Transcription ICANN Singapore
IPC
Tuesday 25 March 2014

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Kristina Rosette: Since while we're getting started there are some finalists coming around. If you could go ahead and complete those I would appreciate it.

Just to kind of run through the agenda very quickly while we're getting set up, during the open portion of the meeting we are going to be receiving briefings from Krista Papac and Karen Lentz from (GDD), Maguy Serad from Compliance and Margie Milam regarding the new Whois Accuracy Tool. That will take us unfortunately pretty much straight through to 3:15 at which point we will go into a closed session for IPC members only.

Folks who are on the phone we're going to change to a different code which I'm going to post to the IPC (notes) momentarily as soon as I can get my computer up.

So when we get to that point if you want to participate in the closed portion you'll need to hang up and dial back in.

Why don't we quickly while we're getting started, just go around, given that we have relatively few people just identify yourself, your affiliation and whether or not you're an IPC member; Kristina Rosette, Covington & Burling, IPC President.

Paul McGrady: Paul McGrady, Winston & Strawn, IPC member.

Man: (Unintelligible), IPC member, member of GNSO Council.

(Peter Drambark): (Peter Drambark), (Winthrop) Partners, IPC member.

Dana Northcott: Dana Northcott, Amazon, IPC member.

Fabricio Vayra: Fabricio Vayra Time Warner, IPC via INTA/COA.

John McElwaine: John McElwaine, Nelson Mullins. I'm also IPC member and their representative on the NonCom.

Alex Deacon: Alex Deacon, Motion Picture Association of America, IPC member.

Griffin Barnett: Griffin Barnett, Silverberg, Goldman & Bikoff, IPC member.

Don Moody: Don Moody, new gTLD Disputes, IPC member.

(David): (David) (unintelligible).

Greg Shatan: Greg Shatan, Reed Smith, IPC member, alternate representative to the Standing Committee on Improvements.

Phil Morano: Phil Morano, (Katinucion), IPC member.

Marc Trachtenberg: Marc Trachtenberg, Winston & Strawn, IPC member.

(Mike Adams): (Mike Adams), Mayer Brown, IPC Treasurer.

Jonathan Zuck: Jonathan Zuck, (ACT), IPC mascot.

(Karla Valente): (Karla Valente), (Evil MarkMonitor), (Tom Sawyers), IPC member.

Claudio Di Gangi: Claudio Di Gangi, International Trademark Association and IPC Secretary.

Woman:			(Unintelligible).

(Mario Alaman):	(Mario Alaman), (unintelligible).

Man:			((Foreign Language Spoken)).

Woman:			(Unintelligible) from Nigeria.

Ellen Shankman:	Ellen Shankman from (unintelligible).

((Crosstalk))

Man:			(Unintelligible).

Woman:			(Unintelligible).

Man:			(Unintelligible).

(Aaron Dickman):	(Aaron Dickman), ICANN Staff.

Maguy Serad:		Maguy Serad, Contractual Compliance.

Man:			(Unintelligible).

Judy Harris:		Judy Harris, Reed Smith.

Man:			(Unintelligible) from ADIZIO.

(Jim Davis):		(Jim Davis), Elevation Legal.

(Trevor Lato):		(Trevor Lato), (unintelligible) Review.

Man:			(Unintelligible), Brights Consulting.

Woman: (Unintelligible).

Woman: (Unintelligible).

Woman: (Unintelligible).

(Harold Douglas): (Harold Douglas) (unintelligible) newcomer fellow.

Woman: Hi. It's (unintelligible) from (unintelligible).

(Mark):   (Mark) (unintelligible), CheckMark Network.

Man: (Unintelligible), applicant for membership to the IPC since over one year.

Woman: (Unintelligible) (IP Mira).

Man: (Unintelligible).

Kristine Dorrain: Kristine Dorrain, (National).

Kristina Rosette: Oh yes. Good thing (Jennifer) is not wearing a dress.

Kristine Dorrain: Kristine Dorrain, National Arbitration Firm, not an IPC member.

Fred Feldman: Fred Feldman, MarkMonitor.

Peter LaMantia: Peter LaMantia, Authentic Web.

Man: (Unintelligible).

Kristina Rosette: Super, and then folks on the phone.

Steve Metalitz: Steve Metalitz representing COA, IPC Vice President.

Ellen Shankman: Ellen Shankman.

((Crosstalk))

Woman: (Unintelligible).

Ellen Shankman: Calling in (for MISRA).

(Heather Forest): (Heather Forest), Australian Catholic University, IPC Representative on the Study Group on Country Names - County and Territory Names.

Kristina Rosette: Did we get everyone?

All right, according to my notes I think our first briefing is going to be from Krista Papac. Okay, right? And we'll give her a minute to arrive.

Do you have all the PowerPoints (slides)?

Just as a refresher Krista is going to be briefing us on TLD startup issues as well as issues relating to kind of the intersection of (GDD) and Compliance. Karen Lentz will be talking with us about the plans and preparations for the new gTLD reviews that are required.

And then, you know, Maguy and Margie will be presenting on Compliance and the Whois Accuracy Tool respectively.

I'm going to send a reminder email very quickly to Krista and let her know that we're in.

All right, can you - all right.

Just a couple things to recap, there - as a follow-up from the CSG Meeting with the Board, after the meeting Fadi approached Alisa and I and asked that we set up a short meeting to cover some of the compliance related issues. So we're waiting for time on that. It's my understanding that it'll be a relatively small space physically.

So I think at this point until I get further information from his assistant about how big a room we're going to be in I think it probably will be just the folks who present on those issues today. But obviously we'll keep you all apprised.

I don't know. While we're waiting for Krista (unintelligible), since (Brian) isn't here yet, is there anything on the - other than the RAA issue which I think we need to discuss in closed session, is there anything on the GNSO Council agenda for tomorrow that you have questions about or that you need guidance about?

Man: I just felt - I looked at the updated agenda I sent out early today. And from what you said, I don't think so.

Kristina Rosette: Okay. Then in terms of membership applications there are a number of applications that are pending review by the IPCC. We're waiting for final input from them based on the Membership Committee recommendations. One of the issues that came up - can you - okay. That came up during the context of the - during the Membership Committee Review is an issue that we faced before namely, you know, how do we process membership applications from contracted parties.

There's been an issue about amending by Bylaws so I think what and we'll talk about this more in closed session, is I think kind of going forward all contracted party applicants who are approved for membership will be advised that the IPCC is revising its Bylaws and that depending upon those changes that it may be necessary for all, you know, frankly and I think we have to extend it to all applicants to reapply.

I know this is an issue that we've grappled with for some time but I think it's going to be important that we get the Bylaws' revisions done and that's something we're going to talk about in terms of timing in the closed session.

So I think Krista has arrived. So no, that's okay. I'll turn things over to you. I don't know. Do you have - we have a presentation laptop or do you want to just use yours?

Krista Papac: No, I don't.

Kristina Rosette: Oh you have a presentation. Okay, I - what I'd like to do is while Krista's pulling up some information if we could I'm going to start taking a queue on folks that had TLD startup related questions. So start thinking about what it is that you'd like to hear Krista speak on.

And with that I'll kind of turn things over to you.

Krista Papac: Thanks everybody, Krista Papac from the Registry Services Team. Part of the (D&S) Industry Engagement Team.

I don't know why you guys got the short microphone. A little bizarre, anyway so I apologize for one, for being late; and two, I anticipated this was more of a conversation than a presentation so I don't have any slides which I'm sure you're disappointed about that.

So with respect to the interaction between the (GDD) Team and the Compliance Team, I know Maguy's here and she's going to talk to you in a little bit. And I'm not really sure exactly what you guys are - what the real question is.

But there's definitely, you know, we have the compliance function. And I'll let Maguy talk about all the work she's been doing there.

But and once TLDs, well there's certain points in time where the obligations of the Registries begin. So in some cases it's once they find the agreement generally speaking. And in other cases it is upon delegation.

And so certainly as TLDs are getting delegated there are systems that we use for monitoring and for them to report and provide things like the Data Escrow Reports, etcetera.

And if those aren't coming in the way they're supposed to sometimes there's frankly an operational problem on ICANN side where we haven't quite synced up our systems correctly. And sometimes there's an issue with the Registry.

And so what we have done recently is (unintelligible) an issue on the ICANN side so ICANN can work to resolve it very quickly or if it's on the Registry Operator side certainly the compliance process which doesn't change, it's the same process with the same timelines and interaction has the ability to occur.

So I don't know if that is the type of information you guys were looking for. Okay, great and I don't know if there's a question.

Kristina Rosette: But during our regular calls there's been a lot of questions and on the list, questions raised about TLD startup, sunrise, (premium) names, etcetera, so I'm going to go ahead and take a queue.

Claudio Di Gangi: Claudio (unintelligible) Kristina.

Kristina Rosette: Okay, go ahead. Go ahead.

Claudio Di Gangi: Sure. So I think one of the issues have been whether the information is getting posted quickly enough, I guess, because the - I guess whenever the clock starts ticking on the 30 day notice for the sunrise period, I guess there might have been cases where things maybe got maybe put up a little late or

something like that. Is that something you guys are - how are you guys working through that I guess (initially)?

