

ICANN MEETING: OCTOBER 2011

23 October: ALAC and Regional Leadership Workshop

The main topic of interest/impact was the discussion on the metrics to be used to gauge the success (or otherwise) of the introduction of new gTLDs. Metrics suggested included number, geographic location, diversity of applicants. One of the aims is more competition, but metrics must include whether there are genuine new applicants, or whether existing registries are simply acquiring more gTLDs – i.e, simply creating a bigger oligopoly. Another metric that was challenged is whether there are more registrations or whether they are simply more defensive registrations.

24 October: WHOIS Policy Review

This was the final session of the Review team for the meeting. The results of this Review will be fed back into the GNSO and probably a public process.

The issue is becoming highly contentious since an ICANN survey showed that, of the WHOIS data provided by registrars, (as required under the RAA to be provided and updated for accuracy) less than 10% is totally accurate and over 50% of the entries was either absent or so incorrect that noone could be contacted. The law enforcement agencies, supported by the GAC, have been asking for RAA amendments to have a 24/7 contact point available to them and full/accurate data – for over 2 years.

The findings of the Review team were:

- There is a legitimate need for privacy in respect of some registrants
- The community has not handled the issue of privacy in a timely or effective manner
- Privacy and proxy services meet a market need – but are undefined in the RAA
- The risk is that, in a privacy server, the data that is deliberately incorrect would be seen as invalid
- There must be a balance between the legitimate needs of the law enforcement community and those needing privacy protection – and the community in a public process needs to define the balance

The conclusions

- The current proxy/privacy server regime is flawed and the team recommends to the ICANN, Board, and GNSO as appropriate to fix the regime
- ICANN must develop and manage a mandatory best practice accreditation system for privacy servers
- Once the accreditation system is operational, ICANN should take the necessary steps to ensure that registrars and resellers cannot accept registrations from non-accredited privacy service providers.
- For accredited privacy services, the WHOIS entry must clearly label that this is a privacy registrar
- The privacy registrar must provide full contact details for itself (as required under RAA)
- Remove proxy servers from the RAA since the proxy, as agent, IS the registrant
- There must be standardised relay and reveal processes and timeframes for compliance
- Must be a detailed abuse point of contact for the privacy service provider (as well as all registrars)

Issues to be finalised (through community submissions):

- Eligibility for use of a privacy service: Should it be confined to a natural non-trading person only or include not-for-profits (e.g., women s refuges) and how to define/confine the parameters
- Who has access to the privacy data. There was general agreement it should be law enforcement agencies, maybe certs. But wider wording was suggested - the law enforcement 'industry'.
- Also - because the public barely knows what the WHOIS data base is, let alone find it, there was a recommendation that ICANN have a portal on their site that links to the various whois sites. This addresses the issue of ICANN hosting the WHOIS information and, because it is based in the US, all the data would be subject to the US Patriot Act.

23 October: Compliance Briefing to ALAC/ALS

Of the almost 1000 registrars, only 8% still operate under the 2001 RAA. The rest operate under the 2009 version of the RAA and are subject to the compliance regime.

The compliance regime is a self assessment one which starts with an email to the registrar of a breach, and if not rectified, a second contact by email and phone, and if still not rectified, by email, fax and phone.

ICANN then sends a breach notice, giving 15 days for a response. The process is self regulation, together with ICANN monitoring, education and outreach processes. At the top is a formal process.

The compliance team does not deal with or audit resellers – ICANN does not have a contract with them.

24 October: Compliance workshop

The ICANN compliance team has developed a draft questionnaire for registrars (and another for registries will be developed before Costa Rica). This has not been made public. They are first seeking feedback from registrars on whether the questions are clear and how long it will take to fill the questionnaire in.

Compliance explained there are two bases for the questionnaire: to satisfy community expectations for compliance action by ICANN and wanting more data on compliance - based on RAA requirements. There will be a compliance check every year - starting with registrar self assessment by filling in the questionnaire - which will be viewed. Under the RAA, registrars must comply with the ICANN self assessment process.

26 October: GAC Plenary Session – Chair of the SSAC Briefing to the GAC (which was closed after this briefing)

Raised three issues:

- SSAC has written to the GAC AGAIN because they do not feel that their recommendations on WHOIS data/accuracy have been taken seriously. He noted that the WHOIS data is used for different purposes: law enforcement/trademarks and information
- The SSAC has issued an advisory SSAC 050 on blocking and DNSSEC. In the paper there is a discussion on when it should be used, and adverse impacts repudiation and blocking can have on the system
- When asked, SSAC advised against domain names that do not have dots in new gTLDs. SSAC strongly opposes the idea as it raises enormous operational issues.

27 October: Future Challenges Working Group

This meeting was not listed on the ICANN schedule. It was called by the ALAC Vice Chair on the basis that a lot of the work done by ALAC and the RALOs is reactive and the user constituency should be more proactive. The meeting established two groups.

Group A is the overarching group – to look at how to maximise the effectiveness and relevance of the At Large constituency – the users. Group B will be concerned with the specific topic of registration abuse, and the need to develop a well researched paper on the issues raised by registration abuse for end users – with the aim of having a paper for ICANN by mid-February. Group B includes three people with the expertise to develop a paper. I put my hand (for ISOC-AU) up for Group A.