ICANN73 | Virtual Community Forum - GAC WHOIS/Data Protection
Tuesday, March 8, 2022 - 13:00 to 14:00 AST

MANAL ISMAIL, GAC CHAIR: So we will be discussing WHOIS and data protection. We have our topic leads. Laureen Kapin, US Federal Trade Commission, Melina Stroungi, European Commission, Chris Lewis-Evans, UK National Crime Agency, and I understand we will also be hearing later during the session but maybe at the end of the presentation from our Japanese GAC colleague -- sorry, I confused both sessions, this will be at the DNS abuse when we hear from our Japanese GAC representative. So now RDS, WHOIS, so without any further ado, I'm handing this over to our topic leads. Assuming, Laureen, you will start?

CHRIS LEWIS EVANS: It's me for a change, Manal.

MANAL ISMAIL, GAC CHAIR: Chris, please, go ahead.

CHRIS LEWIS EVANS: Hello, everyone, thank you very much for joining us this session. As Manal said this is an issue that has been close to the GAC for some time and has been going on for a while. Next slide, please. So today we will try and give a background and why the subject is important, just being mindful as there are quite of number of new GAC colleagues, so Laureen will highlight why these issues are important and what we will look at.

And we will then reflect on the timelines. This has been going on for some time and just to give you a guide of when we can expect some resolution, and unfortunately no surprises here, it might not be as quick as Brian's resolution looks, unfortunately.

We will also highlight some ongoing concerns. Then we will switch over to the recent developments, so I'm sure you have all seen the ODA result and we will go through that, and also there is currently an accuracy scoping team which the GAC got a small group working on, and we will give updates on those, as well as the small group's objectives around ICANN73 and going forward. So with that, next slide, and I shall pass straight over to Laureen. Thank you.

LAUREEN KAPIN: Thank you, Chris. Hopefully I am coming in through audibly and if not, please let me know. My name is Laureen Kapin, and along with Chris, we are both members of the GAC small group that has been dealing with expedited policy development processes regarding gTLD registration data. And I am also a member of the small group dealing with the operational design assessment. So we will be speaking in those capacities today.

So WHOIS and data protection, we have a lot of new members so hopefully I can give a brief overview of what this is, and why it's important. So we're talking about domain name registration data. That is the contact information that is available in certain forms when someone registers a domain name. For example, name, email address,

and contact information. And this data has been used for many legitimate activities, including not only your basic well, how do I reach the registrant for technical issues that may arise but also assisting law enforcement authorities in their investigations about illicit activities and their efforts to combat abusive use of Internet communication technologies. Besides law enforcement it also assists business when they deal with combating fraud and safeguarding the interests of the public. This happens particularly when someone is trying to impersonate a legitimate company, for example, Amazon or Facebook, to name a few. My agency actually has lot of information about complaints of this sort if you're ever interested. You can just go to our Federal Trade Commission website under the Enforcement tab and you will see a lot of publicly available data including a lot of information on government impersonation scams, so a little public service announcement.

Besides helping law enforcement and businesses, it also helps legitimate businesses when people are misusing their intellectual property, perhaps a trademark or their name. And again, this comes into play for impersonation scams and also for counterfeits. And in general it contributes to confidence in the Internet, so if folks like you and I want to deal with a certain entity, we may want more information before making a decision about whether to provide sensitive information, financial, health information to that entity and one way we may do that is by looking at their registration data to assess whether it's legitimate or not.

So the GAC has actually issued input on issues regarding the WHOIS or domain or registration data for quite some time and issued principles on the WHOIS that go back to March 2007 but have been recalled more recently in our Abu Dhabi communique, and we know the principles set then continue to reflect the important public policy issues associated with these important services. And in that communique we advised the Board that they should come up with best efforts to create a system that continues to facilitate legitimate activities recognized previously. So keeping WHOIS accessible for security and stability purposes, including consumer protection, law enforcement investigations, and you will see there is this emphasis on user friendly and easy access to comprehensive information in a timely fashion, so getting information when you need it and then also keeping WHOIS accessible to the public for legitimate purposes.

