

**Transcription ICANN Singapore
Registrars Stakeholder Group
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Afternoon Session, Part IV**

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On page: <http://gns0.icann.org/en/calendar/#feb>

Michele Neylon: Okay, welcome back everybody. This is the last session of the day for the registrar stakeholder group here at ICANN 52 in humid Singapore. The last session is with Maguy Serad and the ICANN compliance team. So I'm going to hand this over to you, Maguy.

You probably have a couple of slides, just hopefully not too many because I'm sure this - our members want to ask you lots and lots of questions. So over to you, Maguy.

Maguy Serad: Good afternoon everyone, Maguy Serad, contractual compliance. With me presenting today is (Jennifer Scott). We have 68 slides to go through. No, I'm kidding. There are 68 slides in the deck. What I'd like to do is go to Slide 3, just to share with you what's in the slide deck.

We had put together slides like we do from one ICANN meeting to the next about the RAA lessons learned, summary and guidelines. Lessons learned relate to all of us, it's not necessarily contracted parties lessons learned. It's

lessons learned - what we experience from one ICANN meeting to the next and how we can drive towards understanding those.

Providing slides on process guidelines and clarification for your reference, providing slides on policy effort update. The policy effort update we bring to this audience at every ICANN meeting in preparation for new policies or contract impacts. Then we have slides - update since ICANN 51 general to compliance.

We always at the end of the presentation provide slides on RAA guidelines and reference of what and how we - and compliance look the different provisions and what we request from the registrars.

Having said that, if we can go to Slide 29 before we get hot and heavy into the lessons learned, Slide 29 - let me go there myself. It's part of what we call policy efforts and updates. I'm sorry, can you go to the one before it, please? So you guys are going to have homework and we're going to have dialog here because I don't want to sit here and talk and present to you.

On Slide 29 we are sharing with you several efforts that are underway that compliance is preparing for followed by Slide 28. We put - if you can go to 29 now, please (Katelyn). We highlight what is this update about and the effective date of this policy.

We also put high level bullets of what are the steps we look for to be in compliance. So again, please take a look at those. There are several efforts underway. There's the IRTP. There are UDRPs (unintelligible) with - so we are providing you slides in here to share with you what compliance has looked at and is preparing and anticipation for these efforts to be effective.

Review those, if you have questions please let us know. Our offer still is the same from three and a half years ago to talk to you and understand this.

With that, (Katelyn), if you would please - I appreciate your help today, go to Slide 5. Yes.

And I'm not - like I said, that's all I'm going to talk to you. Slide 5 is just highlights of the slides that we have in the deck but I would like to turn it over to the audience, see what is the topic you want to discuss. We'll go to that slide and share with you how and what we've provided in the past and what we look for. And we'll take your questions now.

(Rob): I'll start. Well, I'd like to see number two. So we were just discussing - I think you were in the room with the board, things of interpretation and how you handle abuse complaints, which is I think - 3.18.1 is certainly - and .2 is certainly where a lot of our frustration comes from.

So I would spend time on that and I'd like to see you spend time on the end of the deck that you said about - you had a section at the end of guidelines and I'd like to understand more what those are.

Maguy Serad: Sure. So (Katelyn), if you would please go to Slide 13. There are lots of slides. How about we just go straight to Slide 15. We provide more slides than needed but we don't want to assume, we don't like that verb. We're going to jump to Slide 15, which provides a summary followed by Slide 16 and 17. And we have more slides to support this if we need it.

So with that, (Jennifer)? You want us - (Rob), you want us to talk to that slide and share with you what we work with or do you want to ask questions? How do you want to approach it?

(Rob): I'm happy to comment on it because I think this slide is indicative of exactly the problem and concern we enumerated earlier. Your second bullet point is - your first bullet point quotes the contract. Your second bullet point attempts to define further the contract. We don't agree.

So we do not agree, for example, that reasonable steps include conducted in each of the demands. It may include that but it doesn't have to. And unfortunately we're seeing compliance that we must. So you know, we may have just talked about that in the meeting last week but we've got to check that box with compliance now.

So it's that interpretation type of style and pronouncement that gets our box up. So if you'd put reasonable steps may include this, great, but what we're seeing and frankly what we're being told is, (unintelligible) already does that so everybody else must now too because that's a reasonable step if they'll do it. That's not what the contract says. And so - go ahead, Bob.

Bob Wygant: Yes, thank you, (Rob). Bob Wygant, Web.com. So I would mimic what you're saying and then we receive this subsequent follow up communication from ICANN compliance where they said the minimum standard is contacting the RAA and my general counsel is saying where in the contract does it say minimum? Minimum intones that there's more steps.

What steps are going to be next? That's where you're starting to get the legal minds in these companies saying what's happening?

And Jeff Neuman I believe it was you who said to me that if you're involved with a registrar - I don't want to speak on your behalf but you might want to mention a little bit about how your customer base and why in particular instances you would not contact the RAA. If you have a minute I think they might be interested to hear that.

Michele Neylon: And so I'm going to slow things down one second. I've got a queue building. So I've got Jeff, (James), and then Matt Serlin. And then (Allen).

Jeff Neuman: Yes, and I'll spend a minute and actually we did sit down with Maguy and (Jennifer) and (Allen). And someone else was there, there was another - (Jonathan), yes, earlier, and we had a discussion. It seemed like a good

discussion and it seemed like we came out of the meeting that it was a case-by-case basis that they're going to move forward on.

