SINGAPORE – Board with Registrars Stakeholder Group
Tuesday, March 25th 2014 – 14:15 to 15:15
ICANN – Singapore, Singapore

MICHELE NEYLON: Good afternoon. It's Michele Neylon, the chair of the Registrar Stakeholder Group.

Registrars, would you please take your seats?

STEVE CROCKER: Good afternoon. This is the time when the ICANN board meets with the registrars. As is our pattern, we're interested in listening and we're interested in content. Frank, specific, pointed. Make good use of the time.

We can skip over all of the platitudes about how nice it is to be here and all of that and just get right down to business. And with Michele next to me, I know that that's exactly what's going to happen.

So the meeting's yours. Let's get into it.

MICHELE NEYLON: Okay. Thank you, Steve.

We have four or five matters that we wanted to discuss with you, and as we've done on other occasions, we've chosen one person or -- to do one or two of these topics specifically.

So the first one, I'll hand over to James Bladel.

JAMES BLADEL: Actually, the first two questions, we've decided to combine because there was kind of an underlying theme, and in general, it was just -- and to some extent these questions or these concerns have been overtaken by events of this weekend and, of course, some of the announcements in the runup to this meeting in Singapore.

But in general, registrars were concerned about the -- and I think what we would consider to be the lack of a voice or the channel to provide feedback or input into a number of the Internet governance activities that were occurring.

We felt like, you know, that ICANN, in particular, as an organization was getting out in front of its community a little too far.

Now, I think that we are much more comfortable -- we're in a better place today than we were when we were drafting these questions, you know, in advance of this meeting based on the news of the -- from the NTIA, but also the -- some of the preliminary structures that we're seeing being put in place to frame this discussion over the 12 to 15 months it's going to take to set up this proposal, and then also the recognition that some -- two of the strategy panels have since been dissolved and that we would be moving, instead, in favor of this other process.

So I think we're probably feeling better, but we would like to at least, you know, make a note to the board and to staff that the community -- at least our segment of it, our slice of it -- would like to be more involved in the runup of these topics initially and not necessarily be in

reactive mode when we're fielding questions on what's going on with our -- with -- you know, with external media, with our investors and our stakeholders on the other side.

So I think that's -- that was the impetus behind these questions, and again, I want to emphasize that we feel a lot better about them today than we did two weeks ago.

STEVE CROCKER: That's good to hear.

Let me just make a general comment about the line, too, about continued use of expert working groups which I'll take to mean in a broad and generic sense, as opposed to the specific nomenclature.

We do have a bit of a perfusion. We have the four strategy panels that have produced reports. We had the board advisory groups that were created and are now being phased out in light of present circumstances. We have the high-level group that's producing inputs into NETmundial.

And so I recognize that it's even a bit hard to keep track of everything.

And then the particular term "expert working group" has been used for a very specific project related to the future of WHOIS, and in fact we try not to use that term at all.

And I know in this community, in the registrar community, you're keenly aware of that effort that's going on, and so -- but there is a general thing that applies to all of that, which is, each of these is intended to generate ideas but not to make decisions.

These are not authorized to -- they don't have any authority and they don't have -- and they're not the process by which we make decisions. The process by which we make decisions is the one that we've agreed to, it's documented, and it's part of our bylaws and our standard processes.

So it does add quite a bit of activity and maybe it's hard to keep up with everything, but the intent is to enrich the set of ideas that we have to deal with but not to change or subvert the decision processes.

So that's a comment on just the general use of two. I don't know if that's helpful or makes things worse from your point of view or whatever.

JAMES BLADEL: No, I think it's helpful. I think that -- you know, I think recognizing that part of the culture of ICANN is the first group or individual, even, to weigh in on a topic sometimes can build up a bit of inertia for a particular position, so I think that it's encouraging to hear that that's not going to be necessarily the primary decision factor.

But it is noteworthy that when a group comes out with its ideas, that that generates some inertia.

