

Transcription ICANN Dublin
GNSO session Saturday 17 October 2015
Privacy & Proxy Services Accreditation Issues PDP WG - update

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Steve Metalitz: Yes. Steve Metalitz, here, as the Acting Co-Chair, along with (Graeme Bunton) of the Privacy and Proxy Services Accreditation Issues PDP Working Group, familiarly known as the PPSAI-PDP-WG.

We've been hard at work. You've got some slides here that give you some of the facts and figures. We've been hard at work for almost two years now. We've met by phone, roughly, 70 times. We've had two all-day - or most of the day - face-to-face meetings. The last one was yesterday.

And we have got in – we are now looking at what I call a near-final, near-complete report for setting the minimum standards for accredited privacy and proxy service providers.

We – as I said, we're reviewing that. I think we had a good session yesterday, and we're hopeful that we will have the final and complete report to the Council prior to your December meeting. That's our current timeframe.

It will be a complete report, but we're now looking, you know, we're now looking at some loose ends that do need to be tied down, and it won't be as comprehensive report, in some ways, as we would like, but I think it will hopefully be a basis for action by the Council.

The reason that – the main reason, I think, that we are not presenting the report now - which was kind of our original timeframe - was the response to public comments. And you see here some of the numbers of the very high volume of public comments that were received.

So we had to read all those, and take them into account, and organized the issues that were raised there. Some of those comments were in response to specific questions that we posed in our draft report. Others were not.

And so, there was a very significant sorting and organizational challenge that we faced, and I want to thank (Graeme) in particular for helping us to do that. He helped develop a tool that - at least we were able to start getting our arms around this mass of comments.

The other folks that I would thank for this would be the staff, who have also helped us in organizing this, and the members of the Working Group, who organized themselves into four sub-teams to look at particular aspects of these - including one sub-team that was dedicated to issues that we hadn't asked about but that were raised by the comments themselves, and trying to tease those out; figure out if there were things that we needed to change in our recommendations.

I think you'll see when you see the final report – I'm hopeful you will see – that it doesn't deviate dramatically from the draft report, but there are some important issues that we – that will be resolved there and some additional changes that will be reflected in the final report.

So our goal is to – as I said – is to wrap up that work and have it to you before the end of the year. And I've heard a lot of comments today about the level of volunteer burnout or overload, and I think perhaps one little contribution that we can make to this is that the people who dedicated so much time and energy to this Working Group will at least have a breather - after December, if we are lucky, and I suspect we'll become engaged in some other things.

So that's my brief summary unless there was – I can't remember if we have another slide or if this does it all here. And I'm also happy to defer to (Graeme) if he has anything that he wants to add.

(Graeme Bunton): Not much, Steve. Thank you. Yes, I think that was pretty comprehensive. The only thing that I would maybe note for the Council is yesterday's face-to-face session, I think, really was quite positive. We moved through a lot of work in a good period of time, and that felt like a good experience, I think, for most people in the room.

Steve Metalitz: Yes, that's certainly – this is Steve Metalitz again – I think that was the feedback that I got informally. So we want to reflect on it a little bit more, but I know that the staff is interested in knowing whether this face-to-face approach is a good one. So, we'll try to give you some feedback on that.

This other slide does talk about some of the issues that were open at the time of the initial report, and there was a – a lot of concern about some of these, and we had a blog post to explain to a lot of members of the public, and who didn't entirely understand how we were proceeding on this and what was in effect and what was still under consideration.

So I hope that we – with the help of the staff – were able to clarify that. And I will say one point that came up time and again yesterday in our discussion was the challenge of communicating to the public the substance of the new –

excuse me – the new accreditation framework that we're recommending and what it means for domain name registrants, and so forth.

And as a – perhaps – as symptomatic of a large issue of whether ICANN communicates clearly to the public about many issues, this is one where people felt it was important that we take extra efforts to do that, and either through, you know, generating FAQs that would go out and this type of thing, just to help explain an issue on which there are a lot of public misconceptions.

So that's just an implementation issue, obviously, but I think it's one that kept coming up time and again, so I wanted to underscore that today.

(Jonathan): Thanks, and I think that is useful feedback - or potential feedback - on the Working Group – the face-to-face Working Group. It's something which the Council, obviously, has the capacity to initiate in conjunction with the Working Group and needs to know that feedback together with the staff.