Krista Papac: Sure. So with respect, if I could maybe give some background and then get into the meat of your question Claudio, so sorry Krista Papac again. The - so the TLD startup information or the sunrise portal as its sometimes called or the page where all the sunrises are posted all meaning the same thing, we - my understanding of the background of this because I was an ICANN Staff at the time but as we were working through the (trademark) clearinghouse requirements and the RPM document and all of those things, the ask I believe came from IPC was to have some sort of, you know, place where you guys could go see and, you know, brand owners in particular could go see what sunrises were coming and order for their own planning.

And so as we engaged in that software development effort with a vendor by the name of Four Kitchens I think we did something we don't normally do. But we should be doing more often. So I think it was a good learning lesson for us. But was to engage with people that were requesting this product and did say hey, you know, what do you guys think it needs to include and what do you want.

So my understanding is we did go through that. We developed the, you know, the portal and we launched it.

And the information, so like all software development efforts it has been less than perfect but we've been adjusting on the fly. I know that we've got some feedback. I can't remember. Might have been from you Kristina about it's hard to tell what the date when stuff was, you know, the actual date that we posted it. So we made that adjustment. There's been a few adjustments that we've made to try and make it as user friendly as possible.

Kristina Rosette: Yes.

Krista Papac: As I'm sure you guys know more than we do, it's a challenge. Oh I know the other thing we added was the ability to export all of the data so it was easier for you to manipulate it.

So it's a combination of you don't know what you want until you don't have it situation, right. So while we did come and talk to you and say hey what are you guys looking for, how can we make this usable, it's hard to know what makes it usable until it's not usable.

So we continue - the first thing I'd say is I encourage you guys to continue to provide us with feedback and let us know. And if there's ways that we can fix it or make adjustments or add features or functionality that it will make it more useful we're happy to look into that.

The second problem is one I don't know how to address which is there's a lot of data. And it's data that they have to provide and that you want to know about. And I'm again happy to work with you to try to understand that there's a way to make it more navigable, if that - navigable, yes. To the lawyers who are the word people. Don't play words with friends with this room.

But, you know, we'll do our best to make those improvements. But a lot of data, a lot of data, a lot of data, so that's kind of our other problem.

To your specific question and just as a data point for you guys, I have been personally handling all of the sunrise stuff because on the - well the frontend has actually worked pretty well. I know there's some things that you're not happy about but the backend, the software development for that, this was more important. So it's a little bit more painful on the backend.

And anyway we probably gotten to the point where I can transition and talk to somebody else and don't have to personally handle it. But I actually have personal knowledge of what's been going on with the posting because I literally handled everyone. To my knowledge there hasn't been - I mean I've

been very diligent about complying with the rules of the RPMs document. And so anyway to my knowledge there isn't.

If you have examples though, I would please encourage you to submit them. Feel free to send them even to me and I can look into it and see what's occurred.

Kristina Rosette: I know I have a question. Does anyone else have a question, want to get in the queue, or anyone on the phone want to get in the queue?

All right, I know Claudio wanted to raise a question. The question I have is that I noticed that from time-to-time there are strings for which even though the information has been previously posted, it'll have a newer more recent posting date. And I'm wondering why that is.

Krista Papac: Yes. So I actually was doing a test this morning so I can answer this question and then forgot to check the results of the test. But I have it right here.

So yes, and you're talking about the published date that we added. Yes. Yes, so what is happening with that is that we do have the ability with certain constraints, again as specified in the RPMs document. They do have the ability to modify dates.

Some of them put the dates in their policy document so the policy document clearly articulates the different periods which, you know, makes sense because those get posted on the Registry's web site and that's where people go for information.

So when they move a date within the rules of the RPMs document they need to update their actual published documents.

So I don't know exactly how the technology works on the backend. And I can look into that for you.

But for instance there's a real life example this morning for .qpon, Q-P-O-N where they had that. They had a date movement. And they updated the policy document. And I had to go in and repost it. And so now you'll see that it has a March 24th date rather than a March 21st which was when it was originally posted.

Kristina Rosette: Right. That's kind of what I thought. If you - I know this has been a really challenging process. If there would be a way to somehow designate that for this particular TLD the startup information had been posted before but because of a change it's being reposted, just so that we have a better sense of what it is when we're looking at it trying to figure out how deep a dive you have to go and etcetera. Is that possible? I think that would be really helpful.

Krista Papac: Let me take that back and see. I - often times I think something sounds like it'd be really easy and it's, you know...

Kristina Rosette: (Yes).

Krista Papac: Yes. And vice versa, that's when I actually - I'm not quite sure how we would do that but the guy that helps me with this stuff is actually pretty clever so I don't want to say it would be too tough yet.

Kristina Rosette: (Go).

Claudio Di Gangi: Thanks. So one of the issues that we've been noticing and I think this is relating to how the RPM requirement document was finalized but it might also be a compliance issue so kind of defer to you on that Krista.

But the Registry Agreement allows the Registry Operator to reserve. I don't think there's any limit on the number of names that can be reserved and then later allocated after the sunrise period.

And they would still be subject to the claims notice but could not be registered during sunrise which if the Registry Operator, you know, reserved a good number of the names that are in the clearinghouse for example those couldn't be registered. And that would completely defeat the purpose of the sunrise period.

So we've identified that as an issue. And we're looking for resolution on that because, you know, clearly if Registry Operators are interpreting the contract that way that needs to be addressed.

Krista Papac: So if they're interpreting - sorry, can you just - if they're interpreting the contract which way?

Claudio Di Gangi: If they're engaging in that practice it shouldn't be allowed because it's defeating the entire purpose of the sunrise period.

Krista Papac: So with that I'm going to actually channel Maguy a little bit here which is it's difficult without having a concrete example, it's hard to look into it.

And so I don't really - I would appreciate either you guys get some - there's multiple options, right, there. You can let us about it. But really you could even just submit a compliance ticket on this and the Compliance Team would follow-up on to see if there are issues with them being, you know, complying with their agreement or if they're doing something they shouldn't be doing.

Kristina Rosette: Thanks very much. John.

John McElwaine: John McElwaine for the record. On that sort of topic, one of the issues that we've noticed is that with 3.2 and 3.3 of Spec 5 there's two different lists that could be of - domain names that could be reserved. 3.2 is limited to 100, 3.3 is sort of unlimited which is what Claudio was getting at.

In the - in Spec 5 ICANN is empowered to request a list of those domain names. And it would be a way to sort of have a check because when you have those two different lists but no way to tell what's on it, you know, a Registry Operator can move domain names back and forth on that, you know, as opposed to 3.2 or 3.3 to suit their own needs.

So and we would ask that if you could request a list of the domain names that have been reserved under both of those sections as a way to provide some transparency and a check to make sure that, you know, this is all being done properly.

Krista Papac: So Krista again. I'm dancing dangerously close to Maguy's territory but and if she comes in, stands over me, you guys will know. They - the Compliance Team if they do have a concern they can request a list. And I think she can talk to you a little bit about that more in her update or in just a moment here.

With respect to I think part of what you're saying is to request it now. The problem with that is that those lists can change at any time as well. And there's no way of actually knowing if you have the up-to-date list or not. It's something that we can definitely take under consideration but my initial, like when I hear that my first reaction is that list might be good as of right this minute in time but it could change the second after I receive it or not me but she receives it. I don't know if Maguy you want to add.

Maguy Milam: So we have requested the list when we have specific reports to validate against. But to Krista's point that list is forever evolving. So we take it on a case-by-case. And we keep it confidential within the complaint, within the scenario that it's been addressed.

Kristina Rosette: Phil. And then I know Krista has to go. So is there anyone else that wants to get in the queue? I'm going to put myself back in but Phil.

Phil Morano: Hey Phil Morano, (Katinucion) for the record. She asked about a specific example of like when sunrise - when TLD startup information was supposed to be provided.

So that, our (UHR) in December, 2013, they provided their 30 days with their TLD startup info.

And then it appears as though it wasn't posted to the web site until like five to seven days later meaning that folks who were checking that web site for 30 days' notice only really got 25 or 23.

Krista Papac: So I'm happy. I don't think you guys want to wait while I look through the (unintelligible) but I'm happy to look into it and see. But I know we've had some web site issues so it's also possible that that could have been a result of it.

The other thing that happened early on and it's probably not the case because I know you, Phil, and you're so on top of this stuff and probably know more about this portal or this page than I do. But is that when we actually changed this - where is my page? So the default used to be to hide. Oh no, that would be closed. Never mind.

Let me take it offline with you. But I know that we have had issues with some things that weren't populating the way they were supposed to. And every time like I process the sunrise it's supposed to publish to the site within 60 minutes and if they do but I don't actually go to the web page and then there' s actually about three steps before that that have to occur.

So I don't go in and like validate that it published. I sort of trust the technology that these are being published. So what happens is and again I would encourage you if you see things like that that's an operational - well you could submit a compliance ticket or something like this. Like the only way I find out

is if somebody catches it. And sometimes it's actually me that catches it but sometimes it's someone else.

So anyway I'll take this specific instance offline with you. But again I'll reiterate. And to my knowledge they - everything has been strictly in compliance with the RPMs document so thank you.