And taking a step back for those new to this area, it's important to know for context that before the EU's privacy regulation, the general data protection regulation, GDPR for short, all this information including name, address, contact information was fully accessible just by typing in a quick query. But after the general data protection regulation that was no longer lawful, and personal information, for example, someone's name and contact information was no longer quickly accessible via a simple query but could be via certain systems put into place by ICANN to comply with the law as long as users had legitimate purpose. And this has been the subject of extensive policy development efforts to try and come up with recommendations and systems which make this appropriate balance to complying with the law and

protecting privacy and personal information and also making sure that this information is available to the folks who need this information for a range of legitimate purposes. So that is a little bit of an overview about what this information is and why it's important. Next slide, please.

So I'm going to go through this very fast, but this is the slide that's primarily your little cheat sheet as to the very many different work streams that have been taking place about these issues. And some of them are intuitively named like Phase 1, Phase 1 implementation, Phase 2, and others that are a little more difficult to get your mouth around. For example, you may wonder what the SSAD is. That is a system for access and disclosure that was the subject of Phase 2 activities. But the big takeaway here is that this has been going on for a while, and we're going to have actually a timeline slide, but after the EU privacy legislation went into effect, there had to be very prompt action to make sure that activities that were going on under ICANN's contracts continue to be lawful, so ICANN implemented a temporary specification and then immediately following that there were community policy development processes that were instituted to make sure that the community had input about what this next procedure and system to deal with access to this information would look like. So these were the EPDP and that stands for expedited policy development process, Phase 1. Phase 1 implementation which is still going on, that started in May 2019 and ongoing. More recently the Phase 2 system for standardized access and disclosure, when you hear SSAD, it doesn't mean so sad, it means standard access and disclosure system, and then

we had more currently an operational design phase dealing with this system for access and disclosure, and that is essentially an assessment that looks at costs, feasibility, fitness for purpose among other things, that ended recently. There was also a Phase 2a that dealt with very specific issues, particularly the focus on data from legal entities, for example formal corporate entities versus natural entities, that would be you and I, individuals, and finally, and most recently, there is an registration data accuracy scoping team and the GAC is participating in that team looking at the question of should there further policy development on this issue of data accuracy? And we will hear more about that later on. Next slide, please. And Chris, I will pass the baton back to you just in time to talk about the (audio distortion)

CHRIS LEWIS EVANS: Thank you, Laureen. Chris Lewis-Evans for the record, again. So this is really a graphical representation of a lot of our previous slides with some key timeline points, so I won't spend too long on it but just to draw out really one of the key points on here for the GAC is the lack of end points for some of these phases, specifically around the Phase 1 implementation review team. The GAC has asked in its communiques, I think twice now for ICANN to provide a date or detailed plan for when the implementation will be finalized, and we are still waiting for that. So as you can see, this has been going on for some time and has been taking up a large number of not only the GAC's resources but also many other members within the community. Next slide, and I will touch on other concerns the GAC has.

So during all the phases GAC has put out a minority statement, which those of you who have been here since 2018 when this started will have seen it go around, and I want to draw out a couple of items that are still of concern for us, especially considering these have not gone through to implementation or been put into actual policy.

So with the Phase 2 which as Laureen said, was considering the access and disclosure system, we felt that as the policy work concluded it could create a fragmented rather than centralized disclosure system and have an effect on the community and those that rely upon access to prevent DNS abuse or to protect themselves, that they didn't sufficiently address the consumer protection, the consumer trust outcomes and concerns and also whilst there was a mechanism within the policy process, we didn't feel it went far enough or was reliable to allow the SSAD to evolve and take into account any new regulations or any best practice that was found after implementation of the system.