Did you discuss – or, and forgive me if you covered this, but I don't think you did – whether accredited providers need to be from existing contracted parties, or could they in principle come from outside of that network?

Steve Metalitz: We've been operating under the – this is Steve again – we've been operating under the assumption that they could come from outside of existing contracted parties, and there are a number of challenges that that presents.

You know, if your registrar is also your privacy and proxy service provider - or vice versa, I guess - then a lot of different things can happen. For example, if you were – are - removed from the privacy proxy program, you may also have the option of having your domain name registration cancelled by either the same entity or an affiliated entity.

Obviously if the privacy proxy provider is not affiliated with an accredited registrar, that issue gets more complicated. So, we have certainly identified some of those issues and done our best to address them, but I think that is going to be one source of implementation challenges in this field.

(Jonathan): Any other questions, concerns or issues for Steve or (Graeme)? (Faulker)?
Any other comments? (Stephanie)?

(Stephanie Barron): Yes, just to provide a – (Stephanie Barron), for the record. A bit more color about the publication - Public Education.

There was quite a discussion the other day. One of the problems that we believe we're dealing with is that the public knows so very little about what happens when they register a domain, that they may not be aware that they need to use public and privacy proxy services, so we're calling on ICANN to do a little more public education on the basics of what its business is. Thanks.

(Jonathan): Okay. Go ahead, Kathy.

Kathy Kleinman: Kathy Kleinman. Is the microphone one? Great. NCSG and member of the PPSAI.

And first, I wanted to thank our Co-Chairs, Steve Metalitz, (Graeme Bunton) and Don Blumenthal - who have done an amazing job across two years of this Working Group. An awful lot of work.

I wanted to reflag - but this time with exclamation points - 21,000 comments came in, guys - because of the 10,000 signatures on the petition had many comments associated with them as well. An amazing outpouring.

The Federal Communications Commission of the United States got 5 million on net neutrality. We got 21,000. I mean, this is the beginning of, kind of,

people getting involved from the outside on really technical issues. This is great.

I just wanted to share, and you should know, that this is still a great concern about the accreditation program. We were asked to do it, but the public expressed a lot of concern about whether it should exist at all.

So I just wanted to let you know, a lot of people are going to be watching. They're going to be watching our implementation, and there's still great concern, you know, whether kind of a global set of standards should be created at all. So I just wanted to flag that.

But thank you very much, and to my Co-Chair, (Paul), who - we went through all the kind of miscellaneous comments, and it was a fascinating experience to hear from everybody across the world. Thank you.

(Jonathan): Thanks, Kathy. (Elliot)?

(Elliot Noss): Yes, hello. I wanted to speak briefly about the third party accreditation process, and more than anything else, what I would really want to do is at this juncture, you know, I expect we will go down this road in some form, and I think it's a great idea. There will be implementation challenges.

And I think we all need to expect that there will probably be a two- or three-year period where registrars, compliance and these third-party – these third parties who will get accredited - are going to have to work through the bumps.

Now I can tell you that right now you probably have a world where something in the order globally of 50,000 Web designers operate as a regular practice by registering their customers' domain names in their name, and that's just a big broad example of a class - and there's about three or four classes - where hosting companies, lawyers - others who normally employ this practice that is not going to because of some ICANN edict or policy go away overnight.

It's not a bad thing, but it will take real work, and I want to put a bookmark in here now so that when we're six months into this program, and we have bumps, and people who are looking to get privacy overturned aren't having it done as fast as they would like, to understand that in the longer term, this is going to be great for them – for the people who want to penetrate privacy for good reasons. But this will take time and effort. Thanks.

(Jonathan): Thanks, (Elliot). Any other comments or points? (James).

(James): Yes. Just to reinforce what (Elliot) raised, and I think the point about Web designers is good. There's a number of service providers that - advertising agencies, marketing, graphic designers - I know a lot of folks don't believe that domain name registration is the core of what they do. It's just a kind of an add-on to service or a product to their core practice, but to his point, I think, you know, and it came up frequently.

I only attended, like, the last three hours or so of the face-to-face yesterday and I thought it went really well, but we just kept coming up with this, and you know, there's going to be a mountain of implementation and challenges.