Kristina Rosette: Thanks. I'm going to put myself in queue and then unless anyone has a really burning question I think we're going to thank Krista and move onto Karen so we can stay on schedule.

So I'm sure you're not surprised to know that IPC has some concerns about the (.sox) $25,000 summer.

So here's the question. Let's assume for purposes of discussion that at the end of whatever contention resolution mechanism is used, the applicant that is on record is saying that they intend to charge trademark owners $25,000 a name is in fact going to be the Registry Operator.

All right, so it's kind of a three part question, sorry. First, - so first, if there's nothing in the RPM documents that are submitted to ICANN but it's a matter of public record, will ICANN - is ICANN able to pull in public information when evaluating those?

And second, and maybe I shouldn't be using (.sox) but we have a specific example, is that type of arrangement which has and as far as I can tell seems to be intended to have the effect of really putting trademark owners in the position of having to pay really major amounts of money, is that something that's taking into account in the process of approving that RPM?

If you want to get back to us later, that's fine.

Krista Papac: No, no. I - it's okay. I just wanted to write it down so I don't forget so pulling in the public info, So one thing that happens is when we are made aware of things and sometimes it's something I've read, sometimes it's something somebody sends, sometimes it's something someone else in the company has read. I mean it comes from all different ways.

So if we are made aware of things we will look into them. Somebody has to know to send it to compliance so it could be, you know, the woman that works at the front desk. And she might read that and think it's interesting and not think oh wow, I should tell, you know, Maguy's team.

But if it makes - you know we get things in various ways and sometimes it's from staff or something we come across on our own tweets, whatever.

So we do our best to capture what we can but you guys know how compliance, the compliance function works at ICANN. There does need to be a complaint. But again we see something that doesn't look right we send it to compliance.

So in this example if, you know, we were to read about something like that which I'm sure somebody would - I wouldn't be surprised if somebody would come across that on staff and would submit it or have somebody look into it that that would occur.

As far as do we review that in the - I think the second part of your question is and you promised me three parts. Are you saving the best for last?

Kristina Rosette: No. I decided it was really part of the second part.

Krista Papac: Okay. So when it comes to the second part, do we take the pricing into account when we review the RPMs, I mean I think you guys have heard this 100 times from ICANN. We - when it comes to pricing that we don't get involved in pricing. It's not something that has fallen under our remit.

So but we would review and we do - I don't know if you guys have seen this, one of the things that we do is we do do - so if you look at the RPMs document which I'm sure you have, it says that we'll review the startup information but we won't sort of get in the way unnecessarily and we won't, you know, make it this big deep dive review. We still do actually look at the - so we do that on the frontend. But we go back and look at the policies in more depth once we process the information and it's posted.

And if we see things that don't seem right which is another reason you would see updates, we'll go back to the Registry and say, hey, you haven't - you know, you say this in your document. Most of them are actually they say something that it's not clear if they're - we think they're doing X which is the right thing to do but we want them to make it more explicit. So often times we have them make the change to incorporate that explicit, you know, statement.

For instance limited registration period, please confirm that you're not going to allocate those until after sunrises have been allocated, that kind of stuff.

So if we do see something that falls outside of, again what we do, what is our remit we will go back to them and ask for clarification. And if it's outside of what it should be then there's a conversation that has to happen so.

Kristina Rosette: Let me just recap to make sure I have this right. That basically as long as the policy is on its face compliant with sunrise if the Registry Operators stated implementation will have the effect of circumventing sunrise and that implementation involves pricing, there's really nothing that ICANN can do. Is that right?

Krista Papac: Again it's hard to - yes, so I mean it's one way to put it. Again if there's something that's concerning we like and with this particular situation we're well aware of it, we are monitor - you know not Maguy monitoring but, you know, the company is monitoring this. And watching to see what evolves.

So, you know, again the party line is always, you know, we don't get involved in pricing. That's not our remit. We do however watch the stuff closely and the goal is for, you know, the sunrise period to be - to do what it was intended to do so.

Kristina Rosette: Well thank you very much. We very much appreciate it. And I think next we're going to hear from Karen.

(Helen): Kristina?

Kristina Rosette: Yes (Helen).

(Helen): Hi. I'm sorry to interrupt while you're waiting for the next speaker to come up. May I ask a question on the last one?

Kristina Rosette: I think she may have - oh yes, go ahead.

(Helen): Okay, I have a question. I understand that the definition of what will be worked on is whether or not it's inside the remit or outside the remit. Have the boundaries of what that remit is been clearly identified?

Krista Papac: This is Krista again. That's an interesting question. And, you know, the RPMs document is defined. We try and that document gets worked on, you know, ICANN facilitates that these are things that - driven by the community. We - the goal is to always have these things be well defined. But again it - sometimes we get to this implementation phase and of things.

And so I think when it comes to the rates protection mechanisms, I think that we tried to, I mean that collectively the community do our best to write something that does clearly define what those things are. It's in the bigger scope of things the contract and contracted parties and what they can and

can't do. It's - that's something that continually evolves and it, you know, it's why we get new consents of policies and things like that.

So I think that that clearly defined as that's a slippery slope to really try and figure that out because as the dynamics of the market changes while so do the definitions of things and what's happening and what needs to be addressed.

So I know that's not a black and white answer. But neither is the (switching).

(Helen):   You know I'm not asking for a clear. I think that my concern is not that I expect ICANN to have clear boundaries already. But when questions are being raised in what are clearly concerns raised by the IPC and others in saying that there is - they're raising it with you because they assume it is within your remit that when you decided that something is outside your remit that you identify and say well, you know, we thought that that was in there but in fact it's not.

Krista Papac: So if the - for instance if the Compliance Team - Krista again. If the Compliance Team were to receive something that is outside of their remit so again if there's something that's happening that shouldn't be happening or you believe shouldn't be happening, I encourage you to, you know, submit a compliance ticket.

And once they do their work and again this is more Maguy's scope than mine, but once they do their work if they find that it's outside of the scope of the agreement or outside of, you know, whatever, then they will - you will be notified of that. It doesn't just disappear.

Is that - I don't know if that's the question though?

(Helen):   Thank you.

Claudio Di Gangi: Krista I just wanted to clarify just for the record, it's Claudio Di Gangi, when you said that ICANN doesn't get into pricing issues, you're really referring to the new gTLDs because the legacy TLDs have price caps. (They call them that) because they're on their - basically a pricing regime.

Krista Papac: (Got it).

Claudio Di Gangi: I just wanted to clarify that.

Krista Papac: Thanks. Thanks Claudio.

Karen Lentz: Good afternoon everyone. I'm Karen Lentz for those who don't know me, Director of Operations and Policy Research at ICANN.

I was asked to speak to you briefly on the topic of plans and preparations within ICANN for reviews of the New gTLD Program which is a little bit of a timely topic because we started to hear a little bit about it this week in Singapore.

And also we're kind of at the stage in the processing of applications that we are starting to look ahead and are having the types of conversations internally about organizing and we're also in the middle of the budgeting process so making sure that we've identified all of the projects and efforts that are needed to begin and get those reviews under way. Make sure that they're adequately resourced and can be done in a timely and effective way.

I don't have a slide. I would just kind of roughly divide the activities into four buckets. The first being the affirmation of commitments review so Section 9.3 of the ARC provides that ICANN will do a review of a number of elements of the program specifically whether to the extent its promoting competition, consumer choice and consumer trust. It mentions the effectiveness of the application and evaluation processes. And also mentions the effectiveness of the safeguards that were put into mitigate issues that were identified during

the development of the program. So those would include for example the malicious conduct measures and the new trademark protections.

So with that one there is some activity happening now in the form of an Implementation Assistance Group who's working on metrics. This is in relation to a set of 70 recommended metrics that was treated by the GNSO and ALAC covering the competition, consumer trust and choice aspects.

So this group is actually chaired by Jonathan Zuck here. And he can probably update you more thoroughly than I can.

But that group has been tasked with providing advice on implementation in terms - and has gotten into the review of the metrics in terms of which ones require a baseline, how feasible are some of the things that are recommended.

So those discussions are happening now. There's been a - the group has made an early recommendation to the Board to fund a consumer survey and an economy study. So that's a recommendation that's before the Board here at the meeting.

But the timeline on that is approximately July. The group's expected to have a report to the Board and, you know, making implementation recommendations on metrics.

Following that will be the actual formation of the Review Team and those proceedings and their report and its consideration by the Board so that's kind of one bucket of work there.

Another bucket is some, I'll just call them additional reviews that are - have been mentioned or committed to in other places. One has to do with route scaling which was a commitment made in the GAC discussions. So that is considering the effects of delegations of new gTLDs on security and stability.

That's being accounted for in the, you know, project planning and budgeting process.

As well as there's also, and this is one of the SDI recommendations that the URS be reviewed one year after the first date of operations which if you think about when the first new gTLD was delegated was around October. So potentially that's when the first URS case could have been filed so a year after that will put us in Q4 of 2014.