As you will have seen from some of the output, it is envisioned to be a quite complicated system and we really feel this needs to evolve to take on best practice but also to make it operate as smoothly as possible. And then the final one on the Phase 2 list was risk of disproportionate costs for the users. I think this is maybe flagged even by ICANN with some of the costings it has produced within its Operational Design Phase, so these concerns are valid, and we will continue to keep an eye on them. Within Phase 2 A, this phase was looking at the distinction of registration of legal versus natural persons. The main thing I wanted to flag here was the GAC felt that this fell short of our expectation for a

policy and really didn't address the letter of the law here and fell short of being able to protect those persons and provide enough information for people to get access to. If we go to the next slide, we will go onto the operational design, and back to Laureen.

LAUREEN KAPIN: Thanks, Chris. So I have a visual aid. [laughing] so this is the operational design assessment, actually, not sure you can see it because of my background, anyway, it's very long and has lots of information that is really designed to guide the Board in its assessment of the Phase 2 recommendations. The reason this is useful is because these recommendations which were approved by the GNSO, the generic name supporting organization, are now at the point where the Board needs to decide whether to accept or reject these recommendations. So the operational design assessment was really focused on giving guidance to the Board about what would it mean if these recommendations were to be put into place? And as you might deduce from the length and complexity of the assessment, the short answer is it's complicated and there is considerable uncertainty.

So let's look at this slide which I claim no credit for. This was actually put together by the operational design assessment folks, all kudos to them on the clarity of the slide. So let's take a look at issues about timing. How long will it take for these recommendations? These are assessments that were developed and done by ICANN staff, so all kudos to them this considerable effort and analysis. It could take three to four years to develop this system for access and disclosure. And you will see

that includes a number of components, as well as a little bit of uncertainty about the duration of the implementation that needs to go on before and implementation that would need to go on after any recommendations are actually accepted. So you could have development for three to four years, and then you could also have this implementation effort and it is unclear whether that would be going on -- I assume it would be going on concurrently, but either way there are some timelines here that could be -- it could take a while before we see this, I will put that into plainer language.

We know that it is complex. There are lots of different actors and subsystems, and you can see 60 processes. You can see that it is a big cost. It could be approximately 20 million to 27 million to develop, and part of the uncertainty here is because it is very unclear how many folks will use this system. So you will see that there are big ranges in costs for several of the functions, one is accreditation, i.e., making sure that people who ask for access to this non-public information are who they say they are, so some sort of verification, that could range between $21-86 depending on the number of users, and then there could also be a cost for disclosure requests that could range from 45 cents to $40. Again, a big range.

So there are assumptions as to how many users this assessment makes, but you will see, again, it's a big range. So anywhere from 25,000 users to 3 million users. And so that is why you have this considerable fluctuation as to costs, overall costs and costs for development and costs to use the systems.

So the assessment which is designed to give information to the Board certainly raises a lot of questions, and I think one of the takeaways is that it's very hard to answer those questions with precision because of uncertainties. Next slide.

So you will see I have spoken about some of these already, but I did want to make sure that we understand some of these open questions and uncertainties. So again, costs for development and implementation, that is one set of costs. So those are upfront costs. But we also have costs for operations. And again, that is a big range, and a big range because we simply don't know yet. Usage, I have already gone over but again, you have this overall assessment and then an annual assessment, it could be anywhere per year between 100,000 and 12 million: There are also actual substantive uncertainties which could impact on who is going to use the system, one on which is the impact of privacy proxy services, those are services where when you request information you don't get back the actual domain name registrant, you get back the name of the service that they are choosing to use to protect their information, that is a privacy proxy service. What that means for someone requesting registrant data is that they're actually not going to be able to get the data they need directly, and that could actually dissuade folks from using the system because there's an estimate of about 30 percent of registered domain names that use these services, and the authors of the ODA think that is actually a conservative estimate, you know, what is the bottom line there? It means if you as a requestor don't think you will actually get access to

the information you need, you won't bother using the system and paying for it. So that is one impact substantively.