And I think one of them will be that - even from GDD staff - is we're hearing some concerns about starting to construct the application for accreditation. I mean we're going to have to start from Square Zero here with applications to become an accredited proprietor.

How we're going to – how they're going to evaluate those applications and grant them; what the fee structure will be. You know, it's going to look and track very similarly to registrar accreditation, I think, has been the assumption all along, so how can we maybe start to lay the groundwork or start the conversation with the GDD folks now that this is coming.

And the end result, I think, to (Elliot)'s point will be a better place, but it will also contain an entirely new type of contracted party with, you know, potentially its own seat at this table.

(Jonathan): Well, that's fascinating. I wonder how you bind those parties into the whole thing, but anyway, go ahead.

Steve Metalitz: Well, I think – this is Steve Metalitz again – I think everyone has talked about implementation challenges, but any problem is insurmountable if you define it globally enough, and I think you've just heard several examples of that.

I think if we focus on the entities that we know are now very active in the market place - holding themselves out as privacy and proxy services – services that will help keep your contact information out of the publicly accessible “who is.” That's the core of the issue here.

Now, that doesn't mean that there aren't other entities affected by this, and we still have - one of the loose ends we still have - is to see whether there should be any explicit exclusions from the definition of these providers that would have to become accredited.

But I think we should, again, keep our focus on what the main element of the problem is here and what gave rise to our Working Group - and it wasn't, you know, graphic designers.

I also think that, while we have had a lot of discussion about these, you know, how we're going to make accreditation structure work - and there definitely are similarities to the registrar accreditation framework - there may be differences as well. One thing to bear in mind is that as we foresee it, a registrar – a privacy and proxy service - would not be in contractual privacy with ICANN.

The way this is enforced is that – or the way that it fits into the contractual structure - is that an accredited registrar, as was agreed in the 2013 RAA that all the registrars have signed on to, or most of them, they will not knowingly take registrations from unaccredited proxy service providers once an accreditation system is in place.

So that's the contractual basis for this. It's not that there's contracts with service providers - accredited or unaccredited - who are providing this service; it's a – so we're not expanding that universe. We are saying that one obligation that the registrars have taken on by signing the 2013 RAA is not to knowingly accept registrations from unaccredited providers.

It still means you have to have an accreditation system. They have to be able to know who is an accredited or an unaccredited provider, and so forth, which are significant issues. But it's not as though we are now entering into proposing that ICANN enter in contracts with thousands - or tens of thousands - of new entities. Thank you.

(Jonathan): Thanks. (Elliot)?

(Elliot Noss): Now while I mostly agree with that – and, you know, I think Steve made another good point earlier - but I want to nuance it in an important way. The good point earlier is that the problem that we're core-solving is, you know, with people who are doing this today.

I think naturally that will spill over because it has been my experience that, you know, that the, you know, people that would like to penetrate beneficial-versus-legal registrations will want to do that further.

So I think that that's an inevitability of this program. But I do want to nuance the point about the RAA obligation. So I can tell you the way that we look at that, and we think it's completely inside the bounds of the contract. You know,

we have thousands of Web hosting companies who provide - in today's regime - privacy and proxy services.

We expect, as a registrar, to then be insisting that those parties become accredited. So that will lead inevitably to third parties needing to become accredited. We will do what we should do, which is take the millions – tens of millions – of registrations that are today being delivered with privacy and proxy services from people who are outside of the current ICANN contract chain, and be bringing them inside.

We cannot simply go to a hosting company in Asia or Africa or Europe with a quarter million registrations - a 100,000 of whom are under privacy and proxy because of the service that that company offers - and wipe them out.

What we can do is work in a very cooperative way with our customers who are providing legitimate services and bring them into the tent. So I do want to – you know, that will lead, inevitably, to thousands of new accredited parties. And I think we have to expect that, and again, see that as a good thing. Because it does create the privity that I think is what you really do want in the longer term. Thanks.

(Jonathan): Thanks. Interesting. It sounds like quite a significant potential development, and something we need to keep an eye on, so it's very useful to hear the developments so far. Good. Thanks, and for the good questions and discussion to go along with it.

All right. So that draws that report back, and Q&A session to an end.

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