STEVE CROCKER: Yeah. We -- there's a lot of ways in which we can screw up the process, and over time, I would say, in the past several years we've gotten better and better about being more reasoned and dispassionate about the process, more deliberate, and trying not to trip over ourselves both

within the staff and throughout the SOs and ACs and certainly the board.

Years ago, we used to have late-night drafting sessions and effectively craft policy at 3:00 a.m. A very bad idea. We don't do that anymore.

And I think it works better. We may have slowed things down although I don't think the actual result is slower. I think the -- by partitioning when the work gets done, we're in better shape on that.

So enough on that.

Anybody else want to comment on this?

Michele, you're in charge here.

MICHELE NEYLON: You keep saying that, Steve. I find that quite disturbing that you would put me in charge of anything, but thank you.

STEVE CROCKER: Works for me. I don't know about anybody else, but...

[Laughter]

MICHELE NEYLON: Thanks. Anybody else? Registrars or board or anybody have any thoughts on this?

STEVE CROCKER: Is it time for my full disclosure?

I have quite a few domains registered in various countries. I do not have any domains registered in Ireland and I have no domains registered through Michele's company.

MICHELE NEYLON: I'm sure we can work on that.

[Laughter]

>> (off microphone.)

MICHELE NEYLON: Oooh. Oooh. Thank you, Cyrus. Which is an interesting segue.

The next topic, as we've combined Topics 1 and 2, the next topic was in relation to the RAA national laws and I suppose in some ways it's also to do with, you know, handling of a lot of that.

We're going to hand it over to Lindsay. Where is she? Oh, she's at the back. Do you have a microphone?

LINDSAY HAMILTON-REID: Can you hear me now?

Okay. So --

MICHELE NEYLON: For the record, could you state your name because nobody can see you and they need to know who you are and --

LINDSAY HAMILTON-REID: Okay. Lindsay Hamilton-Reid, legal counsel for 1&1.

So there's been a lot of discussion around the RAA waiver request and decision and how it relates to national laws, and I know that a couple of the waiver requests have been granted and that's been for one year.

That still contravenes E.U. law. There is -- I'm not sure how many of you are familiar with this, but under E.U. law, there is no time period stated, so saying one year doesn't really help.

We could probably, at a push, maybe keep data for three months, but even then I wouldn't be necessarily happy to sign that.

The other thing, the other issue we have is the fact that it's now been put out for public comment. That's basically saying that E.U. law has been put out for public comment and it's not going to change. So obviously we've got quite a few issues with this, and it's really kind of to find out how we can move forward.

MICHELE NEYLON: Thank you, Lindsay. Erika, I believe you wanted to address this?

ERIKA MANN: Yeah. Maybe just to add a few points because there's so much confusion obviously about E.U. law and sometimes the reference to E.U. law is not always helpful.

So let me just maybe make the -- correct a few points.

The current directive, the retention directive, the current -- has different time frames because it's a directive.

A directive means that in E.U. law, it can be changed accordingly to national requirements. We have different sets of laws in the European Union, but that's for a directive.

That's the reason why there is no clearly defined timetable which works for all European member states.

Second issue: With regard to the data retention law, it is questioned in certain member states because of constitutional requirements which are not met in all cases when the law was drafted.

For example, in Germany the constitutional law raised serious questions and practically the law is not constituted in the moment in Germany.

This leads to my third point. The directive will be under review and the European Commission already signaled that it will review the data retention legislation and very likely we will see a new law, once the new European Parliament comes in in 2015, emerging.

So my recommendation here would be -- and I'm not going to go into the detail because this is something the management team must do, how it wants to frame the contractual obligation, but I think you want to take this into consideration and then in discussions with the registries you want to find, accordingly, the best suitable situation. I'm happy to help here to get the facts right.

MICHELE NEYLON: Thank you, Erika. Anybody else? Sorry, I -- I can't see your thing from here and I'm hopeless.

KUO-WEI WU: It's Kuo-Wei Wu, also with the ICANN board.