And just to bring everyone else in, we had gotten the same thing but one of our jobs as (unintelligible) we represent a lot of brands, some of them Fortune 500, some of them just large customers. And one of the things that we sign up to do is to review all claims of abuse to ferret the ones that seem frivolous out.

And if they are frivolous, if we determine them to be frivolous we don't bother contacting the registrant at all. We just get rid of it and then we move on. And so we had gotten a compliance notice - we got a first notice and then we responded and then there was a lot of dialog back and forth. And they came back with pretty much what you saw on the slide initially that the reasonable steps include - must include contacting the registrant.

And so this was a couple weeks ago and then we met here and I think we had a very positive dialog on it and I think compliance understands that that's - it's a case by case. So I think when we come out with something like this we just - what it should say up at the top is everything is a case-by-case determination.

And then reasonable steps may include - and then put a bunch of things, because in a lot of cases it will include contacting the registrant but in some cases it doesn't.

Michele Neylon: (James)?

(James): All right, thanks, you guys can actually take some of the heat off Maguy and go ahead and put it back on me because this actually was - you know, we were kind of the guinea pig I think for at least in this particular case of what a reasonable step was and it went through some email exchanges of what we thought was reasonable.

I will say, however, you know, that in my opinion was something that we were addressing for that particular case. And not necessarily trying to set either - an industry or even a Go Daddy standard, you know, universal. And the reason for that is the language is swishy deliberately to preserve registrar discretion because there is no recipe.

We had plenty of conversations and plenty of interest during the RAA that wanted to see that reasonable meant these four steps and that prompt meant these many calendar days. And we had all those discussions. And we - you know, we arrived at very delicate compromise with things like reasonable and prompt and appropriate.

And when staff says reasonable means this and prompt means this fast and appropriate means you're going to follow this course, I think what you're seeing is you're taking away our ability to be flexible.

Now the reason that's a concern - particular with section 3.18 but generally I think in the contract but with section 3.18 is these are being -in my opinion, misused or misunderstood by elements of - outside of this community and outside of this room that want ICANN to police content.

They cannot get at content providers. They cannot get at content consumers. They cannot get at the people they want to get and they want us and when they can't use they want to use you. And they're trying to back you in.

And let me just say, you know, on the record, you don't want a piece of that fight because it is a mud puddle with no end. And we're saying here that we need the discretion to do the right thing because it's going to be situational. Don't paint us in too small of a corner but don't tie our hands either.

Man: I'm just going to take a response from Maguy and then over to Matt and then to (Allen).

Maguy Serad: Thank you for your feedback. Slide 15, I modified it to say may include and if you would notice on Slide 16 we say the request and we have all these things. So let me step back. The reasonable steps definition of what might be reasonable was taken from the Whois advisory.

To add to that, we found ourselves and - again, I apologize because it did not say may because in a different audience we were slammed and that's rightfully done. And I take full responsibility for that. You are not doing your job because reasonable steps include this and you're not giving us this.

They want all the proof and the exchanges with you. And we said correction, it may include. And that's why we built this Slide 16 and 17 to bring more clarity.

So as Jeff mentioned and many of you - and I've said it for the last three and a half years, I was not aware of all the anxiousness around this topic. Don't know why the dialog didn't happen before but we are here.

What I'm hearing you now is if I may allow (Jennifer) to present to you 16 and 17 since we are here in this audience. Can you spend a couple of minutes on this or you want to just take questions and come back to us on 16 and 17? It's your call. It's your meeting.

Man: I'll just let Matt go because he's been very patient and he's had a very hard couple of days as we've been giving him a lot of abuse. So I'll go to Matt and then if we can do 16 and 17.

Matt Serlin: Yes, no, now I guess I know how Maguy feels with all the abuse that she takes by this group, good Lord. Matt Serlin, Mark Monitor. Yes, I mean not to kind of sound like a broken record but I - from our standpoint, and we talk about this a lot, you know, every ICANN accredited registrar enters into the same agreement. So we get that.

But as we often say to you, we all have different business models, right. So (James)'s business model is different from Mark Monitor is different from (ENoms) and so I think what you're hearing consistently is that to the extent possible we need to have the flexibility to operate - again, within the letter and the spirit of the contract but also taking into account the different business models that we have.

Because like Jeff says, you know, I will never enter into a situation where I'm going to suspend Google.com because we get an abuse report. It's just not going to happen. I will, you know, out of turn reject it. But I have a unique business model. Jeff has a unique model. GoDaddy's model is different.

So over and over you're just going to hear as much flexibility as we can have, again, within - you know, we all entered the same contract so we've all got the same requirements but to the extent that we can have flexibility, especially on stuff like this is really ultimately what we want to get to.

Man: Okay, back over to you, Maguy. Sorry, (Allen), then Maguy. You can fight that amongst yourselves.

(Allen): So let me just take a second, some of you were in the meeting a few minutes ago and some of you weren't. So let me repeat what I said there which I've said at several meetings of several different constituencies over the last couple of days.

On the contract compliance side, there are widely differing interpretations of the contract by different constituencies within this community. And I think some provisions like 3.18.1 and 3.18.2 are kind of a (unintelligible) test where people are reading into it what they want to read into it.

