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MAGUY SERAD:	Good afternoon, everyone. Welcome to ICANN Contractual Compliance Program Update. My name is Maguy Serad. I'm going to thank the Contracted Party who are in this room with us today. After yesterday, you would probably be tired of us by now. Thank you for being here.
	I would like to encourage everyone to join us at the table if possible. This is an open session. It is going to be recorded and we'd like to invite you to be active participant. We have a very brief update so that we present some of the hot topics that we know are of relevant to the audience, and then we will take your questions.
	With me in the audience I have my Senior VP Jamie and a couple of Contractual Compliance team members. I have Jennifer Scott. I have Leticia Castillo. Both Jennifer, Leticia, and I are from the Los Angeles office. We also have Zuhra Salijanova and Holida joining us from the Istanbul office. So this is Holida's first ICANN meeting. She has been with us for about a year. She has gained enough knowledge to be present here with all of us.
ZUHRA SALIJANOVA:	Thank you, Maguy. Hello, everyone. My name is Zuhra and I am based at ICANN Istanbul office, and I will be providing you some information

about our outreach activities globally. This year we conducted various sessions for Contracted Parties globally.

This April we conducted China outreach visit in Guangzhou, China.

There was another session provided for African registrars this May in Dakar, Senegal organized by ICANN org as part of the Africa Internet Summit.

In Seoul this August, we organized another registrar outreach in collaboration with the Korea Internet and Security Agency.

And the last but not the least, this September, ICANN org organized onsite visit to one of the North American registrars.

If you're interested on the details of the activities globally by ICANN Compliance, you can visit this link and you can find all the details and information. Thank you and with this I'm passing the floor to Jennifer Scott. Thank you.

JENNIFER SCOTT: Hi, everyone, this is Jennifer Scott. So as you can imagine the focus of our meeting this week was Contracted Parties have been on temporary specification items, but for purposes of this outreach which is a broader audience, we wanted to talk about what we've been seeing from a reporter perspective on complaints and what the common complaints are, post temporary specifications becoming effective.

So this is a list of that. When we use the term "Reporter," we're referring to anybody who submits a complaint to ICANN Contractual Compliance. This may or may not be a registrant of a domain name. It could be just and end-user of the WHOIS system or otherwise. And the largest number of complaints we've been getting from reporters since temporary specification has become effective is that the reporters don't understand what has happened to the WHOIS information and they believe the registration data is just missing or that's an inaccuracy because it's not being displayed.

So we have been engaging in a lot of education to our reporters about what the temporary specification is and the changes that has imposed on Contracted Parties. Other things we've been seeing, if the reporter is familiar with the temporary specification is that they disagree with it. In regards to the fact that it allows Contracted Parties to redact registration data even for non-European economic area registrants and so they think the GDPR is only relevant to that area. So we are also educating them that the temporary specification allows for such redactions where feasible and reasonable.

We've also seen reporters who are registrants that want their registration data to be displayed. And we've also seen a large amount of confusion between redactions made in response to the temporary specification versus information that was already under a privacy or proxy service. So again, we're educating about those areas as well.

One of the other areas that we've seen is the registry WHOIS output is being displayed by the registrar. This is mostly for domain names and

Thick registries. And if the registry has implemented their temporary specification requirements properly, they have a message in the e-mail fields that asks or notifies to go to the registrar to get the registration data or to contact that e-mail address for that contact. And so, with the registrars displaying that registry output, they're kind of caught in this infinite loop of not being able to contact the contact of that e-mail field. So that is another area where we're seeing some complaints in.

Another one is if the registrar has implemented an anonymized e-mail or web form in the e-mail contact field for contacting that particular contact in the WHOIS. The web form might not be working or the e-mail address might be rejected and so where that's non-functional we are getting complaints about that as well.

In terms of the Registry Compliance with temporary specification in regards to changes to publicly displayed registration data, again they are required to put the message to contact the registrar of record for the e-mail of the contact. And so with regards to Registry Compliance, that's one complaint that we're getting from reporters as well.