Another bucket of things that we're taking into account is what you might call the operational aspect from looking at the mechanics of the program in terms of the evaluation process and criteria, the objection processes, contention resolution, all of those things. And we actually already had, you know, debriefing along the lines of and, you know, with the initial evaluation just to make sure that the, you know, experiences are captured and the lessons are captured well while it's still relatively recent.

So that's the third bucket. And then the other thing that I'll just mention which is not really a review but it's related is that, you know, there's potentially a GNSO policy track of activities as well. And, you know, I don't have a - or we don't have an expectation of what that might be. Whether it's a PDP, a broad one or a specific one, whether there's some additional form of policy guidance or really or review that the GNSO would do in terms of the policy and implementation.

So we're really, you know, looking to the GNSO to kick that off which they have started to discuss this week.

And I'll just close by saying the - there seem to be a concern that in the GNSO Meeting over the weekend that, you know, staff already had a grand plan of how to do all of these activities and it was going to, you know, be implemented without consultation. That's really not the case. That we're - the stage that we're at is pretty much what I've just shared with you in terms of

looking forward and making sure we are supporting the activities that we expect to be happening.

So I think that's - covers it. I'll take any questions or comments.

Kristina Rosette: Okay, thanks Karen. I'll take a queue.

Jonathan Zuck: (Unintelligible).

Kristina Rosette: Okay, Jonathan first. Anyone else? Okay, go ahead Jonathan.

Jonathan Zuck: I'll just add very briefly to what Karen said about the study that we asked for among our preliminary recommendations to the Board that Karen put as an economic study. But a big part of that is going to be pricing strategies and the effect that those pricing strategies have on consumer trust, etcetera. So I mean some of the issues that are really important to the IPC would potentially be a part of an economic study but was requested to the Board.

Man: There's a question in the room of participation from Steve Metalitz for Karen. Are there time limits for the (AOC) and Route Scaling Reviews?

You mentioned the one review for the URS. Are other time limits for the other one?

Karen Lentz: I don't believe so. I don't - well I particularly don't believe there is for the Route Scaling Study. I haven't done one. I'm not used to trying to compile all of the data on this.

But I know that the (AOC) Review does provide for periodic reviews. I think it's every two years after the first one. I can't - I don't have it in my head right now whether it puts a time limit on the first one but I don't believe it does.

Kristina Rosette: All right, thanks Karen. I had a question with regard to the operational aspects. Do you have a sense as to when you're likely to have more definitive information as to kind of the structure and scope of that review and in particular the mechanism through which the community could provide input?

Karen Lentz: Yes. So I think what's been coming out of this meeting is that kind of the ICANN Meeting in London, there would be a more comprehensive plan and for, you know, scoping out of the, you know, rough timeline or rough sequence of events that's expected.

Kristina Rosette: Anyone else have questions for Karen?

Steve Metalitz: Kristina this is Steve Metalitz. Could I get back in the queue for another question?

Kristina Rosette: Absolutely. Go right ahead Steve.

Steve Metalitz: Thank you. This is Steve Metalitz. Karen do any of these reviews include a consideration of whether any of the safeguards developed for new gTLDs should be applied to legacy TLDs? I don't know if any of them specifically outline that or would those be involved in these reviews?

    Thank you.

Karen Lentz: Thanks Steve. I don't think so as the, you know, so far as the scope is stated in the various places where these things come from. It's really looking at, you know, reviewing the effects of the new gTLD program.

    So I think, you know, certainly there can be some - any conclusions or lessons drawn from that that you people might be interested in having discussions about whether they can be applied elsewhere.

But in terms of the reviews themselves I don't think that's generally part of the scope. Thanks.

Kristina Rosette: All right. Well thank you very much Karen. This is really helpful and we'll certainly be keeping an eye out for what comes out in London. Thanks very much. Thank you.

Next up I believe it's going to be Margie Milam talking with us about the WHOIS accuracy tool.

Margie Milam: Hello everyone. You guys wanted me to talk about the WHOIS improvements effort and especially related to a document we've just published for public comment so that's what we'll - focusing our comments on.

I was trying to see if Steve Allison is here. Oh well. Anyways he's on the ICANN Staff and helping develop some of the systems that we're doing with respect to WHOIS, and I was hoping he could also answer some questions but we'll go ahead.

So next slide please. Just - I was just showing it there. Okay. I've got it here - right here. Okay so just to provide you a quick overview, when the Board adopted the recommendations of the WHOIS Review Team it kicked off a two-pronged process, one being to implement the WHOIS Review Team recommendations so that we could fix the current system, and then also kick off the parallel effort to define perhaps a new system of dealing with registration data, and that's all the work that you're familiar with with respect to the Expert Working Group.

I'm not going to talk about that part today. What I'm going to focus on today specifically is what's going on to improve the current WHOIS system. And so essentially what we've been focusing on is enhancing our online systems.

We've started the WHOIS Web site, which we've published back in Buenos Aires which was more of an educational tool so that anyone who's interested in WHOIS could really learn about it from a layman's perspective.

And so there's a lot of content and information on the WHOIS Web site, and we're using that as the portal or the central place to - for all of the additional fixes that are coming with respect to the WHOIS program and that's being developed in multiple phases.

So the - since Buenos Aires we've published what we call the WHOIS Primer and the WHOIS Primer is translated in about five languages, and it's really meant to synthesize the WHOIS requirements into language that's understandable to someone who's not familiar with our contracts and our - and can really understand legalese.

And so the nice thing about the WHOIS Primer is that it actually contains live links to the contract terms themselves that support some of the obligations that relate to WHOIS.

The next thing that's in development is the WHOIS lookup tool, and you may have recalled the WHOIS Review Team had made a recommendation that there be a simpler way of doing WHOIS lookups, and so we're about ready to launch that.

It should be in the next two weeks where essentially ICANN has a portal that goes and has a more friendly interface to be able to do a lookup on any gTLD, and so all the new ones are going to be in there as well.

And that's scheduled for launch in about two weeks. It makes - the reporting features are a little easier. It'll eventually include an ability to send an inaccuracy complaint, and so we're really trying to enhance the features and functionality of the WHOIS lookup tool so that we can make it very simple.

And so instead of having to go for example for a Dot Com to go to the Registry and then go to the Registrar to do a lookup it's just - it's all seamless and so that's coming in about two weeks.

The other thing is the WHOIS online accuracy reporting system, and one of the recommendations from the WHOIS Review Team was that we publish statistics related to the WHOIS program and also to be able to track accuracy rates over time.

And that's the document that I - that we published before the Singapore meeting, and essentially that document is meant to tell the community how we intend to implement that and I'll provide some more details on the next slides.

So the WHOIS accuracy system is meant to be used to proactively identify inaccurate WHOIS records. We're going to use automated tools so we're actually going to engage with commercial validation providers, commercial address, telephone and possibly identity validation and using these tools we will forward the inaccurate records to Registrars for action.

And we will also be publicly reporting on the results of that work so from an ongoing basis it's not going to be a one off system. It'll be, you know, every, you know, three, four months, whatever the time period is you'll be able to track whether the WHOIS accuracy rates are changing over time.

And so when we started getting into the development of this system there were a lot of questions we needed answered, and that's what the document that we posted for public comment really highlights.

How do you determine what is accurate, you know? And the WHOIS Review Team in their report referenced the work of the NORC when they did their initial accuracy study many years ago.

And part of the problem with just using the proposals that they had used in the past was first of all it was - they used a very small scale. I think the sample size was about 1500 records.

It was quite costly. But also a lot of things have happened since then. The SSAC for example came out with a paper that helps define how you look at accuracy and gave us, you know, some ways to look at it.

For example you could look at a record for syntactic validation whether the addresses are in the right format or the emails in the right format. You might see whether it's operational, whether the email works or was there actually a working phone number.

Or you could go as far as identity validation where you're actually confirming that the Registrant has indeed, you know, is at that address and, you know, has registered that phone number as an example.

And so we wanted to make sure that the methodology we used took into account this latest, you know, knowledge and also the requirements of the 2013 RAA because there's now validation requirements, you know, associated with some of the fields.

And so we went back to NORC to help get an idea of how we could do this and to, you know, use their expertise and that's what's published in the document for public comment.

And we're certainly inviting comment from especially, you know, obviously the intellectual property constituency because it really, you know, will impact, you know, the - all the concerns that you guys have with respect to WHOIS and that is what we're trying to do.

And we're also trying to come up with a methodology for scoring a record, and then making sure that the reporting we develop provides the kind of

information that you'd be looking for, and so I'll provide a little more detail on the next slides.

So Phase 1 of the development is the - as I mentioned the WHOIS online search tool, which is about ready to go live. Right after the public comment period closes we're going to publish an RFP to try to seek out some of these tools such as, you know, postal address validation, telephone number validation, parsing, you know, and we need to be able to take a record and be able to do the kind of analytics we need in order to do the statistical analysis.

The second part of that's going to be a little more complicated. It's the part that impacts the Contracted Parties, the Registrars, because depending on the size of the samples that we do we will be forwarding inaccurate records to Registrars for action.

And so there may be quite an increase in volume of accuracy - inaccuracy complaints going to Registrars, and we're not even sure that we would use the same format that we use today for the, you know, inaccurate record.