I do think we owe it to the contracted parties and the rest of the community to clarify how we interpret and how we intend to enforce some of what are perceived to be the more controversial provisions of the agreement.

And I think we should sit down and talk with the contracted parties about those provisions of the agreement, hear what you have to say, let you hear what I - we have to say, see if we can reach some common ground on that.

I think because of the nature of the ICANN community there are other people who also want to have a role in that dialog. And virtually every group that I've spoken to over the last few days want to at least throw in their input on that.

I think the contracted parties in ICANN are in a different position than the outsiders because we are the parties to the contract. We are the parties that negotiated the contract. We're the parties that understand the history of the drafts and the discussions and how we ended up with the language that we ended up with.

And I was not a part of most of that but I've actually spent quite a bit of time over the last couple of months trying to understand how that compromise language was arrived at.

So I think we need to have those discussions and then I think we owe it to the community to more clearly state where we think the bounds of the contract are and some of those things.

I don't think we're ever going to be able to do that in a perfect way. I think that, you know, there will always be the edge cases where - I don't know how to say it but I agree with you, there are a lot of provisions in the agreement that use language that is reasonable, appropriate, it's not specific on exactly what actions contracted parties are obligated to take.

And it's a question of interpretation of that and I think we should sit down and have a dialog and hear each other out and see if we can reach some common understanding on that.

And there's a - there will be some further meetings hopefully in the next day or two here at ICANN to start some of that dialog.

I've also been telling people - and again I just want, you know, to hear the same message I've been telling other groups, I think aside from the issues that are within the four corners of the contract that, you know, we may be able to enforce and say registrars or registries must do X, Y, Z because if you don't it's a breach of section blah, blah, blah in the agreement.

There are a lot of difficult intractable problems and that's - it's - some of the parties trying to solve those difficult intractable problems are among the ones who are putting pressure on you and on ICANN under the contract.

And I think as ICANN we need to at least recognize that those are complicated problems to solve and we as ICANN may have a role in trying to figure out collectively how the community can solve that.

So I think we need to clarify what's within the scope of the contract and what's not and for those things that are outside the scope of the contract but that implicate consumer safeguards and the public interest.

I also want to initiate a separate dialog, separate from the discussion of the contract terms, to talk with everybody in the community about what can we do collectively to try to solve those problems. What role can ICANN play? What role can law enforcement play? What role can regulatory agencies play?

What role can registrars and registries play even if it's not a breach of the contract if you don't do it. I think all of us have an interest in having this be a healthy and robust and clean business environment to operate in.

Man: Now I've got a queue building. Volker, (Carlos), and then (Jennifer).

Volker Greimann: Thank you, Volker Greimann speaking, (unintelligible) systems. Thank you, (Allen) for that statement. I think it will be very helpful for ICANN and the registrars to come together and put out a statement to clearly delineate what we think certain terms in the agreement mean.

We may have certain sections in that explanation say that reasonable means reasonable, it means what's reasonable in certain circumstances of the case just because there is no better definition of that.

There has to be some flexibility. I think you have seen that. You've agreed to that and that may be the case in many cases that we have to have a certain flexibility and that statement should point that out just as a response to compliance does not to check every box if the original complaint is answered within the response that we are giving.

What may be helpful also in that statement may - instead of having a certain list of positives that registrant must do to be in compliance with what the RAA states, we might have a couple of negatives, what is not sufficient, i.e. if we - say, reasonable in the contract - it may not be reasonable to just do nothing would be something.

Of course, when we get a complaint that says in the subject line get rich fast, it may be reasonable to do nothing because that email will go to spam automatically, not even looked at, but that's the part of the (unintelligible) of course.

So we have to look at what the positives are that we can find that would be something that we could put in as a positive meaning of certain terms but also negatives of what would be a breach or what would be a problem if the registrar acted like that.

Man: (Carlos) and then (James).

(Carlos Alvarez): Thanks, I'm (Carlos Alvarez), ICANN security team. I just want to make an offer, we would be happy to sit with (Ben Butler) and the (unintelligible) team from other registrars to discuss about what technically means when you mention appropriate, reasonable, or prompt in regards to abuse. It's usually a technical discussion. It's malware.

It's (unintelligible), it's spam, that can be obtained to provide suggestions or recommendations and what those words mean in this technical environment. So just want to offer, we can help with suggestions in regards to this.

Man: (James)?

(James): Yes, so I mean we'll offer up whatever we can. (Carlos), I think one of the reasons we're in this mess is because people don't want one registrar setting the standard universally, okay.

And I think that - to the point that (Allen) was making, I'm going to say something that's a little maybe controversial and abstract here but if we're bringing problems to ICANN and we're looking at our contracts and we're saying, you know, I'm not really clear where in the contract I have the authority to address this problem and we talk about it as part of the community and we come up with kind of a hung jury on whether or not we can find some policy or create some policy or something like that then - you know, I don't think that the answer is we keep looking, we keep getting creative, we keep coloring outside the lines.

Maybe at some point someone has to say this is not a problem for ICANN. You need to take this to - you know, your courts. You need to take this to various abuse groups or industry groups or something like that. And I think that the concern is - and I'm not saying this is a staff issue.