Another open question are legal restriction on transferring data across borders. So for example if US law enforcement wants to get data on a registrant that happens to live in Europe, for example, or the registrar happens to be in Europe, for example, there may be restrictions on actually providing that data across the border. Again, if there's going to be an impediment to getting the information you need, it will impact on your decision whether you want to use the system. So if we look at all of these questions together, this raises considerable uncertainty about the ability to accurately predict costs based on usage. Next slide, please.

So continuing on the SSAD, one public policy concern that the GAC raised with the ODA is that there seemed to be a misunderstanding of the role of governmental accreditation authorities. So these would be the governments that would essentially say yes, that is an agency, a law enforcement agency, in my jurisdiction, and we're going to have a system in place to make sure that folks who want to request data as a law enforcement agency in my jurisdiction have been verified and validated. So there are recommendations in the Phase 2 recommendations that essentially allow each country to come up with its own accreditation system. But there were some presentations that suggested or stated that governments shouldn't only accredit their users if they are going to be acting in an official capacity but also should handle the requests themselves, and the GAC took great pains to make

sure that this should be clarified and also more importantly should be consistent with the actual recommendations themselves which only anticipated an accreditation role for governments, not a role that would go beyond that.

So in terms of next steps, here's what is happening with the operational design assessment. Because it has raised so many questions, the Board actually posed some of its own questions back to the GNSO. And a GNSO Small team was formed to review those questions. I and Chris as well are the GAC's representatives to that small team, and we are currently trying to not only answer those questions but also raise any questions of our own as a result of the ODA. And the GNSO Council will then have a decision point to decide as the small group, whether any of this information affects its current policy recommendations which are now, again, the Board procedurally. So there's a little bit of [chuckling] a little bit ping pong between the Board and the GNSO where the Board based on this assessment is asking some questions back to the GNSO, which I assume will help clarify the path forward.

One thing that was also useful as part of the ODA was alternative approaches that are being considered by the community and indeed the small group which could alleviate some of the challenges and risks identified by the operational design assessment. And these fall under the category of what I will call a why not take it slow approach? Slow in terms of having a pilot program as opposed to going full borne into this system which has been identified as quite complex, undoubtedly expensive, and apt to take quite some time to develop and implement.

So some of the options that have been identified here in the operational design assessment is the option of conducting a pilot program that could demonstrate whether this system works and if there will be a demand for it. Another option is a phased approach to implementation of the SSAD, i.e., don't implement it all at once but in phases. And finally, as envisioned in the general data protection regulation codes of conduct that might assist in these activities. So these are some of the ideas that are also being considered as a result of the operational design assessment and the small team which the GAC is a member of. Next slide, please.

So we will be passing the baton now to Melina, my colleague from the European Commission to change topics and talk about the current efforts that focus on data accuracy. Again, this is one of the most recent efforts along this general topic of WHOIS and data protection. Over to you, Melina.

MELINA STROUNGI: Many thanks. Laureen. I will quickly also open my camera. So yes, as Laureen explained, I'm part of this accuracy scoping team that started its work in October. Basically accuracy is very important and a long-standing issue that remained unresolved in the EPDP work on registration WHOIS data, it was pushed from Phase 1 to Phase 2 and then simply remained unresolved and now this scoping team has started to see how this issue is to be addressed. As we have stressed in our last communique and as we are going to continue to stress, accurate registration data are important for the prevention and

mitigation of DNS abuse. So the GNSO Council for this accuracy scoping team has basically tasked us with four assignments which for us are equally important, as you see, these assignments are enforcement and reporting, to assess the accuracy obligations currently in place and to assess how these obligations are enforced and then to also say in that context, what sources do we have available to list agreements that are in place? ICANN bylaws, any sources we can trace that are relevant and kind of create an index of these resources. Then with reference to this index of resources and also to any input we may receive from ICANN compliance we have to see if we can agree on a working definition of accuracy.

