ICANN75 | AGM – GNSO EPDP Phase 2 (SSAD) - Presentation of Whois Disclosure System Design Paper
Saturday, September 17, 2022 – 15:00 to 16:00 KUL

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With that, I will hand the floor over to Sebastien Ducos.

SEBASTIEN DUCOS: Thank you, Devan. And good morning, good afternoon, and good evening. And even the middle of the night for some of you. My name is Sebastien Ducos and I have, for the last few months, led this effort of what was originally a small team to work on the result of the SSAD ODP—ODA, as it was returned to us—and is now and going forward going to be referred to as the WHOIS Disclosure System.

For just a small recap for the those that didn't participate in the small team and might be in the room, when the ODA came back to the Board and was shared today with the GNSO end of January, it appeared that the estimations that staff had come up with for the SSAD as recommended by the policy were way too expensive and warrant today a review, a reassessment.

The small team worked on this for a number of months between early February and May-June and decided that we would rather simplify the proposal derived from the SSAD recommendations to have only a partial tool to respond to these recommendations. They essentially have a tool that allows the public to submit requests for data. Those requests would be routed to the appropriate registrar, the Registrar of Record, who would then be able to decide on disclosing or not. [And in any case], would have to respond and possibly with reasons why they wouldn't be able to disclose if they weren't able to disclose.

I don't want to go too much into details because I believe Eleeza is going to give us a full rundown of it. I just want to say that … And thanks, staff, for, one, the good work, the excellent work that they've done over the last two months since the beginning of July when they started working on this paper; and more importantly, to thank them for having published [inaudible] ICANN leaving us some time to read it and start formulating our first questions.

The document was released on Monday. Tuesday, sorry. I'm losing track a bit of time. But depending where you are, it would be Monday or Tuesday. And I certainly had the opportunity of reading it. I hope all here would have done so. The document was published online on the ICANN site. So it is available to all. Thank you for sharing that link in the chat here.

With this and without further ado, I'd like to give the mic to Eleeza, who is going to run the presentation on those findings for us. Thank you very much.

ELEEZA AGOPIAN: Thank you, Sebastien. Nice to see you. I'm going to start us off, but I'm not going to do the whole presentation. So I just want to make a few introductions. My name is Eleeza Agopian. I'm the Senior Director for Strategic Initiatives, and our team led the work on this Design Paper, along with many of my colleagues who are seated [inaudible] here on my left and my right. And we're all here to walk you through the paper. And of course, we'll be available for questions.

But the product, the paper that we published on Tuesday is really the product of several teams' work, including the Global Domains and Strategy Division, IT, Legal, Communications, Compliance. It was quite a lot of work since ICANN74, and we think what you'll

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find in there is the simplest and most cost-effective way to build an intake system for the requesters of non-public data to submit tickets to what would effectively be a central portal and that would route those requests to the Registrar of Record.

So today what we're going to do is walk you through some of the key points of the design and give you a demonstration of how it looks in a mockup format. I want to just note upfront that we have a lot to cover. The paper itself was about 30 pages, and we're going to try to give you all of the highlights here in about 45 minutes. So hopefully a lot of the questions you have will be answered in the presentation.

We'll be monitoring the chat, but we'll also be here for your next session at, well, about 90 minutes' time to answer any questions when you have your discussion session at 4:30 local time here. So we can go to the GNSO ... Oh, it's already up.

So like I said, we're going to go over the design highlights, some system mockups that our colleagues from NIT here are going to share with you. We will also talk about the intake form and the specific questions that we would require of requesters to answer. The full questionnaire is listed as an annex to this presentation. And of course, it's also in the paper, the link to which is in the chat. But that's a pretty key piece of information, a key piece of this system. So we'd urge you to read that.

In the paper itself, we talk a little bit more about the justification behind each of those questions. And some of my colleagues are going to talk about that today. We'll also discuss a little bit more about the costs and timeline that we included in the paper, and the timeline for development and testing and implementation as well as any risks that we've foreseen and that we've [inaudible] into the paper.

We'll also talk a little bit about how what we've presented in the paper compares against what the small team had suggested and asked of us. And we hope that you'll find that we think are pretty well aligned with what you had proposed.

One small point of possible divergence is that we're suggesting a check-in after one year of operations, should we implement the system, to determine whether or not the test period ought to continue if there's enough data at that point to make a further recommendation on the policy recommendations.