And then finally, there's some changes imposed on the transfer policy by the temporary specification. One of which is it allows gaining registrars to not require the Form of Authorization or FOA if the registration data is not available or accessible at the time of the transfer request. And even though it's not a compliance issue for the gaining registrar to continue to require the FOA form, it is causing some confusion and leading to transfers not being completed. So

again, we're trying to educate registrars as well about the changes in Appendix G to the temporary specification that are related to the transfer policy.

Similarly, with Registry Compliance, our focus has been on temporary specification. Many of the same issues that I just talked about are coming up with registries as well.

MAGUY SERAD: Thank you, Jennifer. I just want to remind because I've seen some people enter later. My name is Maguy Serad and this session is being recorded. Our goal today is to engage with everyone at the ICANN community and providing you with brief update but then take any questions you have. So our discussions today and you'll see from our presentations they're focused on ICANN community members.

We thank everyone who's joined us. For those who don't know whose some of the team members are here, we have Contracted Parties with us today and I'm looking around, I see ICANN community members. So thank you for joining us.

The update continues regarding enhanced transparency. As we are committed to continue to improve our transparency in relation to the compliance activities so the anyone in the community has the same access to the information that is being requested of us across different working groups, review teams, policy teams. What we do is we publish all of our metrics inclusive of our contributions that we do to these policy review teams and working groups. They are published on our

Compliance Metrics page as you've heard through us before, measurement and reporting.

Since our last ICANN meeting when we provided the community with an update on our enhanced transparency, if you are new you can go back to our metrics as far as almost a year ago. You will see that we have added a level of granularity to the different complaint types based on the CCTRT Review Team. I know we're so used to abbreviations. Consumer Trust –

UNIDENTIFIED MALE: Competition, Consumer, Choice and Consumer Trust.

MAGUY SERAD: Thank you. Competition, Consumer Choice and Trust. You see why it's a mouthful. CCTRT Review Team, a lot of their recommendations as they were working as a team, we follow all of these activities closely so we can understand what is the issues they're trying to address, what is the community concerned about, and what is the level of enhanced transparency we want to do?

A lot of the stuff that they were requested, we launch efforts internally within the Compliance Teams, looked at our ticketing system. How can we track this information, this granularity? And we designed how do we report it to the community? It is data-driven because we're not here to bias or give you our thoughts on it. We give you the data and based on which approach you're looking at the data and we're trying

to understand it, you look at it from your perspective as a community member.

The last report we just updated since the last meeting is we've added a new report. As you know, when we work with the Contracted Parties we work in what we call the Compliance Approach and Process.

The first aspect of the compliance process is the informal resolution, which means that we work collaboratively with the Contracted Party to address either the alleged non-compliance or the compliance issue. And that gives us an opportunity to address the issue, work through it and also gives the Contracted Party to address it. If that effort is not successful, this is when the entire community knows about it via the enforcement phase which is the notice of breach and so on.

So the biggest topic that the Contracted Party will always ask us about is, "You are sending us complaints – some are called inquiries, some are called notices – can you provide us a breakdown of those?" So this is the latest addition of a report we've added.

For the audience, an inquiry means we have an issue at hand, we don't know if it is or it is not. We have gained some information from the reporter and we need further clarification from the Contracted Party to make a determination if it is an alleged or not violation of the contract. So, it's referred to as an inquiry.

Now, an inquiry can turn into a notice. A notice means we have evidence and we know this issue is in violation of the contract. This report will be provided on a quarterly basis and it's available on our

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webpage. We retroed it to the first of the year and we will continue to publish it.

We use to publish monthly newsletters then we move to quarterly newsletters, and the evolution continues. Back in 2011, 2012, 2013, there were a lot of changes underway and we needed to keep everybody updated on our progress. We then started doing quarterly back in late 2014 and so on. Part of the gained efficiency, we also track the use of the data we spent time and effort in delivering to the community. Well, the quarterly newsletter over the past year has dropped in review almost to nothing.