We may do something else to be able to communicate the results of these findings and to try to get them to follow up on it. And then the other aspect that we need to explore is how it impacts the Contractual Compliance Department because, you know, just as an example if you - if you're able to automate looking at address fields for a million records as an example and you - then you identify 100,000 addresses that are inaccurate.

Well, you know, it would put a significant burden on whoever happens to be looking at the records, whether it's the compliance team or even the Registrars to determine, you know, what the right processes should be.

So a lot of the - those issues are going to be dealt with in Phase 2. We'll actually start publishing the results of the analysis before we finalize all of the procedures that relate to Phase 2 because we have to work with the

Registrars to be able to, you know, get their input on how to best forward the inaccurate records to them.

We have to work with the compliance team to make sure that, you know, that they understand when they're, you know, what - how they might be impacted and what their role would be and all of that's still to be worked out.

And so if you look at the document that's posted, what NORC did for us was to try to use these concepts and put it in the systematic way so that we could have a standard process that would apply to records.

And so they've tried to categorize a record. They've - actually gave us a - lots of examples and gave us with the, you know, a suggested methodology on how you might look at a WHOIS record to determine whether, you know, whether there's been a failure, a limited failure, a substantial failure, a full failure and they're assigning a score.

Their suggestion is to score it and use the scores as a basis for producing these statistical analysis reports. And so in the documents that we've posted you can see that they've, you know, they've suggested an approach that would also, you know, look at a record for various aspects consistent with the SSAC recommendations.

So you might score a record for syntactic accuracy. You might score a record for operational accuracy and you might score for identity. And one of the interesting things with the ability to use automated tools - we might have different sample sizes depending upon what we're looking at.

So if we have an automated system that can look at addresses for example for cross-field validation like whether the addresses and the street and the streets and the country and the countries and the state, you know, we might be able to look at a substantially higher number of records than we can for if we're doing identity validation where you might have to, you know, dig deeper

and get additional, you know, information to be able to make that assessment.

And so that's all that's explored in the document that we've posted. And then I think this is where we - especially like input from this group is, you know, once we've, you know, come up with this methodology and implemented it how do - what is it we would like to report?

You know, we're going to look at - we're thinking about looking at for example geographic regions to see whether their accuracy rates vary via jurisdictions and geographic locations, because that might mean that it's a language issue or it might mean that the - we need to educate - spend more time educating Registrants in a particular region.

We're going to look at size of Registries and Registrars to see if that impacts accuracy rates so we might report on, you know, how the accuracy rates vary in - among those populations.

We'll also compare new versus legacy gTLDs because the new gTLDs are all under the new 2013 RAA. And so, you know, since there are validation requirements now you may see differing accuracy rates depending upon whether you're on the new contracts versus the old contracts.

And then we're still trying to define how frequently we will do this reporting. Whether it be biannually or trimester-based that's something that we're, you know, we're trying to figure out how often to do it and what it's going to take to get to the point of being able to publish the results.

And so - did that chart not come out? Okay well my timeline - for some reason I had an error on this. It's not there. We're looking at publishing an RFP in April, closing it in May, selecting vendors in June and then doing the development cycle so that the first accuracy reports could be available by the end of the year.

And then once we get that in place we will work on or we'll simultaneously work with Registrars - start to work with them on how we're going to do the operational side of transmitting inaccurate records to them and so that process will take longer.

And I've provided some links in the materials so you could see where the public comment forum is. It's open until April 22 and because the documents were filed pretty close to the ICANN meeting if you need more time, you know, we'll welcome comments even during the reply period for example.

And we're not going to - we just want to make sure that we get input from whoever is willing to provide input. And we thought we wanted to be able to use the time in Singapore to be able to share, you know, this information with the community. And so that's essentially my presentation. Thank you.

Kristina Rosette: Thanks very much. I'll take a queue. Steve in particular...

Steve Metalitz: Yes.

Kristina Rosette: ...do you have any questions?

Steve Metalitz: Yes I do.

Kristina Rosette: Go right ahead then.

Steve Metalitz: Thank you. This is Steve Metalitz and thanks very much for this presentation Margie. And I'm glad to hear that what I heard you say is that we can increase the reply comment deadline as the initial - as our comment deadline, April 22 rather than April 1. Is that accurate?

Margie Milam: Yes.

Steve Metalitz: Okay thank you. My other question - you have a lot in here and there's a lot of comments on, but I'm wondering about - in particular about the impact of this on the new gTLDs.

As you know the new gTLD Program Committee told the GAC about nine months ago that this tool already was in place. And we now have a situation where the new gTLDs are going live and the GAC had asked for the Registries to undertake this sampling and flagging of inaccurate data.

And ICANN instead said, "We'll take that obligation on." Do you have - do you know if ICANN has any plan to update the GAC as to the fact that the tool is not yet in place, even though registrations are being taken with the new gTLDs which is the focus of the GAC advice?

Margie Milam: Are you suggesting that we forward this information to the GAC or I guess I don't understand your question.

Steve Metalitz: Well the GAC said, "We want this sample size in the new gTLDs." That was their advice. ICANN replied that, "Yes we agree but we will do it rather than having the Registries do it." And that advice was given many months before any new gTLD went live.

Now we're - they are live. The sampling is not in place so I'm just wondering if there will be an update to the GAC on that issue.

Margie Milam: I mean, I didn't - I wasn't aware there was a need to update them on that besides what's in the public comment but we can certainly do that. I mean, if you think that that's something that they'd like to hear I'll prepare an email for the GAC and let them know.

Steve Metalitz: Okay thank you. And again I appreciate your presentation, all the work that you and (Chris) and (Steve) have done and we look forward to preparing some detailed comments on this.

Man: Marc you have a question?

Marc Trachtenberg: Marc Trachtenberg with Winston & Strawn. Two questions. First in your reporting do you contemplate identifying the Registrars that had complaints submitted, because I think that would be useful for us but we - also generally for the community?

Margie Milam: You mean identify the accuracy rates per Registrar? I don't...

Marc Trachtenberg: Or number of complaints submitted.

Margie Milam: We're - this is not the WHOIS inaccuracy reporting system that already exists. So - and so since - we're doing proactive lookups and essentially that's what we're talking about here is proactive lookups. You're just talking about when it's forwarded to the Registrars whether, you know...?

Marc Trachtenberg: Right. So you had mentioned that you're going to be tracking the actions that are taken afterwards.

Margie Milam: Right. Right.

Marc Trachtenberg: So from that perspective it would be interesting and I think helpful to know what - how many things were forwarded to a particular Registrar, and then have information on for example how long it took that Registrar to fix the problem or identify that there wasn't an - any inaccuracy or, you know, basically how long it took to resolve the issue.

Margie Milam: Okay we'll take that back. We haven't - as you can tell haven't scoped out the process once a record gets forwarded to the Registrars. We're not trying to build this as a compliance tool.

But we did commit to reporting on, you know, what happens - result, you know, resulting from forwarding. So if you have suggestions on that please submit them in the public comment forum and we'll consider that.

Marc Trachtenberg: For sure. And just the second part is I think you suggested that you were going to build into this - to this WHOIS tool the ability to submit complaints - inaccuracy complaints directly through the tool.

I think it would be interesting to have it noted in a WHOIS result if there has been an inaccuracy complaint submitted for that domain name because, you know, it could take some time for that to be resolved.

To the extent that the purpose of the tool is to make WHOIS information more available, it would be very useful to know that that information potentially is not accurate assuming it's not, you know, incredibly obvious.

Margie Milam: Well yes we'll certainly consider that.

Man: Thanks Marc. Jonathan?

Jonathan Zuck: I was going to say something similar to Marc actually, which is that this group has brought up this issue of interim measures and it does make it into kind of a compliance question, interim measures that are sort of non-nuclear in nature.

And in some ways when you suggest that you don't know how Registrars will necessarily even handle this increased volume and how compliance will handle this volume, if there's some statistical reporting that fields like top ten Registrars that have the highest number or something like that, I think that that will in and of itself create some pressure on those Registrars while at the same time relieving some of the pressures on compliance.

So, I mean, I know you're trying not to - you're trying to walk a fine line obviously vis-à-vis compliance, but I think a lot of people in this room are very interested in seeing the role that this tool might play in the compliance context.

And one of those is essentially a name and shame exercise that's something shy of the more formalized processes that compliance goes through vis-à-vis noncompliant Registrars.

And in that same vein those of us that are curious about metrics associated with these things would be interested in seeing goals - once the statistical analysis is in place seeing a goal set for changes in WHOIS data accuracy so that we can judge policies and practices, et cetera that are put in place to address inaccuracies to see if they're working.

And I - so, I mean, I think both of those are things that this group would be interested in seeing.

Margie Milam: And that's - certainly the thinking behind the tool in the first place is that everyone knows we're doing these lookups and there's follow up actions required that hopefully over time, you know, behavior will change and we'll see an increase in accuracy rates so that would be consistent with that. We'll certainly consider that.

Man: (Cutter)?

(Cutter):   Well first thank you for good work so far, although there is a detail that is not solved in your report. It's meeting with another Working Group. There's actually someone waiting for your final solution.

It's the Translation and Transliteration Working Group. And I just wonder if you have any recommendations or comments for us based on what you have seen so far.