So like I said, I'm sure you're going to have a lot of questions. But there's a lot to cover, so be patient. And, of course, we'll be trying to answer any questions that pop up in the chat as we go through the presentation.

So I think at that point, I am going to hand it over to my colleague, Yuko Yokoyama. Go ahead.

YUKO YOKOYAMA: Thank you, Eleeza. Hi, everybody. My name is Yuko Yokoyama. I'm the Director of Strategic Initiatives at ICANN. I will be walking through the next couple of slides.

So as Sebastien has already explained, this concept of a WHOIS Disclosure System emerged during the consultation process between the ICANN Board and the GNSO Council. So the small team has recommended to the Council a Proof of Concept where the WHOIS Disclosure System, formerly known as SSAD Light, will gather information to help make a determination on how to proceed with the SSAD-related recommendations.

The Board agreed to pause the consideration of the SSAD-related recommendations and to proceed with the Design Paper of this simpler, more cost effective system. But how is it simple?

It creates a simple platform for submitting and receiving the request for non-public registration data. Both requesters and registrars can benefit from the streamline process. It is cost effective in a way that will be utilizing the existing ICANN system and technology. So we are not starting from scratch. Simplification of this system also allows the system to be built more quickly and with less cost. Next slide, please.

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So, the system is modeled off of CZDS, and some of you here may have used CZDS. This will have a look and feel of the same CZDS platform. And this system is meant to connect ICANN-accredited registrars and requesters. This means that the registries are not in scope at this time. Even for SSAD-related recommendations, registries were to receive the data requests only at very limited circumstances. So for this simplified system purpose, we're proposing that we only connect registrars and requesters.

And this system is only used for gTLD registration data and not for ccTLDs. This is, again, because we're modeling off of SSAD-related related recommendations which came from GNSO. So as of right now, only gTLD domain name registration data is in scope.

The system will verify the e-mail address of the requesters, but there will be no identity verification. All communications between the registrars and requesters will take place outside of the system. This means data disclosure or any clarifying questions that registrars may need to ask the requesters or any additional supporting documentations, those are to take place outside of the system.

And lastly, there is no integration with the registrar systems currently envisioned. Next slide, please. Thank you.

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The system will be equipped to log various data. You see on the second bullet point that all of the data fields are listed there under the Request Information section. We log all of those data such as request type, priority type, jurisdiction of where the non-public registration data is processed, and what kind of WHOIS data was requested, legal basis for request. All of those things will be logged in the system. And we'll go over this in a little more detail in later slides.

It also logs the registrar's decision. So if a registrar changes the priority level of the request from the one that the requesters have set, it will log that decision. It also logs whether a data request was approved or denied or partially approved, and what information was disclosed and reasons for denial if the request was denied. All of those will be logged as well.

And all of the related timestamps will be also logged. So when the request was created, when the status has changed, and when response was provided by the registrars. All of those will be logged as well. The system will retain these data for a set period of time, but the specific retention period will be discussed at the time of when and if the implementation takes place. Next slide, please. Okay.

Another thing to note is that registrars are required to provide reasonable access to non-public gTLD registration data under

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Interim Registration Data Policy. That said, no policy or contract requirements are in place to require registrars to engage with the WHOIS Disclosure System. For example, to log in and to review requests and provide information to the system about the response. This means no enforceable Service Level Agreements under a Temp Spec other than the reasonable access.

So if a registrar is not responding to a request submitted via the WHOIS Disclosure System, Compliance could still evaluate whether a registrar is providing reasonable access under current policy. But again, that said, we can't really enforce any sort of SLAs to registrars. So they could take hours or days, and there's nothing that we can really enforce.

We're exploring how to encourage registrars' participation, again, because there's no policy or contractual requirements for them to use this system. But we will be exploring the way to encourage registrars' participation, and we'll do so with the GNSO Small Team if the ICANN Board determines to move forward with the system implementation.

And lastly, you see that there is no billing functions, unlike SSAD. Next slide, please.

So privacy and personal data protection is at the heart of the design, and we are working very closely with the Legal Team to

ensure that we carefully address the principle of the data minimization, retention, security, and access rights. Rest assured that the privacy by design has been embedded in the project from the earliest stage. And data will be kept secure and accessible on the need-to-know basis only.