Continuing with this one, I'd like to let, you know, the registrars understand that right now in -- up to now, right now, I think there is many countries in the Asia-Pacific, they already have a data retention law, so we need to, you know, be careful of that issue too.

MICHELE NEYLON: Thank you. Volker.

VOLKER GREIMANN: Hello. Volker Greimann speaking, registrar constituency.

I would like to highlight that a lot of the problems that we're having right now are, in my view, a process failure within ICANN or within ICANN staff. When we negotiated the RAA, data retention was also one of the most contentious issues and the issues that delayed having a final result. We finally thought that we had found a solution by excluding -- by allowing for exclusions from the data retention requirements for European registrars by those registrars requesting a waiver. We defined the waiver process with ICANN, and in good faith believed that we would be able to work with ICANN staff to receive the waivers, once we followed that process.

Many registrars have followed that process. We've provided the waiver request as specified in the RAA, giving a legal opinion from a reputable law firm as required in the RAA and in the specification, which includes the waiver process, and so far we've hit nothing but delays.

The first waiver requests have been sent to ICANN in October last year. Many more in November. We are still talking about it. Sometimes it feels like we're in a bazaar where we are trying to get a better result by saying, "How about this amount of time, how about that amount of time?" where we are trying to clarify that this is not a thing that's up for negotiation, this is the law. When ICANN has a problem with how the law is interpreted, they should provide a legal opinion and show where we are interpreting the law incorrectly, not trying to make a better deal.

So essentially I'm saying ICANN staff has been approaching this from the wrong angle and we would hope that the board issues a directive or recommends to staff to proceed with the utmost urgency with this matter.

Many registrars under the 2009 RAA are currently up for renewal within the next few months, and some of them are feeling that they're unable to sign the 2013 RAA without being forced to violate either that RAA or their national laws, and that is a situation that we simply cannot have.

It has been -- it has come to our attention that many of the reluctances within ICANN staff are due to a fear of backlash from parts of the community that have supported data retention as a requirement in the RAA, and I still think that this cannot be the issue at hand. The issue at hand is that registrars must be allowed to follow their national laws, be

in compliance with both the RAA and their national law, and for that we will have to have the waivers, and that's soon.

STEVE CROCKER: Cyrus, this falls directly in your lap.

CYRUS NAMAZI: Yes. Thank you, Steve, and thank you, Volker.

I wanted to actually take a step back and address something that Lindsay mentioned earlier, and sort of echo what Erika Mann was saying, that our understanding is that there is no uniform law that actually provides legislation for the entire European Union.

Our understanding and our position is that every country has different interpretations and the way they legislate it is different. So we are actually approaching it on a country-by-country basis.

The other thing that I wanted to highlight is just to help put things in perspective in terms of the scope of the issue and the magnitude of the issue and its proportion to the level of, I suppose, frustration that's being voiced.

ICANN has about a thousand accredited registrars. Of that, about 17% -- 170 or so -- are based in the European territory. Within that 17%, to date we've had nearly 50% already sign the 2013 RAA. And of that, actually the highest number has been in the German -- in Germany.

And I say this just to highlight the fact that even among the registrars in the territory in the European Union, there is obviously different

opinions and different interpretations of what needs to be done and to what extent the waiver process is effective.

To date, we have received a total of 15 requests for waivers to data retention requirements that the RAA has in place. One waiver has already been granted in France, which essentially becomes the template for every French-based registrar to use going forward.

We just noticed the community for another waiver in Belgium.

We have Luxembourg in the pipeline in the next two weeks or so.

Netherlands is not too far behind that.

So we're clearly putting the right resources behind the issue. We're moving as fast as we can, and in fact as quickly as most of the registrars are moving with us.

So I'd like to close by really highlighting something that I've been saying and echoing all along, that there's no reluctance on our part to engage. This is a very difficult issue to get our arms around. There are no clear lines of demarcation in terms of what data retention requirements are in each country, and it really is a collective and collaborative effort on our part and the part of the registrars to figure out what the right boundaries are for it. Thank you.