I'm saying this is another side of the community saying why aren't you addressing my problem? And I think a valid answer is that is not something that we are authorized or something that's within our remit to address. So...

Man: Let me just respond quickly. I agree with you. I think that the appropriate response in some cases is it is outside our remit. It's not within the scope of our reasonability, nobody has delegated that authority to us, we are not a global regulatory agency.

We are not global law enforcement. We - nobody has delegated that kind of responsibility to us. But I also think that separate and - that that response often is - it is an inadequate response and needs to be followed by we're not the ones to address this. If you want to address this problem maybe you should go do X, Y, Z, right.

I think rather than simply washing our hands of the problem I think maybe what we want to do is say ICANN's not the one to solve this problem. Maybe if you've got these people together they could solve the problem, you know, together with the information that's in Whois.

And if you put all that together maybe there's a solution here. And that's the reason I want to think about setting up a dialog, a forum for exchange of information. Not to increase the scope of what ICANN does but simply to allow ICANN to facilitate information that might help complaining parties solve their problems if ICANN can't solve them for them.

(James): I'm fully onboard with the idea that we need to have better answers to point people to where they should take those types of issues when they're not within ICANN's remit. I would just say, you know, jealously guard your remit, you know.

Man: Agreed, agreed.

(James): It's not instinctive behavior for organizations like this to not want to go out and - you know, crusade beyond their borders. But it takes some, you know, deliberation to say no, you know, we're going to stay in our yard.

Man: Jeff?

Jeff Neuman: Thanks. And I am completely onboard with all this and we're getting to the - what happens is we have this issue and we all know this that, you know, it's the same as somebody calls the electric company to - you know, to the city and then complain about something else and you say, well, you're both the city, can you just do something about it or can we make you do something about it?

And I think what we're - what we have is we have these discussions and then - you know, we said, we need to come out with some sort of statement and what I don't think we've done is I don't think we've had this big, bold statement that says this is not our problem, go somewhere else.

You know, of course it will be more tastefully done than that. But I think we need to have that. We sort of tiptoe around that issue and then everyone keeps coming back and asking for it.

And I think we need to get the contracted parties together. I don't know, you know, there was a whole thing - dust up before about when this intercessional timing or session would happen but I think we need to have that happen and come out with a bold statement that says this is not - you know, this is not who you come to for these problems, go elsewhere. We will not even respond to this.

And yes, I know it might put some people off but we need to do that or they're just - people will just keep coming back to you and saying, please fix this and then we'll keep going back and forth like this.

So we need to sort of cut off the - I guess the entrance to it and until we do that, you know, you must be this high to go on this ride and until we've put that in front little kids are going to keep trying to slide their way in.

Michele Neylon: Interesting analogy. Not the worse one. (Rob) and then I'm going to go back over to Maguy's team. I think you had a couple of slides that you did want to show us.

(Rob): Can we go back to 16 or - the previous one you had up? I think it was 16, yes. I picked on language earlier, Maguy, and this is much better from my point of view. Examples of steps we took or examples that some people took and that type of thing. We're getting our back up against language because it gets used against us as soon as you say it.

There is one thing in there though that I do want to talk about at some point and maybe it's later in today's discussion which is, you know, you say you could request the correspondents who complained to the registrants, I actually don't think that is your right unless you're auditing us.

So you know, our frustration is you come at and say, what did you do? And we say, well, we've gone to the registrant, we did this, we wrote back. And in fact, a lot of times you already have that information because we've already written back to the registrant and they still forward that to you as a complaint because they don't like the answer we give.

So your first question then is, well, did you investigate and did you write back to the registrant? And I want to scream and say the complaint to you has our response. Why are you asking us if we responded? And then you demand, well, could you give us the correspondence with the complainant? And it's like, you have it, you know, just some reasonableness.

But my point about the audit part of it is, we come back and we say we did these five things to investigate. Then you say, prove it. If you really think we're lying you can audit us to prove it a couple times of a year, that's built into the contract.

But I'm getting tired of having to prove it and give confidential communication to you every time just so you can check your box of did we actually do what we said we did.

And I think we need to clarify that because it's certainly a frustration for I know several of us in the room. It's all of a sudden - you're going to get so deep into it where the contract simply states we have to investigate and take reasonable steps. Feel free to ask us what those are, if you think we're lying feel free to audit us. But you know, we'd like to stop getting into the weeds every ten crazy complaints.

Man: So quick response, I mean one of the things I've said over the last couple of months in conversations with some of the contracted parties is we often kind of broad general complaints that compliance is screwing up or not doing our job or making your life difficult or whatever. It's much easier to address problems if we have a concrete example like that where we can actually sit down and talk through it.

And I think I've invited some of the contracted parties and I'll extend this invitation to the room, I think we need to sit down and talk through some of these things.

And the more specific we can get on things like that the better because it - you know, that, we could sit down in 20 minutes, have a conversation, and agree or disagree but at least you'd understand what our position is.

We'd understand what your position is. Maybe we find a middle ground, maybe we agree with you, maybe not. But that's much more useful than compliance and we disagree but I'm not real sure what the problem is.

So one of the things I suggested to the registries earlier in this meeting was give us specific examples and then let's sit down and try to talk about them.