Then a second assignment is to provide recommendations on how accuracy levels can be measured. And then on the basis of our assessment under assignments 1 and 2, to assess whether the contractual data accuracy obligations are effective. And then as a fourth and last step, to see whether any changes are recommended to further improve accuracy, and if so, how these improvements can be made. Would we need a policy development process, or could they be done via, for example contractual negotiations?

Now, this is still a work in progress so I will only try to basically summarize where we stand. What is the input that we have provided as GAC in response to these assignments, and also some of the challenges that we face along the way. So start with a less positive, the challenges we are facing, there was a lot of discussion by certain stakeholders that we first need evidence that there is a significant problem on accuracy,

otherwise we cannot proceed any discussion. Of course this is quite problematic, as currently contracted parties are the only ones who have access to their registration data, so it's really difficult to prove something that you don't have data for. In the past before the entry into force of the general data protection regulation, the GDPR, a great part of inaccuracy was voted via complaints. Now, after the GDPR a lot of data have been redacted. So it is getting harder and harder to spot any inaccuracies and this problem goes hand in hand with the next point, which is ICANN no longer has access to this data. So ICANN basically in a recent memo reported a number of challenges preventing it from resuming the so-called WHOIS accuracy reporting system, and one of them was that ICANN is in doubt on whether they have legitimate interest under the GDPR to access the registration data. This is something that we believe should be resolved as soon as possible and we believe it is important for ICANN to receive legal advice and this is also one of the questions if you see like in the bottom of the slide that we have asked ICANN whether they plan to receive a legal advice on the specific matter, but I will come back to that later.

Now, regarding our input, the assignments and where we stand, as part of the assignment one and two, we had to perform a gap analysis and also to provide input on how we can measure accuracy. Regarding the gap analysis, basically each group had to identify what gaps exist between the current requirements and our desired future state. So from the beginning we as GAC, we stressed that in order to identify any gap we first need to have a good understanding on what are the existing accuracy requirements. Registrar group had taken the initiative of

proposing a description of the current state of play and this was used as a benchmark in the gap analysis. According to that state of play, accuracy was described as being strictly limited to syntactical and operational accuracy, basically that an email address is spelled correctly and is operational, doesn't bounce back. So these obligations, syntactical and operational accuracy obligations only stem from a subsection of the WHOIS accuracy program specification. In reality these are not the only obligations. There are others provided in the agreements and we believe that the description of the current reality is narrow, and a more holistic approach needs to be taken into account. And we also submitted that a lot of goals have been overlooked. Such as that accuracy should be considered in the light of various laws, so not just the GDPR, that the definition of accuracy should include the purposes for which data are collected and processed in light of the ICANN's mission, and we should also have discussion on verification, validation, and correction of registration data.

Regarding our input on the accuracy measurement, how and by whom accuracy can be measured, we emphasized how important it is to hold contracted parties accountable for their compliance with accuracy requirements and how important it is to increase transparency about compliance. Because currently we have issues with transparency. We also stressed it would be important that contracted parties are in a position to demonstrate that they have procedures in place to ensure accuracy. And if there are obstacles, legal, financial, any kind of obstacles that prevent a proper measurement of accuracy, then we should further follow up with concrete recommendations on how we

can overcome those obstacles. One of the ways that was discussed on how we can obtain new metrics on accuracy could be one of study. However, it is to be kept in mind that this might result in putting the accuracy work on hold. And now we come to the most hot topic, a working definition on accuracy and whether we as a group will manage to agree on a working definition. Here we are quite early in the discussions. We have and a lot of groups have provided input written but not yet the opportunity to present it in more detail to the group, we will do that in the coming meetings. For the moment I can say there seems to be quite confusion among the group's participants on what definition means. It's supposed to be a statement of the meaning of a word, of an essence, of a concept. But there are some supporting that a given the contractual obligations can qualify as the definition which we don't agree with. So for us a given set of obligations does not qualify as a definition. When working on a definition, we should take into account all the elements, according to the GNSO instructions we have received.