STEVE CROCKER: Thank you.

MICHELE NEYLON: James?

JAMES BLADEL: Oh, just to note that while I think that the statistics provide a good snapshot of where we are today, even as a North American-based registrar we're watching this issue very closely, because this is -- as the gentleman pointed out, this is now being discussed in circles in Asia and in Latin America and this issue is not limited to the E.U. It is expanding to include other areas and registrars who may be based outside of these areas but seeking to serve those particular markets.

So it is possible that this, you know, snowball can continue to roll downhill, and one possible scenario is that all registrars may be seeking this waiver.

So we're watching it very closely as well.

And I think that the concern is that one of the reasons we're stuck here is that different interests that are mostly outside of ICANN -- the interests of law enforcement and on-line -- you know, combating on-line crime -- are at odds with the interests of protecting personal data on line and I feel like our commercial agreements are sort of caught in the middle of that dynamic and it feels like even -- you know, even our best efforts at engagement here at ICANN may only be a partial solution to that problem.

So we're looking at this very closely as well, and we're kind of standing with solidarity with our European competitors, understanding that we may be in the same boat soon.

MICHELE NEYLON: Yes, Volker.

VOLKER GREIMANN: Just one remark toward Cyrus' remark, the fact that many registrars have already signed the RAA is not indicative of them accepting that the obligation included in the 2013 RAA is in any way binding upon them. Many are relying on the severability clause which is included in the RAA which states that items in the RAA that are violation of national law are not applicable. However, that puts them in the position that they might be in risk of a compliance action when ICANN does not agree. So many registrars would rather have the waiver and avoid that scenario of being found in violation of ICANN policy and then having evidenced that actually they're in compliance with national law and, therefore, had to follow that rule.

So just because many registrars signed does not mean that they are of a different opinion. They are right behind us on this.

MICHELE NEYLON: Thank you, Volker.

I think we're going to close off this topic unless there is something else to add. No?

The one thing I just want to add personally without getting too deeply into this is that maybe the ICANN board could actually discuss this with the GAC because ultimately it is an issue for government.

Mike?

MIKE SILBER: It has been raised with the GAC, and we received feedback from the GAC which was they're not going to be addressing it. And we've been around this quite a few times.

I just think that it is critical to note that the exemption process is alive. It may not be perfect, but I don't think we're looking at perfection over here.

Given the lack of consistency across European data laws, I don't think that we're ever going to get a perfect situation, but we've got to find a practical situation. And if we can get guidance as to how to practically improve the current situation, it would be very appreciated. Sitting on one's hands and saying there is a problem is not necessarily the right way of going about it.

MICHELE NEYLON: Volker, this is the last one.

VOLKER GREIMANN: I apologize, Michele.

Actually, we have proposed to ICANN staff a workable solution which would be to grant a temporary waiver based on the request made by the registrar. I mean, these requests are not pulled out of thin air. They are usually backed up by a legal opinion by a reputable law firm or even the data protection officials of that country. And granting that temporary waiver then putting it up for public comment, anybody could, with a legal opinion, counter the waiver that was temporarily

granted. And then it could be revoked, amended, or anything after that fact but only maybe cost one, two, three months of data being lost, not -- I don't think that is such a critical loss that it weighs higher than a registrar losing its accreditation or facing the risk of compliance action or legal action in this country.

MICHELE NEYLON: Thank you, Volker.

So just moving on to the next topic, Jeff?

JEFF ECKHAUS: Thank you. Jeff Eckhaus here. Before I start, I just want you to look at Number 4. You can just take that out of your mind and rename it "teamwork" just to make life easier because I don't want you to think about the PICs.

So the NGPC and the board recently moved ahead with the Category 1 TLDs. First, thank you for that. And the PICs are currently being introduced to implement the new requirements, and I believe that's into Spec 11. Those are now being included in those Registry Agreements. For those of you in the room who are not aware, this means the registries are now instructed to put into their registry/registrar agreements and then the registrars are meant to implement these changes.

