be very happy that the \PBSI IRT is going to get to that likely before you will. And

hopefully we can all collaboratively come up with something that we can pass off to you guys as well. Thank you.

CATHRIN BAUER-BULST: That would be fabulous. Thanks to you all. And I think the WHOIS is also, beyond being complex enough in and of itself, is one of the areas where we see most conflict of the multistakeholder policy that we develop here with different national and regional legal systems. And, of course, the overarching question here, and that's maybe for another HIT, is what's in the long term we envision as the role of policy that is defined in this multistakeholder process versus national laws or regional laws because as it stands now, of course as you know, the policy devised here will always draw the short stick. And in the global Internet, of course, in the long run will have to think about whether that's appropriate and how we best deal with that besides, you know, reviewing each and every national law before and while we devise policy. So that's whole other challenge. I'll close it on this very difficult point, but just to say thank you to all of you. This has been extremely useful to me and I hope to some of you. If it was, please let us know so that we can consider maybe doing this type of horizontal exercise again at one of the following meetings. And I'll turn it over to Alice to close.

ALICE MUNYUA: Just to say thank you as well to all of you. Thank you, panelists, for making such concise presentations yet they were very informative, and thank you, Cathrin, for moderating and Fabien for organizing it. Thank you all. Good evening.

[Applause]

[END OF TRANSCRIPTION]