Lastly, I want to mention that the design that you see in the Design Paper is a preliminary design and it may change slightly when and if the implementation time comes to account for various factors such as security, the privacy/technology requirements, and discussion with the community. So I just wanted to flag that.

Something happened to my slide. Okay. Next slide, please. At this point, I will pass it on to my colleague, Amy.

AMY BIVINS: Hi, I'm Amy Bivins from ICANN Legal. And you can go ahead and proceed to the next slide. So as Yuko or Eleeza mentioned, the full intake questionnaire is included in this slide deck, but we wanted to provide a brief overview of the types of questions that we're proposing to ask the requesters.

So first, we'd be asking for the request type. This would be the category of the request. So if the requester is law enforcement or

an IP holder or a dispute resolution service provider, that would be the place to indicate that type of request.

We'd be asking for the jurisdiction where the requested data would be processed. And this would include not just where the requester is, but also where their processors are located.

We'd be requesting that the requester indicate the legal basis for the request if there is one, including under the GDPR or any other law that might provide a basis for the request. And request priority levels. And these were part of the EPDP Phase 1 and Phase 2 recommendations.

So I'm going to pass to Odeline, who I think is going to talk a little bit about the legal attestations and other issues.

ODELINE MACDONALD: Thank you, Amy. I'm Odeline MacDonald from ICANN Legal. Next slide, please. Thank you.

So indeed, as mentioned by Amy, at the end of the request form two attestations will be presented to the requester. The first one will be a confirmation that they have completed the form in good faith and that the information provided is correct, at least to the best of their knowledge. And the second one will be a confirmation that any personal data processed and transferred

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based on this request will be done in compliance with applicable data protection laws; and that if there is a requirement to enter into any additional contract regarding cross-border transfer from the registrar, the requester will comply with this requirement.

As mentioned earlier by Yuko, any additional terms and conditions a registrar may require from the requester before the data is transferred—and that includes additional cross-border data transfer agreements—will need to be sorted outside of the system.

These two attestations were added based on the EPDP recommendations as well as the Contracted Parties' Minimum Information Required for Disclosure Request Form.

This will not be the only terms and conditions that will be presented to the users that it would need to agree to when using the system. The registrars will need to agree to the NSp's terms and conditions that are already existing. Some terms and condition with regards to the use of the WHOIS Disclosure System will also be developed as well as a privacy notice.

These terms will be drafted during the development implementation phase, but they will likely include some standard terms related to the use of an online tool that is setting out what your user can or cannot do while using the system. As to the

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privacy notice, it will detail the type of data collected from the requester, how this data will be used and processed and by whom.

The requester will be asked to consent to the processing of their personal data in line with the privacy notice. And we need to confirm that [inaudible] they provide personal data of any other data subject. So they're acting on behalf of someone else. In the request form, they have the relevant legal basis to do so, and optimizations.

As mentioned earlier, any additional terms will have to be dealt outside of the system. It is not possible at this point for us to include anything of the sort in the system. It might be worth also adding that although the WHOIS Disclosure System is routing the requests to the registrars, it will not change the applicable laws and the responsibility to decide whether or not to disclose the data. It will always remain with the registrar as the controller of this data.

And I will pass it on to Ash now for a demonstration.

ASHWIN RANGAN: Thank you, Odeline. My name is Ashwin Rangan. I'm the head of Technology and Engineering for ICANN. Next slide, please. Next slide.

I'm going to talk you through the proposed system design. This is the basis on which the system will eventually get built out. First off, I'd like to point out that what we're depicting here is what we call the happy path. In other words, exception conditions and exception handling is not reflected on this particular chart.

The second is that in conceptualizing this design, as someone mentioned earlier, we're looking at existing systems where there are similar processes—not identical, but similar—and existing capabilities that we've built in past years. We're looking forward to leveraging those so that the manner in which this gets built out will feel familiar from a user perspective, and that the user experience will be as comfortable as it is with other systems that we make available for external interactions.

At the very top of the chart, what you see is requesters. These are people who are looking for information about the WHOIS. And what we envisage is that they will use our ICANN account. So ICANN account, as you know, is a mechanism through which we request people to tell us who they are. And through that mechanism, we have a singular means through which we can provision access to different services. Our intention is to use the ICANN account system as that first step in the intake process.