Margie Milam: The issue of translation and transliteration is very complicated. Even the Expert Working Group from, you know, I also staff that group. And essentially I'm deferring that discussion to the group that the PDP is doing.

The - just so you know the WHOIS Review Team recommendations included making reports on, you know, that relates to internationalized registration data.

So whenever the policy gets developed and implemented we will be expanding this system to also be able to, you know, check accuracy rates in non-ASCII, you know, records and so it's a tough question.

Man: Okay we're going to close the queue there in the interest of time.

Kristine Dorrain: Oh wait.

Man: Oh there's just - oh I'm sorry. There's - there is a remote participation question from Michael Graham. "If this is not being built as a compliance tool, are there separate efforts to do so? Is this merely for a study of the metrics?"

Margie Milam: The, I mean, I guess we could ask that question to Maggie. I don't have insight into what systems they're developing. But it's more than metrics because as I mentioned we are forwarding the records to Registrars for action and going to - we'll be reporting on the results.

So it's kind of a mix - a quasi-mix and I think probably the best person to ask about compliance tools would be Maggie and I'm sure she's probably talking - speaking to you later maybe.

Man: Yes.

Margie Milam: Okay. All right. Thank you very much for letting me speak to you about this.

Kristina Rosette: Thanks very much Margie.

Man: Going to take a minute to get the slides uploaded so...

Kristina Rosette: Oh come on.

Maguy Serad: All right, good afternoon everyone. My name's Maguy Serad and I'm from Contractual Compliance. With me in the audience I have Owen Smigelski. Owen's role has expanded to oversight of all the Registrar areas.

We've shifted - we've changed some roles and we thought that we needed to bring more focus in our team based on all the activities that we've been having lately.

Also with me in the audience I have Sumi Lee. She's mostly focused on the Registry space but Sumi is also very knowledgeable in Registrar. We have Nyoung Chang and Roger Lim from the Singapore office.

Very brief presentation and then we'll open it up for Q&A as we do usually. Our global presence is now in Singapore and Turkey so compliance is open six days a week, 24 hours a day based on the time zone differences.

And this has been very - a major step for us finding the right talent in the right locations. And we have the foundation to where now we can truly perform our function in a consistent and efficient way, consistent across the process, consistent across the communication, the templates, the tracking and the correspondence.

Since we last met we have completed all of the 2013 RAA and new Registry Agreement readiness. What I mean by that is if you've been to our Web site actually I heard Steve - and sad not to see you in the office Metalitz, but he's provided us already input on some of our learn mores.

But we have built all the Web forms needed to receive complaints from the ICANN community or to receive reports. We also have built all the learn mores, which are another way of saying frequently asked questions.

We have the templates for the communication for the notices and the inquiries all put together. Staff has been trained. As we all know training is ongoing because it - it's going to be built as we receive and continue to work in this space.

The learn mores are in the process of being translated to the six UN languages. Our audit program in Year 2 is in progress. By ICANN 50 we will present to the ICANN community our audit report Year 2, and also we will be presenting to the ICANN community what is compliance doing in preparation for the audit plan and the details of the audit plan for the new Registry Agreement.

If you are familiar we're a WHOIS inaccuracy submission. On our Web site you can submit single complaints. You can submit multiple complaints. That's - actually we've labeled that one Kristina's complaints.

And then we also have the bulk WHOIS inaccuracy submission, which is an authenticated access provided to those interested parties that have to contact us.

They have to share with us what is their reason they want to do it, and we review and validate it and give them access. It allows them to upload a file. Initially we started with 100 complaints per user per week to ensure quality, because quality is really important from a workload balance, but also to ensure that the users are comfortable with the tool and how it all works together.

We have had requests increase and now it's increased to 300 users per week. All these complaints go through the same process. We do track them bulk versus individual because you want to just see the statistics, where we are, what's - where's the usage and where's the traffic coming from, but they do go through the same process and the same scrutiny and validation.

I think in this forum or its hallway conversations last time we were - there was some audience here interested in knowing what and how we close - what are the closure codes associated when we close complaints.

Whether we close them at the beginning or we close them at the end there was some interest on what is - what are those closure codes and what is the percentage, and we've provided those slides for you.

We will not review them but if you have questions let us know. I wanted to share with you a few slide here. Jonathan this is for you. Learn more in My ICANN Web page views.

You know, sometimes we have people say, "Well why are you doing all these learn mores? What's the value? Well where is it going?" We've seen really value in that.

First of all a lot of learn mores have directed our ICANN community to the right places, because they now can read. "What is it? I think I need to file this."

But when they read more about it they are more informed and it directs them, but most importantly now look in the last two months the Web views we've had on the learn mores, and we have received some what I call feedback to improve it or to improve the language or some questions about it.

On the bottom is their Web page views related to the compliance metrics that we have under My ICANN. With this I'm going to turn the mic to Owen. What

we're bringing to this audience are topics related to compliance and enforcement as it relates to the enhancements due to the 2013 RAA.

We want you to be aware of what are these, what are we doing and then we'll open it up for questions.

Owen Smigelski: Thank you Maguy. So the 2013 RAA, more specifically the WHOIS accuracy program specification, has significantly more requirements for Registrars and we are certainly seeing growing pains at least internally for Staff who had to do a lot more training on this as well as Registrars.

And if anybody was at the Registrar Stakeholder Group session this morning, now they heard a lot of that. So we are making the Registrars do additional things and as well as show us the steps that are being taken. So one thing that is in there is that email addresses must be verified or re-verified at the time of registration, as well as when there's a WHOIS accuracy complaint even if the complaint is not about the email address itself.

So if there's a complaint about an address, a postal address, the email must be re-verified as well too. Another addition in there is that domain names must be suspended or the Registrar must do a manual verification if there's no response from the Registrant.

It used to be that they could just say that the reasonable steps was to send an email, but now they actually do have to do something or suspend it. We're going to keep the first notice to be 15 business days.

The 2013 RAA does away with business days and everything is calendar days. There's 15 calendar days that they must take action with regards to WHOIS verification and validation, but just due to timing and weekends and things like that we're going to keep it at 15 business days.

However starting with the second notice we will inquire why the Registrar did not suspend the domain name if it has not been corrected or has not been suspended at that point.

And so for the WHOIS inaccuracy complaints there's now two parallel tracks that the Registrars must do and this slide illustrates that. There's a WHOIS inaccuracy complaint about whatever address, telephone number, any tech admin Registrant.

The Registrar must verify the email address and take steps to investigate the complaint. So you see on the left side the - there must be an affirmative response from the Registrant for the email verification.

And previously it was acceptable to just send an email and say it didn't bounce. Now there must be an affirmative response from the Registrant, a phone call, clicking a link, replying to the email and absent that the domain must be suspended.

The other track - these are the three responses that compliance is looking for from the Registrar. One, that the WHOIS was updated and validated. For now that means just that each field is validated as required by the WHOIS accuracy specification.

The cross-field validation is not there yet. That's part of a separate Working Group and what that'll mean is that it'll check to see if it's a street, is it in the city, in the country, et cetera.

But for now it just checks to see is it a correct, proper format. The other option is that the Registrar can suspend or that the Registrar can verify it correct and validated.

So each of those two parallel tracks - if there's no response by the 15 calendar days the Registrar must suspend the domain. Another thing we've

been seeing some increased issues with is that - the differences between the privacy service and a proxy service.

There is a specification now in the 2013 RAA about this. It's temporary until the Privacy/Proxy Working Group comes up with something before the 2017 deadline.

But what we've been seeing is some confusion regarding what is a privacy service. That must actually show the Registrant's name versus a proxy service where that is the Registrant's and it licenses the domain to a beneficial user.

And so we've been doing a lot with regards to WHOIS inaccuracy complaints of getting those resolved and addressed to actually either show the actual Registrant, or making sure that it is a proxy service that is a separate legal entity from the Registrar.

And additionally the - those - that information must be verified and validated for the 2013 RAA. Another thing that the 2013 RAA has is abuse reports. There's two components to Section 3.18.

The first part - that Registrars must accept abuse reports. They must have an email address on their Web site. The WHOIS output must have an email address and a telephone number.

Registrars must take reasonable prompt steps to investigate and respond appropriately. It's not something that they can just sit on and not do anything.

What we do look for when we have these kind of complaints is did the reporter provide specific information for them to take action? And just of note this is - has to deal with complaints - abuse complaints that are outside the scope of the contracts or the consensus policy, so it's not appropriate to make a trademark report for an abuse.

That would still have to go through the UDRP. There's also some law enforcement. They have special access, you know, different - they have different access numbers and the Registrars have to respond within 24 hours for that.

Next slide. This is just a summary of the 12 new complaint types that we've built into our ticket processing system, and there's links on there to the references to all the different sections that that - of the RAA that covers those.

Maguay Serad: We've also attached a slide for the Registry complaint types that exist today on the Web site, and they all have associated learn more for your reference. With this I wanted to just remind everyone if you're really interested in the compliance program, you can hear it all in depth tomorrow.

We have an hour and a half session of which the first 40 - 30 minutes to 45 minutes Staff will present to you much more detailed information about the activities, the trends, the data that we saw since the last meeting and then we will allow a 45 minute session for question and answer.