As registrars, I guess we'll complain a little bit but we're not really complaining much because this makes sense because we as registrars

are the last mile. We're the entities that interact with customers. So we should -- this should be worked through us.

The issue that I wanted to address to the board here is that there really has been no discussion with registrars or, I believe, registries on any of the operational impact that these would have. In previous sessions such as this, we have asked to be involved to work with the board, to work with the NGPC. Yet, always seem to get -- I hate to use the word "the cold shoulder" because it might seem a little harsh, but we haven't progressed.

I don't necessarily believe you as the board are ignoring this on here, but I think it might just seem to get lost in the shuffle.

So my question to the board -- and I believe we have time -- is: What do you suggest that we as registrars need to do to make this happen? Since we believe it would benefit all of the affected parties to have some operational thinking go along with the policy.

Could we set up a contracted party registries and registrars sort of an implementation team -- I won't touch the word "expert working group" or anything like that -- to help to advise the board.

Maybe if "advise" is the wrong word because it has some sort of connotations to it, maybe you could use us as a sounding board and see what makes sense.

I think the registrars, we have discussed it. I know the registries have. We are ready to roll up our sleeves and to work with the board to make this happen because I think it would really clear up some of the misunderstandings.   It   would   definitely   streamline   some   of   the

compliance issues and I think make a better program for everyone if the contracted parties and the groups that need to implement this were discussed -- were talked to along the way to help clarify things because we're getting to the point now where there are misunderstandings, things aren't clear. And we really don't want that to happen. We want a good program for everyone.

So I'm looking to the board, some suggestions, how do we make this happen besides three times a year, I guess, us asking about it and then nothing really comes on it. It is partly on us for not pursuing it. But I will turn it to you and, hopefully, you can help us drive this forward. Thank you.

MICHELE NEYLON: Thank you, Jeff.

Akram?

Hello, Fadi.

AKRAM ATALLAH: Thank you, Jeff, for your request. We are more than happy to sit down and figure out how the implementation will work with you, if that's helpful.

JEFF ECKHAUS: Yeah, I'm not asking specifically -- that's why I said forget about Category 1. I'm not saying let's turn back the clock. I'm saying on a go-forward basis, what do we need to do before some of these -- that

some of these issues that come down from the board level that are said, "Here, implement this, do this," to talk to us in advance, to maybe even just work on some of the language on it and what it means and what that operational impact is to help smooth that out. It's not -- that's why I said let's change around the word about the "teamwork" on Number 4, about the Category 1 TLDs. I'm not saying let's turn back the clock and go back on that.

On a go-forward basis, how do we work together as sort of -- as partners on this, to make things better for registries, registrars and, of course, most important the registrants here?

MICHELE NEYLON: Akram. Does that help frame the issue better?

AKRAM ATALLAH: I think we accept the challenge to figure out a way to work forward -- to work together before we actually make these kind of decisions. But I think this is something that we will have to tackle on the next issue, so it is very hard for me to predict what that would be. But, you know, we agree working with the registrars would be much more constructive and hopefully much easier for us than working after the fact. So we appreciate that.

JEFF ECKHAUS: I agree. Maybe something as a model could be something like the RSTEP process where you have a group sort of waiting in the wings and some of those impacts go through them. That could be one suggestion.

But, yes, definitely let's discuss it because I think it would make life easier for everyone going forward. Thanks.

MICHELE NEYLON: Thank you.

James?

Since we kind of -- sorry. I've lost my voice unfortunately. I'll actually pass over to Jennifer because I have lost my voice. Sorry.

JENNIFER STANDIFORD: This item is not on the agenda, but we would like to add it which is the metrics validation for LEA and as it relates to the 2013 RAA WHOIS specification, James, if you could please take this one.