And encourage you to do the same thing and if the concern is you don't want to reveal confidential information about compliance issues that have been raised against your company by ICANN in the face of competitors reach out to us individually, give us some examples, let us sanitize them, let us put some case studies on the table, and then let's schedule a meeting with some representative group of people and see if we can hammer out a common position and figure out where we're aligned and where we're not.

Michele Neylon: (Allen), if I may, just - you know, following on from the - sorry, it's (Michele) for the record. Just following on from the interaction we had with the board and yourself and Fadi, we're trying to schedule a meeting - a small group of us with Fadi and yourself and a couple of others tomorrow evening.

Needless to say that doesn't mean that that's going to be the only interaction but, you know, we are moving this forward and hopefully we'll be able to come to some level of milder disagreement.

I would say agreement but we'll go milder disagreement for now and move things forward. (James) I think had something. We have Chris Pelling remotely. And then Volker, I will go to you eventually but I...

(James): So just quickly, you know what would be an interesting thing is if we can kind of step out of the programmatic approach to compliance and look at some things like, you know, when you send me the - you know, a certain number of cases I could sit down and say, I have an idea, instead of sending me every single complaint that you received relative to 3.18 or invalid Whois or

something like that, how about we walk you through what our standard operating procedure is.

It doesn't matter which of the eight or nine or ten people have the duty of, you know, 24/7. If they receive this it's going to follow these steps and when it's done it comes out and here's what we do, we suspend, we reactivate, we do this. And then you don't send us those any more.

Because you've blessed our process and only if you believe we've deviated from it or something feel through the cracks or something like that - I mean that's just one way to say, you know, let's kind of stop passing notes back and forth in class and maybe just kind of have more of a - I want to say a wholesale exchange of ideas.

You know, it's just - I'm putting something out here as something to think about because I do believe that this is unscalable, particularly when we have other outside groups writing - and I think (Rob), you nailed it earlier, is that they're writing handbooks on here's how you have to ask these magic words of compliance to get what you want from them.

And here's (unintelligible) compliance with complaints so they can't ignore you anymore, you know, and tactics like that are being, you know, used against your front door.

Man: And that's one of the reasons I think we need to be more clear. It's not just for the benefit of the contracted parties. It's to make clear to other parties what's within the scope of compliance and what's not.

Michele Neylon: Okay, look, I have Chris Pelling who's been trying to get in on remote. Chris, go ahead.

Chris Pelling: Can anyone hear me?

Michele Neylon: Chris?

Chris Pelling: Hello, yes. We'll do star-6. Hello, can you hear me?

Michele Neylon: Chris, if you could type it into something that we can see we will read it into the room. Okay, I'm going to go to Volker and then to (Jennifer) and if somebody sees something from Chris please let me know.

Volker Greimann: I have one point but I'm going to come to that later. First of all, I like (Rob)'s comment where spot checks would be perhaps a good idea for more trusted registrars. I mean once you see that a certain registrar has answered to certain type of response complaint satisfactorily for every ten - for ten times then you might only ask for the full complement of questions every second time, then every third complaint that you get and every fourth and so on.

And then at a certain point you only do spot checks of a certain type of complaint that you get for that registrar just because you know that he follows a certain process and his answers will probably be okay, that will be less work for you, less work for us, and overall good situation.

Second point, I would like to commend you on improving the quality of complaints that we're getting. The number of what I used to call BS complaints has gone down significantly.

We still get some - for example, Whois complaints where the complainant has forgot to type in half of the email address and chose that in his complaint, that should have been caught but usually the quality of complaints that we're getting has increased, which to my mind means that you've been filtering out a lot of bad complaints before they reach us.

And that has been a request for us for a long time and I'm very happy to say you're on the right path there.

Michele Neylon: Jennifer?

Jennifer Standiford: Jennifer Standiford. Web.com. I just want to make a comment towards a suggestion that (James) put forth around us sitting down with compliance, kind of going through our standard operating procedures, understanding that registrars have a different model and there are procedures that would vary.

I think what that actually would result in is best practices in which would benefit existing registrars and new registrars, right. You know, we mentioned and touched on this whole thing over the course of this week around developing use cases.

As we look at complaints and we receive them and we handle them and given the resources we either have or we don't have, we've put time and effort into them.

And we get to the stage where the issues just - hopefully we get to the stage where the issue is closed. We actually don't get a post mortem as to why the issue was closed given all the information that we've provided or have not provided, right.

So I think that that's something to consider as well as we look at exchanging more information around our practices versus what's considered acceptable or not acceptable by those parties.

But I think one thing I'll say - would be important to focus on is when an issue is closed kind of out of the clear blue sky and we don't get that resolution as to how you've reached that decision. And that's where I think it would be also helpful to registrars.

Michele Neylon: I believe (Katelyn) has a comment from remote for us? I mean - I don't mind, let's not fight over.

Man: I thought Chris wanted me to read it and so I was going to do in a British accent or at least my best - no, I'm...

Michele Neylon: Please do.

Man: No, I would offend him and - you know. So anyway, it says essentially when did ICANN compliance become the content policy? At which point did it becomes ICANN's remit to make it - I presume, content our problem. For example, we're not a hosting company. We do not host content, nor is it within our grasp.

There's a question - you do it. I think he says, you do it, me do it, but that's what he's saying and I think, you know, we certainly have encountered situations - we are a hosting company. Others are and some aren't and - you know, it's something that we come into, this understand if you're not hosting the content, content complaints kind of don't go very far.