Upon getting that information, we'll permit access to the WHOIS Disclosure System. Now when you think of that system, a couple

of different things are happening. One is that there is a request that is looking to be forwarded to a responder which, in this case, is going to be a registrar. And there is data that is being gathered which is confidential in nature.

Our intention is to leverage the existing Naming Services Portal that is used today by registrars to make available this request for the registrars in a single-stop portal. And in the background, to capture the data that's been entered as a part of the intake and to encrypt that for the duration that it needs to be kept with us.

Once the request has been passed along to the Naming Services Portal, we're looking to the registrar to pick up the data and process it as they see fit. We are not providing a system for every registrar to use. Instead, they pick up the data from the NSp. And from that point on forward, their interaction with the requester is offline from our point of view.

I want to pause here to see if there are any questions before we go into a mockup. Okay, seeing none. My colleague to my right is our Chief of Software Engineering. So Simon, if you wouldn't mind getting into the mockups, please. Thank you.

So these are mockups. As in it's a system flow that's being created to reflect what will eventually become the user interaction. Of

course we still have control over colors and fonts and sizes and things of that nature.

But essentially, when the user comes in as a requester to make a request for WHOIS disclosure, they're presented with a screen that has two options. One is to log in using ICANN account if they already have a presence in our ICANN account system. The other is to register themselves into the ICANN account system if they don't currently have a presence in that system.

Either way, the only way to get to what they're requesting, even the request intake form, is through the ICANN account system. Next slide, please.

When once they do that, as Odeline mentioned earlier, there will be certain terms and conditions which are fairly standard with online processes such as this. We will be asking the user to confirm that they accept the terms and conditions before they can continue. Next slide, please.

Now this is a view of a form that presumes that multiple requests have been made by the user who now has successfully gained entry into the system. We'll get into the form itself, but this is the point where prior forms are aggregated and are being reflected in the form of a panel where all requests can be viewed or can be filtered. The view can be filtered to show only those requests

which are pending or those that have been approved or those that have been denied or those that are urgent as designated by whoever has made the request.

There are also two other buttons that you see to the right of the Urgent Only. One is called Drafts and the other is called a Template. So these are new constructs that we're playing around with where, with other systems that we make available, we see a pattern of usage where people come in and don't necessarily complete a request. So we'd like to offer the option of a draft. So that's as self-explanatory as it is.

The template is a mechanism through which we can shorten the process through which requests are fielded by the requester where they could create a template that is unique to themselves requiring just a few fields that vary from one request to the next. Thereby, their entry time and our data capture time are minimized. So these are constructs that we're building into the system or we're thinking of building into the system. Next slide, please.

The next slide just shows that this could be a never ending list. So it's the page two of two. It could be page N of as many as N could be. Next slide.

This is a mockup of the intake form itself that Odeline talked about. It has a number of fields that we would like to capture. One of the biggest benefits in this system is that the intake fields are standardized so that the data stream that it creates for the registrar to answer to are standardized. In other words, from a registrar's perspective, what they see is the same set of data coming to them as a file, no matter who the requester may be or what the kind of request is from the requester. Next slide, please.

So there is a feature through which, in the aggregated field, if one clicks you can see the details that underlie the request. In other words, this is the next step after the intake form has been completed. Now that we have the data, we would have encrypted into the background. But should somebody want to take a look at the details of the request, they have the ability to do that. So for a registrar, this would be what they are seeing. Next slide, please. Okay.

ODELINE MACDONALD: Can we go back to—

ASHWIN RANGAN: [inaudible] we're there.

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ODELINE MACDONALD: —this time the registrar's side of the mockup, please?

SEBASTIEN DUCOS: Yeah.

ASHWIN RANGAN: Yeah. Right there. It's coming to that. There you go. So this is the registrar side. As I said, we're leveraging the Naming Services Portal for the registrar side. We're not going to be changing the user interface. As you know, the registrars interface today, we provide that through a salesforce.com implementation. Our intention is to create another tile through which they have access to the WHOIS Disclosure System. So if a registrar looks at it, this is the view that they will see. Next slide, please.

These are just details that they can click into and click through and see what it is that the request is asking of them. Next slide.

Now, they have the option to respond to the disclosure request in a multitude of ways. They can choose to show whatever it is that is being requested or they can choose to show a subset. If they choose to show a subset, we'd like to understand why they're choosing not to show everything that has been requested of them. So this would be the kind of interface that they would be presented with whereby they can choose not to show certain

elements. But whenever they choose not to, we ask that they provide a reason for not doing so and capture that reason in the NSp system. Next slide, please.