So really to take a more holistic approach and look at the totality of the accuracy requirements in place, not only the WHOIS accuracy program specification but the entire registrar accreditation agreement, what is there, taking into account other sources like ICANN bylaws where it is mentioned when you discuss about improving accuracy you have to take into account purposes such as consumer trust and this also links to the requirements under the registration agreement to ensure that you have accurate and reliable data. Also the GNSO instructions clearly state that also ICANN compliance input has to be taken into account.

And ICANN compliance gave a very interesting input, also repeated in a statement of yesterday, which made it clear that accuracy is not limited to syntactical and operational accuracy. In fact they gave a clear example where inaccuracy is exemplified by the inability to identify the actual registrant, for example having a registrant whose data are patently inaccurate, like presenting himself as Mickey Mouse, and this is in line also with ICANN organization enforcement which basically ICANN can handle complaints about identity. Moreover, we stress that the definition of accuracy should include also the purposes for which registration data are processed in light of ICANN's mission and also the recent EPDP identified purposes should be taken into account. These purposes, among others, include the ability to assign a domain to its owner and to contribute to the maintenance of the security, stability, and resilience of the domain name system.

So all in all, we need to ensure that the registrant is who they say they are and the potential working definition covers all of these elements. This is one of the issues that is critical to us and so is the impact on the contract implementation. So as a last reminder, the two questions you see at the end of the slide are the questions that we propose to submit to the ICANN Board, basically there are certain data processing agreements negotiated currently between contracted parties and ICANN, and we need to understand -- most of it is confidential but we need to understand more or less where we stand because it would help us progress our work in accuracy and also whether ICANN has ever received or plans to receive concrete legal advice on what are the

possibilities for it to access data and monitor accuracy, because really this prevents from an accuracy – effective measurement of accuracy.

I hope it was not too technical, I will give the floor back to Laureen for an overview of our ICANN73 objectives, and I am happy to take questions. Thank you.

LAUREEN KAPIN: Thanks, Melina. Actually, I think Chris will cover those.

CHRIS LEWIS EVANS: Thanks, Laureen, thanks, Melina. So on to the next slide, please. And this is the last slide, and I will try and wrap up all of the information, there's been quite a lot and hopefully have time for questions as well.

So what will the small teams be looking at and what are objectives? So as Dennis has pointed out from ICANN org within the Phase 1 implementation there has been progress on that and the timeline been published, so we will be looking at the impact of that and any concerns we might have from a process point of view and likewise we will do the same for phases 2 and 2a, and the second one is quite key really and it has quite a big impact and that is the suspension of some pre-existing implementation efforts. So currently the thick WHOIS transition policy, privacy proxy accreditation policy, and the WHOIS accuracy reporting system have all been paused, and Melina touched on the importance of the accuracy one. For myself as a law enforcement officer, the pausing of the privacy proxy policy accreditation policy has a large impact, and

I know it does for a number of others as well. And then the thick WHOIS transition policy also has an impact on what data is available and where from, so all of those are of keen interest for us and we will be keeping an eye on those. And then lastly in our Montreal advice, we had in there to ensure that the current system requires reasonable access and this was operating effectively and communicated effectively. And I know we've have had follow-up advice since then and we will continue to watch that.

So lastly before we open it up to questions, just some possible items for communique or questions to the Board and some of those will depend on some of the answers to the questions, certainly to the one that Melina just posed at the end of her intervention there.
So as we mentioned, some of these processes have not progressed far or fast enough or we are unaware of timelines for those so we will need to watch for those. The second one, so RDAP is the technical mechanism by which replies for registration data come back and there is a possibility that a field could be added or text could be added to that response to inform users of the system on how they can get access to registration data or further registration data or ask for disclosure of that data. So this is something we will be considering with other community colleagues on how this could be done or if this could be done.