Man: I agree. We're not the content policy, we're not law enforcement. We're not a global regulatory agency. Again, you know, there's some gray areas on content where the difference between content and abuse - some kinds of abuse you do need to take action on really is content related but in general I agree with you. We should not be responsible for it and not part of our remit to police content.

Michele Neylon: Thanks. It's (Michele). I think you may need to specify something - a couple of things there because I suspect - well, I can see (unintelligible) the bids there to have a go. Yes, no, I mean - I'm sitting here and I'm listening to you and - okay, we are a hosting provider but there are certain types of abuse reports that I will politely but firmly tell the complainant to go sort it out with my clients.

But I am not the arbiter of - well, I don't know, the Internet or whatever. I mean we're not going to get involved, that's unreasonable - for me as a

hosting provider in many cases the only choice I have is to literally unplug the server, which could be serving hundreds if not thousands of websites. I don't have the discretion to remove a paragraph of text or a single page. I can unplug the Ethernet cable going into that server. I can't do anything else. (Unintelligible), please.

Man: I want to point out though they have no remit over your hosting provider. Like, yes, you offer hosting services but that's not within ICANN's remit.

Michele Neylon: No, no, but that's...

Man: But the fact that you're both is irrelevant. It's the domain name side that falls under compliance, not hosting, right.

Michele Neylon: Yes, but what he just said suggests that there is a gray area to quote on.

Man: I thought I heard him very clearly say he didn't want to be the content police so I was...

Michele Neylon: No, I heard that but the follow up bit that made me nervous. (Unintelligible), please?

(Allen): So I think this is one of the reasons we need to be more clear about what we think is within our remit and what is not, right, because I think there is a lot of confusion - less so actually I think in this room but a lot of confusion out there in the community.

And I think we owe it to the contracted parties and to the community to make more clear definitive statements about where the dividing line is between what we're responsible for and what we're not. And a lot of what people want us to be responsible for, we're not.

Michele Neylon: I don't think it's- just one point, (Allen). I think by saying it's confusion in all cases may not be - maybe generous of you. I think in some cases it's more a matter of amplification, conflation, I don't know. There's lots of other words but confusion wouldn't be my choice of words. I think it's intentional in many - in some cases. (Graham)?

(Graham): Thank you, (Graham) for the transcript. (Elliot)'s not here. Yes, I guess I feel vaguely obligated to stick it to compliance a bit that - I forget where I first heard it but - and it bears repeating that the phrase content police doesn't quite cut it, especially as a registrar that doesn't do any hosting.

We don't end up policing content, we end up being the judge, jury, and executioner of that content. It's not that we're deciding if it's good or bad and providing that evidence to somewhere. It's that we're killing it, we're bringing that content down. And it's - so the scope of that is considerably bigger than policing and it has consequences, thanks.

Michele Neylon: Thank you. Just by the way, for anybody who wants the venue catering seems to think that serving us coffee at the end of the day was a good idea but there is coffee there so please do help yourselves to it. Maguy and team, please continue.

Maguy Serad: No, no, that was not our purpose to speak to all 68 slides. But I want to remind the audience, we've done it before, we continue to do it, focus on the upcoming policies that are going to be in effect. We have provided you slides like we've provided in the past. What compliance is going to be looking for. So please review the deck.

To (Rob)'s earlier comment, at the end of the deck which is half of the deck, are additional slides that we have provided in the past. What we do to those slides, we leverage previous slides, we update them based on our collective input and what we learn as we grow through the new agreement.

You can go to the same slides from two years ago when we were putting together the 2013 RAA and you can see how it has evolved or changed by adding a may or by taking something out.

So take a look at this presentation. With the time remaining I would like to address a few things that I've captured notes on.

Something we have not been - would be valuable to bring to this audience, and I don't mean just the registrars, it's the entire ICANN community, are the stats on the abuse complaints. I would like to inform you that there were actions taken by many of your counterparts or some of you present in this room on some abuse complaints and were addressed.

There were a lot of complaints that compliance closed and sent away because of the different topics you guys talked about here. There were a lot of complaints that we do follow back up with you to provide more information and with that I'm going to go to some items. I heard about the correspondence, (Rob), you were talking about we can run an audit.

We have committed to all of you from the beginning. We do our work with fact finding. What I think I heard you is the spot checks you're referring to, you are asking us to make an assumption that that process or on your behalf responding to the complainants every time. They have the process and go for that.

If you were the customer on the other end would that be satisfactory to you? That's all I'm going to put - I'm not here to debate the point but we can take it more. But the maintaining the correspondence is for the value to be able to do fact finding.

To your point, we do ask for the correspondence from the reporter as a proof that they want to their registrars first before coming to us. There is some creativity out there. We look at the correspondence and we compare and we

see that what's in there is really aligned but sometimes you provide us more information that helps us really close it.

Which leads me to the closure comment (Jennifer) made. (Jennifer), the closure notices that go to the registrars and the registries, you're correct. They do not contain closure codes or the reason and - again, that's an opportunity for improvement because we look at it and, again, it could be that's not the right way to look at it.

If you are aware of where the noncompliance or alleged noncompliance issues were and the fact that it's closing, it doesn't require any further action from you, we didn't think there was a need to share why we closed it. You've provided the information. If you do not provide the information as you guys - I don't know who said it earlier, we bug you or we come back and ask for more.