JAMES BLADEL: Thanks, Jen. This actually was a last-minute addition. It doesn't appear on the list. It came up in our meeting earlier today. We had a very rigorous exchange with ICANN compliance showing that there's still a lot of confusion operationally and that we're still encountering a number of -- I hesitate to use the word "glitches," I think that's a load term. But we're still experiencing a lot of issues relative to WHOIS verification. We're experiencing a high number of false positives. We're experiencing some differing standards, and we're trying to work this out. You know, this is a roomful of registrars who are trying to get out of their obligations. We're trying to understand them and trying to apply them consistently across the industry in a way that our customers can understand.

And one of the points very, very well raised by Elliot Noss from Tucows was that we really need to see -- I think it is beholden on the community to also demonstrate that there is some good coming from all of this, that we are improving WHOIS data quality, that we are cracking down on the folks who are using WHOIS to hide their nefarious activities.

And it really was interesting because it took me back to an exchange between myself and Mike Silber and Fadi at the public forum in Durban where we discussed this very topic.

And Fadi made an interesting quote here. And it was something along the lines of that we were already engaging with law enforcement specifically on the topic of developing metrics for success, to understand that the WHOIS verification process was yielding some tangible benefits.

So our question to the board -- and I see Fadi's joined us, and to Fadi -- is London would be one year since that commitment was made to us. Can we expect that we'll have some sort of feedback by that time, that from law enforcement that these -- all of these changes and implemented requirements are making a difference?

MICHELE NEYLON: Akram, go ahead.

AKRAM ATALLAH: Thank you, Michele.

So one of actually the recommendations that came from the WHOIS working group, and not the expert working group but the WHOIS review

team actually, was to do some statistical analysis on the WHOIS data and look into it from a perspective of overtime improvements. That program is about ready to launch from ICANN. So we would be able to share that data online with everybody to see the effects of, you know -- over time how the WHOIS data is -- how valid is the WHOIS data over time.

So I think that should address some of the concerns. I don't think we can go -- I don't know if we can go back and look at it backwards. But I think moving forward, we will be able to look at that and demonstrate some of the value of all the effort that we're putting into it.

JAMES BLADEL: Thanks, Akram. I think if you can at least provide some perspective as we go forward in time that this is having an impact. Because as we know, we've got a base -- an install base that's probably going to take years to get worked through. And we need this going forward. And I think that that will also serve future requests for registrars because as we noted, you know, this is not necessarily the end of the request for data collection, data verification, data retention.

And I'm hoping that we can put that on the other side of the scale when we look at the operational costs and customer and market confusion that's created by some of these changes.

FADI CHEHADE: Yes, James. It will be done by London.

MICHELE NEYLON: Elliot and then Mike.

ELLIOT NOSS: Fadi, Akram, I think that was beside the point that James was making.

James, you will tell me if I am misstating it.

It is not about the accuracy of the WHOIS data at all. It is about the benefits either from that accuracy -- you know, this is the same thing with registrant validation. This is the same thing with publishing a WHOIS domain abuse contact in WHOIS. All three of these things were put out as extremely important primarily by LEA.

All three of these things have created demonstrable burden and problem for registrants. Yes, registrars but registrants.

You know, I think if you cared to hear operationally, you would hear about tens and hundreds of thousands of terrible stories that are happening to legitimate businesses and individuals. So the benefit that we're looking for is what -- what crime has been forestalled? What -- you know, what issues around fraud, what issues around -- you know, we heard about pedophilia regularly from law enforcement. What has any of this done to create benefits in that direction?

WHOIS accuracy is nice in and of itself, but it is well beside the point. So what I would like to hear from you guys -- Fadi, we have the exact wording of the quote. And the two important points -- James didn't read the whole quote into the record. But the two important points are we understand very clearly and we will work with law enforcement.

Law enforcement, not WHOIS accuracy, but law enforcement, to demonstrate the benefits.

And two, and more importantly, that we will not come back to you for additional measures until those benefits have been demonstrated. That's your quote, Fadi. And the important thing -- I can read it to you because I have it right here. And the important thing about that is if you go into today what's going on in a few different venues, but especially the privacy and proxy discussion, there are significant additional requests already being made. Thanks.