So that's the last slide. Right? Thank you.

So you've seen a mockup. And this is the happy path, as we call it, where we're not showing you any of the exception handling— what happens if something doesn't get entered, what happens if the user does not get authenticated in the ICANN account system, etc. So assuming that everything goes the way it's supposed to, this will be the logical flow of the system.

You're seeing two different interfaces. The first one is something that we will custom craft. We've said that we will reuse the design pattern from CZDS for custom grafting that first set of interfaces. The second set of interfaces is pertinent to the registrar. In their case, they will be reusing what we have already created in the salesforce.com platform so that the interface looks familiar and the portal will be the same as they currently use. This will just be another tile that they will have to click through so that they can see what requests have been made of them.

Let me hand this back over. Thank you.

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ELEEZA AGOPIAN: Thanks so much, Ash and Simon. Can we bring the slides back up and go one ahead, please? Thank you.

So now that you've seen kind of what the system looks like in action, talk about what our estimates are for costing and timeline. And of course, as I said, this is all described in greater detail in the paper.

So the first important thing to note is how long will this take. We estimate approximately nine months for system development. This is, of course, assuming the full availability of the required internal resources and the prioritization of this project against other projects that are currently underway.

One important thing to note about that nine-month timeline that doesn't include what we call our project ramp-up period ... Any project within ICANN usually takes about three months to prepare and actually launched. This is when we align resources, free up resources, make project plans, so on and so forth.

So for example, if we wanted to begin work on something to deliver by, let's say, the third quarter of next year, we'd actually want to begin the project ramp-up work in October so that we could start on actual development work in January.

With regard to cost, this design relies primarily on existing resources, as Ash just described, including existing technology.

And when I say existing resources, I mean human resources. So as a result, the bulk of the costs that we outline in the paper are really related to existing staff costs. There's approximately $20,000 in there that is external costs related to testing and development of the system. But the other costs are all internal and already provided for. It's just allocating the resources to work on this project.

And Org has proposed using the SFICR, the Supplemental Fund for the Implementation of Community Recommendations—I can't believe I remember that whole acronym—to fund the cost for the system.

And then finally, of course, the maintenance costs which are noted here—approximately $70,000 for a two-year operational period. Of course, if the operational period was shortened or lengthened, it would go up accordingly. And a contingency fund of about $500,000.

One thing that we weren't able to include in the paper and that I think it's important to note is we obviously don't have a clear picture of demand. And that's part of why this system and this kind of test case is being built, to understand what the demand is for a system. So we didn't include any additional funds for things such as global support.

What if there's an increase in customer support calls related to the system or an increase in contractual compliance costs? We don't have a sense of what that might be, so we're assuming that existing resources are sufficient to handle that. But that may not be the case. Of course, we'd understand that better once the system is operational.

So I think I'm going to hand it back over to Yuko now to talk about risks.

YUKO YOKOYAMA: Thank you. So now I'm going to talk about a couple of slides about the risks of this system. First, let's talk about general risks. So the purpose of this system is seen to be data gathering. Right? That it's a Proof of Concept and that it's meant to inform the decision related to SSAD. That said, the data gathered from the WHOIS Disclosure System may not inform questions about SSAD. And this is due to quite a departure from SSAD-related features. It won't be apple to apple anymore. So we'll talk about what kind of feature differences there are between SSAD and WHOIS Disclosure System at a later slide.

Just as SSAD, requesters are still free to go directly to registries or registrars for non-public registration data. This means we're collecting partial data, not a full, complete picture. Again, this is

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the same as SSAD. SSAD. also had this same risk where requesters could still go to contracted parties directly.

In terms of usage risks, just as SSAD, as Eleeza has mentioned, we still do not know of the demand of the system to request non-public registration data. So this makes it harder for us to predict the impact of ICANN operating the system. And that said, I'd like to emphasize that the system is not built for ICANN. It is actually meant for Internet users who are seeking registration data.

In order to reach the audience beyond the ICANN community, we need to think carefully how to market to that group. So that's another thing to think about should the implementation take place.

Another risk is that there may be still a misconception about the system to guarantee the data disclosure. If that misconception continues, of course, it may drive the requesters away with dissatisfactions of their requests being denied. Next slide, please.