The closure notice that goes to the reporter, whether it's closure after an action has been taken that's been closed or a closure notice that says, no, we are not taking your report further, does contain a closure notice. Because they're not privy to the correspondence we have with you, which should have more in depth knowledge of the issue.

So the case-by-base has always been our approach. We have - as we've continued to say, you are a unique model within each of your operations. You need - and I really insist on you, not compliance. I want (Michele) and (Jennifer) to hear us, you keep coming to us for best practices guys. We're not registrars.

You need to share amongst yourselves the best practices. If we share with you best practices we can be in breach of our contract because we're taking away your competitive edge. What we share with you is exactly lessons learned to help us stay on the right path.

You're giving us a responsibility beyond our remit in this area, same responsibility we talk to the other stakeholders. If you've - kind of followed us in the different sessions. I'm sorry...

Michele Neylon: Unfortunately we've been stuck in meetings with - so we couldn't follow you with the other...

Maguy Serad: Yes, so please join us. If your time permits on Wednesday - I know many of you have joined before, (Jennifer) is our - yes, I know. I know. I know. But believe me, that's why we split and divide and conquer also. Wednesday has been a session that we put together since (unintelligible) for the same reason that I'm sitting here and talking to you.

The Wednesday session, it brings an appreciation to each one of this ICANN community, even though we are contracted parties, compliance, IPC, law enforcement, ALAC. We are all part of this ICANN world and we have an obligation.

Join us on Wednesday because we present a very high level of date and on Wednesday the value of that when questions come up - many times many of your counterparts get on this mic and answers the question. The person who asked the question - I didn't know that. So it brings an appreciation.

We need - you talk about communication amongst us, it's really communication bigger than just the two of us. We admit we have improve on that. So I've addressed several of the points, join Wednesday if you can, take a look at the presentation, if you have issues reach out to me. (Allen) knows and everybody on this community knows, I don't go to bed with one email in my mailbox.

I do check my email every day of the week. I am a workaholic but I do have a life too so don't worry about me, not that you are. So please, I have said it many times, let me know what's on your mind and let's work through it.

Michele Neylon: Okay, I've got a queue forming and we're going to try to work our way through this. Just for the record, Maguy, a lot of us check our emails seven days a week too so you know, that's - we're the wrong audience for that comment. Who was first? Jeff. Jeff Neuman who is now a registrar.

Jeff Neuman: Yes, thank you, Jeff Neuman. I guess I'm going to make the same request I think I made in LA on behalf of the registries. But it's the same request, you know, I'm assuming that you have a manual for your customer support or for (Jennifer) and others that do compliance.

How about sharing that with us? How about looking - instead of - I don't think what we're asking you to do is to give us your best practices or define them. It's really what is the check list that you give to your clients' representatives to check against to determine whether someone's in compliance. I think that's what we're asking you to share with us.

It's not help us determine what our best practice is because we all know what we do. It's really give us your manual, tell us what you look for, and then that will basically help us either understand or help us to have discussions with you and (Allen) and others on, you know, what we think is good, bad, what we could change, all that kind of stuff. So I think that's kind of the sharing we're asking from you.

Maguy Serad: If I may, take a look at the slide deck, the manual is taken exactly from the slide deck we have here. That's what we - we extract those bullets. If you go to any the slides, what do we look for, what are some of the ideas.

Michele Neylon: I think I had Volker, again.

Volker Greimann: Yes, I just can't leave it alone, you know me. Volker Greimann speaking. Last question from my end probably for today, how does compliance measure success or progress?

Sometimes from your presentations to the public it can seem to be that your metrics are - we have received so and so many complaints, we have followed up with so many complaints at this time. Then what happens - so many registrars found in breach, so and so have been terminated, two more than last time so we are improving.

But that probably isn't your metric but it can seem that way. So if you could share some information, shed some light on how you internally measure success as in telling your people that they have done a good job and you are feeling that you are making progress.

Michele Neylon: Just before I go to Maguy, there's one question - one intervention more from (James) and then I have to close out because they have to run off some (unintelligible).

Maguy Serad: Thank you, Volker. It's interesting how the same slide can be looked at from different views. The slide that you're saying it's about the volume and all that, there's always going to be volume. We do receive complaints, right. We don't want to focus on the complaints.

The success story in here - and to the community if I may restate what I - what you were saying but in a different view is the story of the registrars collaboration, the turnaround time, and the resolution of those complaints which have been brought forward from the outside to your attention.

So the success for our compliance team is are we responding - we have turnaround times. When you have the 15-5-5 we have the 5-5-5 and we try to respond within three days but internally it's the 5-5-5, similar to you.

So the success, what we do for our team is the quality. We have QA reviews. Our team - we have subject matter experts for the different complaint types. And we're trying to build what we call a scalable model.

The subject matter experts review the quality and success stories. We've tried to target what we call good quality but also with the - another quality check is our response time to you but also to the reporter. So there are many ways.

Another way we measure success which has not been to our advantage, I'll be honest with you, our customer satisfaction survey has been on the decline and I can tell you the first number one culprit is abuse complaints that we are closing, not sending your way.