So if you're available and - please join us. With that I would like to turn it for questions Kristina.

Kristina Rossette: Great. I'll go ahead and take a queue. All right, I see Greg. I see Jonathan. I see Paul. Anyone on the phone? All right, let's go ahead and start with that and I'll revisit the queue.

Gregory Shatan: Greg Shatan. This is somewhat of a specific compliance question but it relates to an issue that's been a matter of ongoing discussion in the IPC based on at least one specific example of this.

Noticed potential Registries offering basically jump the line pre-sunrise priorities, which don't seem to be, you know, allowed by RAA or rather by the RA.

You know, as a specific example one of the three Dot Sucks applicants, which is offering a $25,000 sunrise - well is also offering a $2500 trademark priority, pay right now, even though they're only one of three in the contention set.

And if you pay the $2500 now you will be allocated the domain name before the trademark priority even starts. This strikes me as out of compliance, yet another version of kind of gaming the system here and perhaps getting enough money for a nice Caribbean vacation.

I don't know if they're forced to put that kind of money in escrow or if they can put it into their general operating budget. But the whole thing just kind of smacks of, you know, wild gamesmanship.

I don't know if this is a question of maybe they're complying with the letter of the contract and maybe it met - maybe the fact that they haven't - that they're only an applicant, they don't have a contract doesn't really matter but the whole thing kind of sucks. Thank you.

Sumi Lee: Hi. This is Sumi Lee for the record. We don't get into the pricing aspects obviously because we're compliance. We're not part of what happens at that level.

But if it is an issue related to the contract and the provisions in the contract, certainly you can submit a complaint on our Web form and we would look into it and address that.

Gregory Shatan: Putting aside the pricing issue what about the issue of offering a trademark priority before the trademark sunrise?

Sumi Lee: Well like I said if it's a complaint and you have facts to support it then compliance would look into it.

Gregory Shatan: You can put it up on the screen if you want.

Sumi Lee: Oh. Well...

Alex Deacon: This is Alan. I think you're talking about an applicant in a contention set that has not yet signed a contract.

Gregory Shatan: That's correct.

Alex Deacon: So there's nothing we can do until it's a Contracted Party.

Gregory Shatan: Okay.

Alex Deacon: There's - it's outside of our...

Sumi Lee: Ethically.

Gregory Shatan: I'll have to wait for the pots to hit the shores before we can cure it.

Sumi Lee: Or you send it to Julie Brill.

Kristina Rossette: I think the next person in the queue is Jonathan and then I had Paul McGrady. Go ahead Jonathan.

Jonathan Zuck: Hi. Thank you for devoting a slide to me. I appreciate that and I guess what you were showing there was that lots of people are reading your FAQs, right. That was the point there which I think is really good, because I know that part of what you've discussed in the past is that a lot of compliance issues might come down to coaching and better education and things like that.

And so I - I'm excited that you're building those tools to do that. And I guess I'm going to say what I've - I always say because that's how you become Metrics Man is by repeating yourself - is that I'd be really interested in looking at some benchmarks for some of these kinds of complaints and processes and the response to these things so that we can get a baseline of how they're doing, and then set objectives for improving them and then compare those - the results to those projections.

That's really what I'm after more so than just this live data, which is this notion of, "Here's where we're seeing problems, right." I know at one point you were showing that there were differences geographically for example, and so one can identify that that was a problem.

So then I'd be interested in, "Here's what we're going to do to try to tackle this problem and this is what we hope will be the impact on those statistics. And then a year later we look at that and see if it worked and if it didn't then here's our new plan," and that's really more what I'm trying to get at.

Kristina Rossette: Paul and then Alex.

Paul McGrady: After a number of years the IPC has finally figured out not to put a microphone near my feet. Two questions and one's just come out of this recent conversation.

Is - and this is just purely for my own edification. ICANN's taking the position that the Registry - the applicant terms and conditions are not a contract.

So if you have an - will you - with the Dot Sucks applicant it looks to us like they've gone off the reservation a bit. Hey there is a contract isn't there or not?

Maguay Serad: So it's - look we're answering from our scope. I don't know what is before. Once a contract is signed and they become - they get delegated then we are in fact - Krista is - Krista do you know - can you answer Paul's question? Well we can get back to you Paul if - Kristina can you - somebody's transcribing. You can send us that question. We'll follow up on it.

Paul McGrady: Okay thank you because I'm pretty sure I saw some...

Maguay Serad: Yes.

Paul McGrady: ...contracty looking things in the application process.

Maguay Serad: So basically once we submit the compliance report they're still applicants. They submit a compliance report. It's reviewed. They pass that process then they get to the signing of the contract.

When they sign the contract and they get delegated that's when we become effective and we start enforcing the contract.

Paul McGrady: So any contract with ICANN by an applicant is not part of your...?

Maguay Serad: That's not what I'm saying. I'm speaking on behalf of compliance's scope. So we need to get back to you on the any contract signed by an applicant before, you know, as an applicant.

Paul McGrady: Okay.

Maguay Serad: So when we speak of a signed contract and contractual compliance they're no longer an applicant. They are now a Registry operator or operating a TLD.

Paul McGrady: Right. But the Registry Agreement is I think the second contract that's involved but okay.

Maguay Serad: Yes.

Paul McGrady: Okay. Marc's raised his hand. No I have a second question but I'm curious about what Marc's question is because it may relate to this specifically.

Maguay Serad: Well let's just keep it going.

Paul McGrady: Unlikely. Okay, and then secondly this has to do - this is much more mundane. Closures - who - how does that work? Are they reviewed by somebody before the closure because I've gotten a - since Buenos Aires I've gotten a - I got a closure notice where it said, "We've closed your fake WHOIS complaint and the reason for this is quotation marks."

And so I wrote back and said, "I don't know what quotation marks means." And then it was reopened and now the domain name is suspended, so is there a - how does that work? Is there - who's pushing the button?

Man: Yes I can speak to that. The - if you're - talking with regards to the WHOIS inaccuracy complaint our system - part of the functionality in the automation is for those complaints - it does periodically check to see if the domain has been suspended.

And if it's removed from the DNS then that satisfies the complaint and it will close automatically, and that closure notice does go out just for those ones that are auto resolved.

All the other ones that are done manually are selected and chosen by Staff and then that's processed out. You've had the lucky opportunity of catching one of our glitch - hiccups as we were doing a process.

The - we did some recent patching and it was identified that was going out. We did an emergency patch and that is resolved and you should not encounter that anymore.

If you do rather than replying to the ticket, please forward it to compliance@icann.org because we don't really necessarily go back and look at the complaints that have been closed.

But if you do see something like that or there's something operationally that's being - we do a lot of testing before this stuff rolls out but sometimes, you know, those things do happen.

Paul McGrady: I'm merely earning my title of canary in the cage.

Kristina Rossette: I have Alex, Marc. I'm going to put myself in the queue. Is there anyone else that wants to be in the queue? Okay Claudio and Karen and then we're going to close the queue. Wait, anybody behind me? No? Okay.

Alex Deacon: Hi. My name is Alex Deacon. I'm wondering if you could tell us what compliance is doing to enforce the pick specifications.

Maguay Serad: It's a hot topic of this ICANN meeting. You know, we always look at what's the ICANN message here. So for the pick enforcement as, you know, we've been talking about it we're working directly with the DNS engagement team, because from a business perspective they've laid out the procedures.

And if you've read the pick DRP it kind of steps through all the steps - what it takes. You know, a report is filed with compliance. Compliance reviews the report and then it's with the Registry - 30 days to work it with the reporter.

So if I may just stick at a big level and then I can turn it to Sumi. Compliance is doing two things. Think of it of what we call a proactive approach, which will be us going and picking, basically reviewing or auditing the TLD on their picks.

That's one approach and in this trimester we're finalizing that plan, and we plan to initiate a few of those reviews to see how in compliance they are with it.

Another aspect is when we receive a report of a noncompliance in the pick then we will follow up and follow through per the reported process to ensure that it gets into compliance. Do you want more specifics and what would you like to know?

Alex Deacon: No I think that's fine. I mean, and this process is available and up and running and - now.

Maguay Serad: Yes.

Alex Deacon: Now.

Maguay Serad: Yes. What we're working on again - and to be transparent we focus - any time we have an in use kind of an issue or a problem we refer to everything in complaint sites, okay.

Even we generate complaints to ourself. When the process of monitoring or reviewing or sometimes one complaint can lead to something else and we explore and investigate, we create tickets.

The reason we do that - again for consistency, for tracking and for process efficiency there, but what we do also is we always focus on what's public facing.

It's really important to allow the ICANN community to reach into compliance and let us know of an issue. That's our very number one focus. After we stabilize that and launch it then we focus on the audit.

Now validation is consistent because once you start validating on a complaint side, building the audit plan and the audit program it stems from those. So right now what we're doing is building an audit plan.

We're going to detail it for the new Registry Agreement but a subset of that audit plan will be an audit of the picks. And by ICANN 50 God willing we'll see you there and we will share.

We're going to have a very intense audit session reporting as I said at the very beginning on the Year 2 audit, but also reporting on what are the activities for the new Registry Agreement audit plan, and pick will be a subset of that.