As for system risks, just as any system, it is vulnerable to malicious or nuanced submissions. As we only verify e-mail addresses, there really is no effective way to ban the abusive users. They can always just change the e-mail and come back into the system to continue to do what they do.

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In terms of participation risks from the registrars, as mentioned before, given that registrars are required to provide reasonable access to the non-public gTLD registration data under Interim Registration Data Policy, there again isn't any contractual or policy requirements for registrars to use this system or engage in this system. Thus, only the registrars who opted in to use this system will be what we will be handling within this system.

So this means that we really can't, again, make registrars to act a certain way. There's no SLAs. There's no enforcement aside from providing the reasonable access. So not having SLAs will create an inconsistent requester experience from one registrar to another because one registrar may response within days and another may respond quicker or slower. This could drive up a complaint submitted to ICANN Contractual Compliance or, again, drive away the requesters from the system.

Another thing to note is that, as noted before, there's no integration between the registrar system and this WHOIS Disclosure System. This will create some manual data entry by registrars into WHOIS Disclosure System, such as if they disclose the data outside the system, then they would still have to come back to the WHOIS Disclosure System to mark what has been done as in approved the request, denied the request, what data

was disclosed, all of those things need to be manually logged into the WHOIS Disclosure System.

So obviously, this is an additional step that they have to go through, and this creates a potential room for error just as any manual data entry. This, of course, is another risk factor for driving down the registrars' participation. Next slide, please.

Although this system does not handle non-public registration data, it still handles personal data pertaining to the data requesters. So this, of course, increases the liability to ICANN. Just with any systems, operating a WHOIS Disclosure System could make ICANN a litigation target as well.

Another thing to note is that Naming Services Portal (NSp) the Terms of Use is currently there for just one term for both registries and registrars. So if we need to modify the current Terms of Use for the purpose of WHOIS Disclosure System, this could affect potentially both the registry and the registrars. And there, of course, is a risk of implementation delay as negotiation like this could take quite a long time. Next slide, please.

So now I want to talk about how all of these design elements that we just talked about align with the Proof of Concepts that the small team has written up. Next slide, please.

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So during the design work, we carefully re-reviewed the whole 18 SSAD-related recommendations. And we also reviewed what the small team laid out in the Proof of Concept in their preliminary report in terms of what they deemed necessary and not necessary for the system features compared to SSAD.

We're happy to report that we're aligned for the most part. And one thing that I wanted to highlight is that on paper it's simple in terms of the Proof of Concept says Rec X is necessary, Rec Z is not necessary. But some of the necessary Recs may include contracted parties' behavior. We did have a meeting with the small team in August to make sure that we're aligned. And we're happy to note that they are in agreement with us that whatever Rec that they deem necessary is only applicable to what the system and ICANN can do and not how a registrar may act. Next slide, please.

So here's a quick glance of 18 SSAD-related recommendations. You see in the middle column is what the small team deemed unnecessary, and the right column shows what WHOIS Disclosure System contemplated. You can see that we're very much in sync with the small team, with one exception, which is that Rec 13m where the small team thought it was nice to have. But we are contemplating that in our system. Next slide, please.

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So now I would like to talk about WHOIS Disclosure System versus SSAD. Next, please. Thank you.

So here's a quick comparison between WHOIS Disclosure System and the SSAD. This really highlights the simplicity and cost effectiveness of the WHOIS Disclosure System. It's a lot quicker to develop, a lot cheaper to develop and maintain, and a lot simpler in terms of involved parties and process fees.

The system is also free to use for the data requesters. I think this design really hit the marks in terms of achieving its objectives, which was to make it simpler and more cost effective. Next slide, please.

So here you see how the system is simpler and more cost effective. We shed quite a bit of features being asked within the SSAD. There's no Accreditation Authority. Both the central and governmental AAs are out of picture. And that's no accreditation or identity verification of the requesters themselves.

And there's no abuse investigator, which I would like to note that the SSAD-related recommendations did not use the term "abuse investigator," but Rec 13.1.2 basically asked that the SSAD central gate manager to handle abusive behavior. So during the ODA creation, we contemplated to have a third-party vendor to

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assume this investigator role. And we called it an abuse investigator.