Then as Melina mentioned in that question of whether ICANN can request access to the non-public data for accuracy purposes and to enable it to continue its accuracy reporting and audits on that as well, and then lastly, and I saw some items in the chat, is whether we should

look at a phased approach or a pilot scheme and really I think the main point for me here is from a public policy, public interest point of view, what are the minimum requirements? What do we feel it needs to include and how would that address some of our concerns and how can we do it in a way that reduces the risk but also provides best utilization of it and best use.

So that's it from us, and Manal, back over to you to manage the queue for any questions. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much. So thank you, Laureen, Melina, and Chris, a very exhaustive and rich slide deck. It's very informative and provides an excellent repository for all GAC colleagues, as you said, Laureen, it could be our one-stop shop whenever we need anything on the topic, it has all the history and background and yet it's concise and very useful. I have a question of my own, but I see first Vincent and then Nigel, France, please, go ahead.

FRANCE: Thank you very much, Manal, and good evening, good morning, or good afternoon to everyone, wherever you are. I would like to make a comment in French.

(Through interpreter)

First and foremost, I would like to thank Laureen, Melina, and Chris on behalf of France for their excellent presentation. They have provided

excellent presentations, actually, in plural, and they have very effectively answered these questions on access to registration data.

My comment deals with the assessment of the operational design which was published at the end of the Operational Design Phase, that being the Phase 2 for the EPDP. As many other ICANN stakeholders, we were struck by the significant differences which appeared in the assessments that -- sorry, from the financial estimates and the wide range and the great variability according to the number of users, and it was actually foreseeable for the SSAD to have significant costs, we were prepared for that. But the question would be to what extent it will be costly. And we need to have this estimate and to have a better knowledge of what the number of users would be. So we think the community has already worked very hard but that they would still need to go on working in order to have a more accurate estimate on the number of users and therefore the potential costs of the SSAD. That is my take on this and my comment. Thank you all very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, France. So would you like to respond, first or shall we take Nigel's question too?

LAUREEN KAPIN: I would just briefly say that I think the observation is very well taken, because everything is contingent upon -- well, many things, especially costs are contingent upon the number of users, so it's really important

to get a better handle on this question because so many other things flow from that, so I think your point is very well taken.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Laureen. And Nigel, please. UK.

UNITED KINGDOM: Yes, thank you very much, Manal and good evening to everyone. And thank you so much for the presentations, these are really comprehensive. I just wanted to really ask a question on the data accuracy point or the accuracy point, and it might be just me but I'm failing to grasp something here and perhaps it's because I'm getting old, but a registrant comes along to a registrar and says I'm Mickey Mouse. Now, that's obvious, hopefully they would be shown the door and sent away. But things historically have happened over time, we know there are lots of, from previous studies that there is inaccurate data in the names of domains and the descriptions of them. Now, I understand there's a legal issue about ICANN requesting such data and this has been looked at and Melina explained that very well, but I assume there is no such legal impediment for the registry that in the first place, registered the domain name, to if you like, have an interaction with the registrant to ensure that the data they hold is accurate at a certain point in time, in the same way that a third party that we deal with, whether we're dealing with a supermarket or someone else will come back to us every so often as the subscriber to that list or whatever and ask us to confirm our details again.

So why can it not be, in addition to perhaps ICANN doing this if they are legally able to, but the registrars and registries cannot take on this task to ensure that we have a more accurate DNS? Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Nigel. Any reactions to Nigel?

CHRIS LEWIS EVANS: Sorry, I will take a quick answer at it, Melina, please feel free to jump in and correct me if I'm wrong, our belief is that ICANN do have legitimate interest and able to do that within the RRA that they require this to be accurate so we believe that they do have a legitimate interest and a purpose to check that data so they should be able to do that, hence the questions around have they considered it.