MICHELE NEYLON: Mike or Fadi, do you want to respond to Elliot?

FADI CHEHADE: No.

MICHELE NEYLON: Okay.

                         Mike?

MIKE SILBER: Just, firstly, thank you for bringing the issue up. As much we try and track all of the open issues, we can't always and sometimes things slip. So thank you for reminding us of that.

                         I think Elliot made a very important distinction and not having heard somebody jump into say, "No, no, that's not what I meant," I'm

assuming that the question is what benefit law enforcement has had from it.

That's certainly something that I will chat with staff to see in terms of how we can get it. What I cannot do is force law enforcement to give us anything. But what I think we can do is press the point home with law enforcement that if they want more and if they want greater compliance and if they want greater collaboration, it would be very useful to show the people who are going through the exercise what benefits law enforcement are receiving from it in order to encourage the participants to continue their involvement and actually comply with further requests rather than to push back.

And I think that encouragement will be understood by law enforcement. Whether they will give us specific metrics in time for London, well, that's up to them. We can only request it and encourage it.

MICHELE NEYLON: Akram, I assume you wanted to speak to this specifically?

Then I will go to John Berryhill.

AKRAM ATALLAH: I think Mike just said most of what I wanted to say. I also want to reply to Elliot a little bit on the WHOIS accuracy data. Before we can ask the law enforcement how good -- how helpful were these requests, it is important to be able to show that what we've implemented has improved the accuracy and then say now that the accuracy has improved, has that helped you, right? Just saying we have implemented

these things but we haven't seen any improvement online, on the data itself, does not allow us to ask the second question.

ELLIOT NOSS: That's great, and I appreciate that. So let's take you at your word there and let me remind everybody in this room that the registrars were of one voice that these particular implementations were not likely to help and would create burdens on registrants and would, in fact, be negative.

So if that's true, then the right response is to perhaps take away some of these additional burdens that we've imposed now because, again, what we're having every day, every day in the tens of thousands is people's Web sites going dark inadvertently, with them being confused.

So if that's true, then maybe what -- then what we need to do is to roll back and try something new with hopefully this time the community listening a little bit more to registrars' input to make this effective.

MICHELE NEYLON: John Berryhill.

JOHN BERRYHILL: Yeah, I think measuring the WHOIS quality first and then going to law enforcement is putting the cart before the horse. If I steal your wallet and your credit cards and your ID and register a domain name, I guarantee you the WHOIS data is going to be accurate, okay? It is going to have your address. It's going to have your phone number and all that.

Every domain name registered with a stolen identity used for child porn and trademark infringement and illegal purposes has fantastically accurate WHOIS data, which is going to verify. Every year 20% of the United States population changes their address. How many domain registrants remember to update their WHOIS data, who knows. You are going to find more good-faith law-abiding domain registrants with bad WHOIS data.

So we can improve the WHOIS accuracy to 100% by eliminating all the non-criminals and making sure that, yes, 100% of the non-identity thieves have WHOIS quality improved.

But the question is not have we improved the WHOIS quality? Because what law enforcement is going to see is, well, crime has increased using domains. Yeah. Because you know what? We got rid of well-meaning but -- well-meaning people that weren't paying attention and we made sure that the criminals weren't bothered.

So law enforcement is going to come back looking for, you know, yet, further measures for enforcement before we get to the point where it's like, yes, all the criminals are verified. All the fire extinguishers on the Titanic are functioning.

[Applause]

MICHELE NEYLON: Thank you, John.