That said, for WHOIS Disclosure System, we don't need such a role designated to a third party because, as mentioned before, we're only verifying the e-mail address. So we can't quite go after abusive users in the same manner as what we could have done in SSAD. That said, the system still has a mitigation feature, including rate limiting, spam control, penetration monitoring, among others. So it's not that there's nothing we're doing in the system.

Another thing we are deviating from SSAD is that there's no billing functions. And finally, there is no automation of cases specified in the SSAD-related recommendations.

And I should mention that the small team is also in agreement with all of these deviations. As you saw from a couple of slides ago, the [inaudible] green, yellow, and pink comparison.

Okay, so this actually concludes our summary of the Design Paper. Thank you all for your participation. I guess now we can open up the floor for question and answers. Thank you.

SEBASTIEN DUCOS: I'm not in the room, so I won't be able to see who's in the room. I believe that Ariel has already collected a few questions that came in the chat. And if we may, I'd like to park the CZDS question a bit. And maybe I'll intervene afterwards.

Ariel, do you mind reading the questions that you noted in the chat?

ARIEL LIANG: Hello, Sébastien. This is Arielle from staff. I believe the first question is from Lori. And Lori said she's in the room and able to speak to her own question directly. So I'm just wondering whether Lori prefers to speak up directly.

LORI SCHULMAN: Thank you. I do. This is Lori Schulman for the record. I am speaking in my role as the representative from the International Trademark Association. And in full disclosure, I am president of the IPC as well.

I think some of this confusion over what this system will or will not do may in fact be based on the name itself. My first reaction and strong recommendation would be to reconsider the name and call it the WHOIS Request System not the WHOIS Disclosure System, as there is no functionality for disclosure.

ELEEZA AGOPIAN: Thanks, Lori. I think that's an interesting suggestion, and we can certainly talk about it. The name isn't final, just as nothing here is really final. So I think that's something we'd love to hear more feedback on as well.

LORI SCHULMAN: Yeah. If you don't mind, I think this is critical feedback and I would take it quite seriously. Because as soon as this gets ramped up and out, "disclosure" immediately conveys to the public that there may be an expectation of disclosure or even a guarantee of disclosure when, in fact, that is not the case. This is simply, as you described, a ticketing and queuing system to help centralize requests which is needed in the … These functions are needed the community. But again, the disclosure, as you know, is still in the hands of the registrars.

ELEEZA AGOPIAN: You're absolutely right. And as I said, I think that's an important point to note. I think the risk that we noted—that requesters may be confused by this—sure, the name can help that, too. But it is also setting up an expectation when you send a request regardless of what may happen.

And so being clear about what the system does provide for, who is making the decisions, and so forth. Those are some of the things we talk about in the paper in terms of the information that is provided to the requester as they're going through the system. So I think that's also important to bear in mind.

SEBASTIEN DUCOS: I'm sorry. [I might] lower my hand. Thank you, Lori. Good suggestion and we will look at it also as the small team in the next call that we have in the next hour.

I just wanted to, for the record, also note that this name came from staff. We changed names as the group many times. We also welcome this one.

There's two aspects of this name. Obviously, disclosure and request. I fully understand and see your point. The other one that has been brought up in the past is this use of the word "WHOIS." When it is a technology that we're ramping off in favor of RDAP. And there, I think the idea was to keep the name WHOIS which is very well known in the community.

It has some legal and contractual implications because it still exists in the CPH contracts. So we'll have to talk about that. But the idea was to keep this name because it's a broadly-known

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name and is linked to the data that it's trying to, whatever, to discuss. Or at least about the requests.

I think I'll go to Philippe who raised his hand. And then maybe later we can go back to chat questions. Philippe.

PHILIPPE FOUQUART: Thank you, Sebastien. This is Philippe Fouquart here, speaking in my personal capacity, I guess. Although the question is not contentious. I think that at the beginning of the small team, it was felt important that this would be used by non-ICANN people, let's say. And it was also felt that it was important to get feedback down the road on this.

I don't recall seeing this on the screenshot, so I was wondering whether you'd given any thoughts on this. Supposedly, that wouldn't be done on a per request basis. How such feedback would be collected from people who would not be involved in activities here and whether there was any ideas floating around on this? Thank you.