And then also under that same section, the registrar has an obligation to check out that the registrants have provided correct details and if they haven't, they have policies for removal of that domain. In some countries this is a lot easier than others depending on how the postal system works and other factors and each different registrar has a different process to do this and obviously as I have said, within each country this is very different and very difficult when you are obviously selling to multiple nations across the globe which is why we really see the need for ICANN to be able to audit this to ensure that some of the registries and registrars are implementing these systems correctly and are checking their data appropriately, and there are some registries and registrars that do a lot better job than others that we have seen from

some of the work that we carry out within the National Crime Agency, so it is able to be done but it's not necessarily an easy thing to verify every time. Thank you.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Chris. I have Jaideep next, please go ahead -- Melina.

MELINA STROUNGI: I think Chris covered basically, but pretty much also what I see in the chat is what I wanted to reply to, there are different models and different registry, registrar models and not all registries have the data, some do, some not. So some have a direct relationship, some not. So really it depends on who has the data and what are the specific agreements in place. But certainly this is now under discussion, this point precisely, who can measure it, and this is what we're currently discussing as a group. Thanks.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Melina. Jaideep, please, go ahead.

INDIA: Thank you, Manal. So I have just put in the chat box, this is in response to what Nigel was mentioning, and I just wanted to mention that NIXI in India started performing the eKYC for the existing .IN domain names and we have made it mandatory for all new .IN domains. So I think that answers that at least in India, we have done exactly what Nigel has been

sharing with us. In addition, I would like to mention a couple of more points actually on the costing which our French GAC colleague mentioned. While I saw the costing that was presented in Laureen's presentation, we would like to suggest that since ICANN could take it a step further and especially on this SSAD financial sustainability issue and maybe the entire funding could be done at the ICANN level itself rather than trying to identify, categorize who will be a party and creating more complication in the whole process. So that no fee should be charged during the accreditation process as well as while using the SSAD system to access the WHOIS private data by third parties. I'm sure that the additional resources that would be generated through the new gTLD proceeds and auction proceeds, money could be effectively, prudently used in this rather than creating a much more complicated system and model where you are trying to work on who's going to [inaudible], what should be the categorization, what should be the [inaudible]. So just for consideration, we feel maybe ICANN could just take it a little forward rather than restricting itself to only the initial stages that have been indicated initially borne and subsequently borne by the users. So one suggestion.

Second, we also wanted to mention, and I think that point was also brought out in Chris' presentation about the recent realization of the fragmented one. So we feel again that there are a lot of demerits in a full decentralization as it may take away a lot of responsibility, accountability and much more data efficiencies in the old system. And also, the issue of controllership is still not resolved. So it would be better to keep it in a much more centralized manner so data

dissemination and control is at one point. And finally, on the implementation review team, the EPDP Phase 1 IRT that has been constituted, I think it was also brought out, there is an extremely – I mean the pace of work that has been going on definitely needs to be scaled up and we need much more clearer timelines so one can plan for and workup towards the final system that would be put in place. So these are some of the comments. Thank you very much.

MANAL ISMAIL, GAC CHAIR: Thank you very much, Jaideep, and mindful of the time since we're at the scheduled end time, I'm going to share a quick thought, again, not necessarily to be addressed right away but maybe something we need to think about unless you already have the answer. And there was great support to the pilot thing in the chat and also the last slide had a phased approach for the SSAD and to me a pilot means either implementing something on a smaller scale than what originally the intent was or giving up a few features, for example to start with, so I was just wondering whether within the GAC we know the characteristics of the pilot that we are talk about so that we are all on the same page? I mean, how would the pilot different from the final implementation? Again, it's for our later discussions, because we're two minutes after the hour and respecting the time of everyone and also the interpreters, I am concluding the session, and please be back after the break at 14:30 San Juan time, 18:30 UTC, for discussions on DNS abuse and subsequent rounds of new gTLDs.

Thank you very much, everyone.

[END OF TRANSCRIPT]