STEVE CROCKER:	Let me jump in here. So I've listened carefully to what you said and this is not the first time this idea has been put forth.
	Clearly with law enforcement not in the room, it is hard to have a substantive discussion to deal with all that. But some of you, I suspect, actually know a lot more about what these -- what the real cycles are and where the points of leverage would be. This isn't right the time or place to get into a deep discussion. But I would be interested in just hints of what to do with this conversation rather than just say this is expensive and it is not doing any good.
	Elliot you are shaking your head no.
ELLIOT NOSS:	Yeah. There are two things. One, I very purposely never said it was expensive. And I wasn't saying it wasn't doing any good. I was saying it was doing harm, Steve. There are people who are having their Web sites go dark out of confusion.
STEVE CROCKER:	I'm sorry. I was trying to agree with you. Expensive --
ELLIOT NOSS:	And then, you know, on the other point, you know, look, in the GNSO the other day, poor Cyrus had to stand up and sort of defend this stuff and there was a dialogue on it there.
	A point I tried to make there is, you know, hey, law enforcement wants to -- where are they in this discussion? If they want to participate in

multistakeholder in the way that now again -- I am going to be making this point -- repeatedly, multistakeholder stakes are raised, we all have to be more effective in multistakeholder. I think it becomes incumbent on you, Steve, on Fadi, on the board –

STEVE CROCKER: And on you. And on you.

ELLIOT NOSS: But I am saying, hey, we were there the first time to do this. We offered to do this the first time and weren't listened to. We're offering to do it again. Every one of the registrars here --

STEVE CROCKER: It is not just --

ELLIOT NOSS: (multiple speakers) -- to participate in that exercise.

STEVE CROCKER: It is not just you as a registrar, but it is you as a senior knowledgeable leader.

ELLIOT NOSS: Just call me old.

STEVE CROCKER: No, I'm old. You're senior.

You are one of the -- I mean, I'm -- I'm drawing on the fact that I've known Elliot in other contexts as well. Very smart guy and very capable. How do we get a much better dialogue on all of this? And --

ELLIOT NOSS: Let me give you a specific answer to that. Rather than get law enforcement input through the Board, through the GAC reps, indirectly, in smaller meetings, and not just in separate sessions, on a more integrated fashion. So this is -- I think we all have the same goals here. So how do we better integrate their input? How do we make it a dialogue? How do we make it when that GNSO discussion is going on, when this discussion is going on, when the broader discussions are going on? And so then there, you know, it's incumbent for you guys to say to them, hey, great, you know, let's integrate your input. Let's get it all together in a convenient --

STEVE CROCKER: Yeah, I actually took a whack at this myself sometime ago and discovered that trying to get the right dialogue with law enforcement was hard. They know how to say what they want. Trying to get into the more objective what's the payoff, where's your data and the evidence-based discussion, to use the current lingo, ran into two problems, I think. The first problem was that I wasn't talking to the right people and the second one was I had no idea who the right people were, and I suspect there was a third one which is they might not have any data. But other than that, things went very smoothly.

[Laughter]

MICHELE NEYLON: Fadi I believe wanted to say something.

FADI CHEHADE: I wanted to agree with Elliot that it's very important that law enforcement come and engage here like any other stakeholder and frankly avoid the triangular relationships, just have them come here. So I'm happy to share with you that I met with all the law enforcement people here in Singapore in a meeting, they invited me to chat with them, and I asked them to, by London, to come up with an active engagement plan with the community that I'm happy to support them in doing. This is not about formalizing necessarily their group into some new SO and AC. I want to be clear. But I told them that we can help them to engage better with the community as a group, and they've taken the challenge. And I hope we can achieve your goal by London. I hope -- if they come through we will.

ELLIOT NOSS: That sounds excellent. Thanks very much.

MICHELE NEYLON: Okay.

STEVE CROCKER: Thank you.

MICHELE NEYLON: Okay. And thank you, Steve. I think we've had a fairly robust back-and-forth, as we generally do. And hand it over to you.

STEVE CROCKER: Indeed. The -- as I -- as I suggested, getting down into specifics and having frank discussion is what this is all about. So we did a good job. I'm certainly energized, and I appreciate everybody's participation here. So on behalf of the Board, thank you. Thank you.

MICHELE NEYLON: Thank you.

STEVE CROCKER: Good. Let's give ourselves a round of applause here.

                       [Applause]

[END OF TRANSCRIPTION]