YUKO YOKOYAMA: Thank you for the question. So that's a very good point. It's easy to collect feedback from an ICANN group, so to speak. But in terms of the general user, as I mentioned before, it is important

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that this is a system for Internet users and not for ICANN community or ICANN per se. So we would have to be creative in terms of how to reach that audience, first of all, to drive up the usage. And then there needs to be, as you mentioned, some sort of feedback loop.

But that's something that we would have to figure out once the implementation is decided. So as of right now, we note the importance of that loop back and feedback gathering. We do think about it and it will be on the list if the implementation were to take place. Thank you.

SEBASTIEN DUCOS: Thank you very much, Philippe. I still see your hand up, but I assume that the question was answered. So now I'm left with a bit of a conundrum because there's two queues between the attendees and the panelists. So maybe I'll go to the attendees and Michael Palage. And then I'll go one on each side. Michael, do you want to [inaudible] the mic?

MICHAEL PALAGE: Thank you very much. I guess I have two questions. First, to Ash. A big shout out for all of the great work that you and your team do in federation and authentication.

I guess my question goes to that point. Why only e-mail? Why not multi-factor authentication with a phone number? If ICANN is a global technical coordinating body, setting that bar for multi-factor authentication, to me, I think would be something that would be appropriate. So could you perhaps speak to that first?

ASHWIN RANGAN: We started out by thinking of this as an extension to our ICANN account, but I understand where you're coming from. There are indeed other ways in which we can have multiple factors through which we can authenticate. I'll take that under advisement. Thank you.

MICHAEL PALAGE: Thanks. And just as a second follow-up real quick. I think you would agree with me that a high use of this system will probably be instances involved with DNS abuse. And one of the things I think we heard from ICANN Org is that there are no contractual obligations to get registrars to use the system. I was just in a small team session on DNS abuse earlier where there has seemed to be a kumbaya moment where contracting parties are willing to come to the table and make contractual concessions, possibly.

I guess my question to ICANN Org is have you sat there and reached out to the contracting parties to see if they would

voluntarily be willing to participate? Because without their participation, the ability to come back with real metrics in a voluntary system is probably not going to give us the best data to make the decision to move forward constructively. Thank you.

SEBASTIEN DUCOS: Michael, do you mind if I answer that last question quickly? First of all, there is no means to make the contracted parties use this system simply because we're in a policy hiatus right now.

Eventually, if this tool proves useful and will be used, the intent is to go back to policy to revise the policy in line with it. And then it will become a consensus policy and it will be enforceable. It's just this new way that we're taking to get there. But the idea is not to have something that is not enforceable long term.

Another point is that we've got exactly three minutes on this call, but in a half hour we've got the small team meeting. We won't have ICANN staff [inaudible] I'm not exactly sure who will stay from staff for the second part of the meeting. But I hope that you are able to come with us to stay with for this small team.

And Eleeza is confirming that most of the staff is staying. So maybe I will take one last question from Laureen right now. And I invite all of you who have further questions, please, to stay with us and we'll take your questions then. Laureen.

LAUREEN KAPIN: Many thanks. I do have a lot of questions, but I'll just keep this to one. You mentioned that this is geared to folks outside the ICANN community, so I'm wondering what education/promotional activities are contemplated to make sure people actually know about this so that the data gathered will be useful in terms of reflecting usage because people know that it's a viable option.

ELEEZA AGOPIAN: Hi. Thank you, Laureen, for the question. I think that's a really important point. If we want this to be successful, which means people are using it and we can understand how they're using it and what the demand is, we want as many registrars as possible to participate. And I think we still have some work to do there, and we certainly want to do that in concert with registrars and with all of you in order to make sure we have that kind of critical mass of participation.

And I think another important point is that we have kind of a good marketing ploy here. This can also make it easier for contracted parties to receive requests in a uniform way versus the situation as it is now where things come in in different ways and perhaps are incomplete and so forth. So we hope that that'll be an

attractive point as well. But it is a really good point and something we need to discuss further.

SEBASTIEN DUCOS: Okay. I think that, at the top of the hour, we need to close this session. Thank you very much for your presentation, staff. And thank you very much for your questions. And again, please come and join us in the following session and we will take your questions. [They will be] good and interesting. And we'll address, also, the questions in chat. See you in 30 minutes. Thank you.

DEVAN REED: Thank you all for joining. Once again, this meeting is adjourned. Have a wonderful rest of ICANN75. You can end the recording now.

[END OF TRANSCRIPTION]