So having said that there are many ways to measure success. What we hope to do - again, the perception has always been you do not collaborate by publishing those dashboards. Volume is always a factor, you know, they report on you guys how many domain names you have within your portfolios. For us it's complaints, that's what compliance - it's a subset of compliance.

So if you have ideas of measuring success differently send me a definition and we'll be happy to discuss further.

Michele Neylon: (James), (unintelligible) because I have to - (Rob), if you could...

(James): So I'm actually raising my hand because the gentleman next to me had a very interesting observation/comment about the terminology that you're using to describe this so would you mind? Absolutely.

(Aman): Hi, this is (Aman) from Endurance International. Maguy, you said that your measuring success of abuse complaints in terms of customer satisfaction whether the customer is satisfied.

The complainants are not our customers and if - really if you're looking for customer satisfaction, if you've taken action on a particular customer he's

never going to be satisfied. And we're not obligated to satisfy the complainant.

Maguy Serad: (Aman)?

Michele Neylon: (Rob), give you the last word.

(Rob): I'd love it if you'd measure it differently. So what you're in is you're in all these graphs and stats about how many complaints you get and how fast you close them. I give two craps about that. Do I really believe (James) and Go Daddy is in violation of the RAA? No, I don't.

I'd like you to clean up the industry and get rid of the bad actors we all worry about rather than measuring your success based on how many complaints you get and how fast you close them. How about how many registrars you get rid of and actually find in serious breach as opposed to the nitpicking against the Go Daddy and - you know, that would be my measure.

Maguy Serad: Can you send me that in writing? It's 5:30. Send me what is the measure, how would you measure that, and a definition and we'll...

(Rob): How many serious breaches do you actually find? That would be a good...

Maguy Serad: Send me that in an email please. And to the gentleman, customer satisfaction, everybody is a customer when you file a complaint in any industry. The customer satisfaction report we sent also to the registrars to let us know how we are doing.

So when I focus on abuse it is not just about abuse. We send at every closure of the complaint - we send a customer satisfaction to the contracted parties because it's also sent to registries and to any reporter, which amongst this audience we have many anonymous reports from here, present and absent.

You are our customers when you file a complaint. I used abuse in this case because when the - we were on the downtrend I wanted to know exactly is it the process? Is the turnaround time? We tried to see based on the feedback because overall satisfaction is the fifth element of that survey. If you haven't put the complaint with us and let's experience the customer satisfaction survey with you.

Michele Neylon: Okay, thanks, Maguy. I think really we have to close this out. Thank you to Maguy and (Allen). The - your session is at what time, 8:45 on Wednesday?

Maguy Serad: Yes, it's at 8:45. And if I may ask, do not publish this presentation. Let me add the may in there because I added it in the other decks but I will add it and send you the link where it's going to be published.

Michele Neylon: Okay, so we're not to publish this one. Wait until she changes some of the verbs.

Man: In the future can we get an advanced...

Michele Neylon: She would have sent it to (Paul) already, (Paul Olsen) would have had it for the last day or so.

(Rob): I get the timing's often tight but you show up with a 68-page deck and ask questions about it. If we'd had a chance to go through it we might be able to direct you - here's an issue. So if you can get it to us a week in advance so we can read it on the plane on the way over - I don't know if it's possible or not.

Maguy Serad: (Rob), we publish everything. And if you want it in advance, we gave it to (Paul) last Friday or last Thursday. But everything is on there.

(Rob): Sorry, that's on us, we didn't get it out to our members.

Marilyn: Will we be able to go through every 68 slide of those? We put everything in there that is within the scope. Let us know which ones you want to talk about.

(Rob): But that's my point, we don't have it before you show up and I get that you sent it to us so that's our internal problem, we'll fix it. But it was a little frustrating for me to hear you show up and say you've got 68 slides. I'd love to know what's in them to comment on them. It sounds like you did your job in this and I apologize, it sounds like we dropped the ball so we'll solve that.

Michele Neylon: Volker, come on.

Volker Greimann: Sorry, Volker speaking. Not a question, just a general comment. Tomorrow the session in parallel to a working group session that's of high interest to many or most registrars.

That's a different topic that we tried to write ICANN a couple of times that - high interest topic should not conflict, that's a problem that unfortunately has arisen again. So many registrars that are here today will not be able to be there tomorrow, which I regret.

Maguy Serad: So you have Thursday session is a closed session for us. Take a look at the deck, I don't have a new one, this is it. If by Thursday you would like to talk to certain slides we're there. That's why we built it that way.

So it's the same presentation and it gives us an opportunity for Thursday. If you can't be there Wednesday join us Thursday. It's closed, just ask. And it's roll up your sleeves and let's work.

Volker Greimann: And the suggestion that we had discussed in the GNSO and also with the registrars, it would be helpful for such presentations to be available prior to the meeting as a webinar so registrars could prepare for this meeting and instead of going through the slides, which we have not done this time but we

have done a lot of times before. We could ask substantive questions to the point of the slides and of the presentation.

So if we, for example, had one week before this presentation available - there's a webinar that we could download and watch in our leisure time, that would have been a perfect preparation for us to have an even more in depth discussion and preparation for that.

Maguy Serad: So we work towards that, guys. But like I said, the new slides are the policy updates. Take a look at the policy updates. Everything else has been there for the past year.

Michele Neylon: Okay, thanks everybody. And this meeting is now adjourned.

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