Alex Deacon: Okay thank you.

Kristina Rossette: Marc you're next.

Marc Trachtenberg: Marc Trachtenberg, Winston & Strawn. So ZACR which is the applicant for Dot Joburg, Dot Durban, Dot Capetown - and this is an issue that I've raised before at ICANN although to be fair not to compliance - they have publicly announced for some time now that they're offering an alternative to the Trademark Clearinghouse, which is clearly prohibited under the RPMs and the Registry Agreements.

ICANN has confirmed that that's not prohibited but this has been out there for many, many months. There's this public claim on their Web site that they're going to offer this. You know, what if anything will compliance do about this issue?

Sumi Lee: Oh is this working?

Kristina Rossette: Yes.

Sumi Lee: Okay. Could you repeat the question about - or the last part of your question?

Marc Trachtenberg: I was just asking what compliance will do about this situation since they're clearly in violation of the RPMs and the Registry Agreements.

Sumi Lee: Well we haven't heard - we haven't received a complaint about that and I'm not sure...

Marc Trachtenberg: Just - didn't this constitute my complaints?

Sumi Lee: Sure.

Marc Trachtenberg: All right.

Sumi Lee: We'll submit a complaint on our Web form. I'm not...

Man: The implication though that unless you guys receive a complaint that you won't - you cannot take action on a specific issue? I'm just trying to understand.

Sumi Lee: I don't think it's so black and white that way. I think what we're talking about is we have to follow a process so that we are accountable of the community and to IPC and all the other Stakeholder Groups.

        If we don't have documentation and a way to track that particular complaint, when it came, who complained about it, what the allegations are, you know, I'm sure most of the - all the attorneys or all of - everybody in here knows that you have to have evidence and this is the way that we track that.

        So we're not doing it to make it difficult for you or minimize the severity or the time issue involved. It's more about our accountability. So if there is a genuine issue - well even if there isn't, you know, we are here to investigate

and analyze whether there's a valid complaint and that a violation of the contract occurred. So if you...

Maguay Serad: So basically let us know. It's like do we have to file - it's not a question of filing a complaint. It's a question - would - how would we know about this? You're more - you're closer to the issue.

Now unless we're running an audit - conducting an audit then we can identify those more proactively. And like I said the audit program wouldn't, you know, it's not there yet.

So if you discover and you find out issues of that nature closer to your area or interest and concern, please let us know. And the way to let us know is to go on the icann.org Web site and file a report or a complaint.

If there is not a category there that's clearly obvious to you, first of all let us know - that feedback that we've received like I said from many people.

Sumi Lee: Sure.

Maguay Serad: But there is a way. Send an email to compliance@icann.org and we would respond to you. We would personally enter the complaint and do it.

Sumi Lee: And definitely Marc if a Registry operator - or if they're violating the terms of their Registry Agreement of course that is an action or a compliance action that can be taken and we would not, you know, dismiss that.

But there's - there are only so many hours in the day and so many Staff members. Even if we are working many difficult hours into the night we can't keep track of everything that's going on like with the Trademark Clearinghouse. So we would appreciate the community's feedback and your input, okay.

Kristina Rossette: All right. I'm going to take myself out of queue. This is the last call for questions then we're going to close the queue. Can you stay because I know we're actually over your time? Do you have to be somewhere else?

Maguay Serad: Yes we have a meeting.

Kristina Rossette: Okay. All right. Why...

Maguay Serad: It's our road show day today.

Kristina Rossette: Okay so why don't we do this? I had in the queue Karen, Claudio, Steve, Jonathan and Greg. Well you can do five minutes? All right. Karen why don't we stick to the queue and then whatever questions we have folks, they'll just have to I guess email them to Maguay.

And why don't you copy the IPC list so that that way we all see what the question and answer is? Karen go ahead.

Karen Lentz: So really quickly I had a point about the applicants not being subject to the compliance. I think that this - that's a huge problem because - and a huge hole because the - it then kind of reeks of we're not going to take action until the genie is out of the bottle kind of a thing, because with Dot and ZACR for example they, you know, once they're approved and they launch this alternative Trademark Clearinghouse and, you know, they're, you know, accepting pre-registrations possibly and all of these things, you know, then how do you rein all that back in?

You know, so I think there probably needs to be a mechanism - maybe Paul's suggestion that they're already contractually obligated to ICANN is, you know, something we don't know, right.

But, you know, I think that needs to be addressed and looked into. And my second point also quickly is, you know, there are a lot of pre-registration

schemes going on at the Registrar level where they give a kind of alternative trademarks claims notification, which is noncompliant with the trademark claims notifications that we agree to in the RPM requirements.

And I know that there have been complaints submitted to ICANN compliance yet it's still going on. And that also kind of reeks as a genie out of the bottle thing because it's like you have to do a notification for what, every single registration that gets through that doesn't have a claims notification?

I'm not sure why it hasn't been stopped yet and so I'm wondering what compliance's solution is for that to stop the flow of these kind of inadequately notified registrations. Thanks.

Maguay Serad: We're not seeing a flow. We have some reports on that and we have been able to follow up. There are some that is still in review. You know, that's - I don't have any more to add to that.

Karen Lentz: But there's no way to stop - put the hold on - or I mean the practice on hold while you look into the complaints you've received? You're just going to allow them to keep doing what they're doing until you are done with the complaints?

Maguay Serad: So they have not been breached so we're still reviewing and a lot of the times it gets corrected and it becomes into compliance. So are you talking about the bigger picture or a specific - again we - I don't think - I'm not sure that we need to hold?

And if they have signed an agreement, unless they've been breached and they have not cured their breach we can't take it to another level of enforcement.

Karen Lentz: Our point is that the trademark claims notifications that they're giving are in breach and that's the process that needs to be put on hold.

Kristina Rossette: Yes I think if I - let me just take a different angle of it. If someone puts in a complaint to compliance about inadequate or incomplete trademark claim notifications, you don't act on it until you've reviewed it.

If after that period of time you review the complaint, determine that there is in fact a breach, what happens to all those registrations where the Registrant should have gotten a trademark claims notice or should have gotten an accurate trademark claims notice and didn't?

Is there then an obligation on the Registrar to go back and re-notify? That's kind of what do you do about the gap I think is really the questions. Is that - did I get that right?

Karen Lentz: That's correct. What do you do with the registrations? And also I would argue that it can - that to be on the safe side compliance - once they receive a notification that hypothetically GoDaddy is doing - is giving inadequate trademarks claim notifications, why doesn't compliance say, "Hey you need to stop these pre-registration schemes until we determine whether your notification is in compliance so that we don't allow in 1000 pre-registrations that match the trademark claim where there's no relationship or no ascent to the official trademarks claim notification by the Registrants."

Maguay Serad: Your question can apply to WHOIS inaccuracy. If a Registrar has a bad WHOIS inaccuracy, stop adding your Registrant. So, you know, we've got a - it's - the problem can really propagate to..."

Karen Lentz: Yes it sure can and maybe it will.

Maguay Serad: Yes. You know, we have enforcement tools but enforcement from you - it is not that - to that level.

Kristina Rossette: Maguay I don't know whether we - well Steve Metalitz had posted a question in the Adobe chat. "Who is in charge of selecting panelists for the pick DRP panels?"

Woman: I can answer that. That would be Registry Services. They pick the standing panel. They choose them.

Kristina Rossette: So the people within ICANN whose clients are the Registries pick the panels that are going to decide whether the Registries are in compliance?

Maguay Serad: No this is - I'm sorry. So this effort is led by the DNS engagement team with Krista, and we have been providing input like we do on the contracts, on the policies, on everything else that goes on. We provide input and then we put our processes and our criteria in place.

Kristina Rossette: Okay. Thank you. I know we still have people in the queue. Defer to you as to whether you have to go. You have to go?

Maguay Serad: Yes.

Kristina Rossette: Okay. Well Jonathan and Greg if you would send your questions to Maguay, copy the IPC list and then Maguay, you know, when the reply comes back if you could respond to the list as well that would be super.

And I'm sure you will see many of us at the session tomorrow. So as always thank you very much for your time.

Maguay Serad: Thank you very much. And let me remind you all, you know, we've delegated before but it was one at a time or whatever, every two years. The volume is totally different now.

The concern is at a much level - entire level of intensity and I have an appreciation for your concerns. But please let's keep the communication channel open.

We want to do our job to the best of what we're capable of and if we find any challenges we will report back. But we're working really tightly with Services team to make sure that we are stepping up to the expectations of this community. So thank you. We'll see you tomorrow then.

Kristina Rossette: All right. Thanks Maguay. Folks, we're going to take a couple of minute break while we transition to the closed session of our meeting. Folks who are on the phone, you're going to have to hang up and dial back in with the pass code that I had sent to the list.

I apologize but that was really the only way that we can ensure we had a closed session. And unfortunately for those of you who are in the room and are not IPC members, unfortunately this is a point at which we have to ask you to leave.

We appreciate your attendance but we need to deal with some sensitive membership issues, and issues that are kind of not something that's appropriate to discuss in an open session so thank you. We'll reconvene in about five minutes.

END