I want to say also because we also provide an annual report, so many of you have referred to the annual report and look at it more so than the newsletter that we provide. So effective July 1, we stopped producing it. So if you're missing it and you want to know, reach out and let us know.

This here provides the bullet of couple of the very active subgroups that we've been working with. As you have heard throughout the week, there is the expedited policy development process that's underway. They have engaged with Compliance directly and asked us to review their questions, to review the purpose of the table they've provided, and we met with them in person when they were in L.A. to address their questions.

Again, for the sake of transparency, we know that EPDP has their website and their page where everybody goes to but we also publish it

on the Compliance Performance page that "Please refer to this and we link to the document that's been provided to the EPDP team."

Another group we actively engage with, as you know the SSR Review Team which is the Security, Stability Review Team 2 is back in action. They are meeting actively during this session but they have also been engaged with Compliance requesting data. All of that is also available whether it's data or questions all on our web page.

The last update for the community is that Compliance continues to conduct audits. This year we have approached audit a little differently in light of the temporary specification, GDPR and all the activities at hand. Also by request from the Registrar Stakeholder Group, we have delayed the registrar audit to allow everybody to stay focused on readiness and implementation of the EPDP and GDPR.

But what we have done is, on the backend, we have launched what we call DNS abuse audits. We just completed one at the end of September and we are preparing to complete the audit report that we will publish on our page. But currently, if you're curious to know what was this audit from March? Who were the 20 TLDs? It's published on the Audit webpage.

We have also sent what we call a pre-audit notification. Basically, we are informing the registry operators. There's nothing in the contract that says that we have give them a note and heads up, but we do it. We do it, we give them a 15 days heads up saying there is an audit coming. The reason we do that is to allow them to prepare their resources for the audit but also if the Contracted Party has system upgrades or

something that requires their resources to be focused in some fashion or another, we try to understand that and work with them to see whether we either delay them, postponed it or no, we continue with the audit.

So we just launched the pre-audit notification and our goal is to launch the audit next week. This audit is a unique audit. We haven't done what we call a focused audit in a while. The last time we did a focused audit on DNS abuse, it was focused on Spec 11 3b. It was back in 2014 where we had only focused on 250 TLDs that were delegated and also assigned the RA and they had been in operations. And now almost three years later, we want to do a full all-inclusive DNS abuse audit. We are not doing a full audit on all the obligations. This is only focused on abuse.

With this I'm going to turn it to all of you. I'll ask that if you please identify yourself, your name and association as you speak.

KRISTINA ROSETTE: Thanks, Maguy. That was really helpful. This is Kristina, Amazon Registry. I'm just looking at the new report. You just referenced the Compliance reports rather than the monthly newsletters. You had mentioned that you can get an inquiry then you get followed by a notice? And I noticed that the total count is 331 for the last quarter.

So my question is really simple. If you could do an inquiry and a notice, does it show up twice or does it only show up once? Thanks.

MAGUY SERAD: That's why we are doing it quarterly. Thank you for the question. We look at the status of that quarter at the end of it. So we will count it once.

JAMIE HEDLUND: Just one thing which I think we've said before which is we present the data in the way that we think is helpful and makes the most sense to community. But that's our perspective and we're not in your position so to the extent that you have feedback on the data that we're collecting, the data that were presenting, please, please, please provide it. You can provide it here. You can provide it by e-mail. You can call us, whatever. Transparency is a big part of what ICANN does and obviously informs Compliance's work as well.

MAGUY SERAD: This was Jamie Hedlund, my Senior VP. For the people in room in person, I went to the Compliance page that I was just referring to. This is our landing page, Contractual Compliance. There are a couple of educational video and a couple of infographics but the page I was referring to, as you will see, we have four main categories. There's one called Reporting and Performance and Measurement. On the landing page of that one is where you will see the different categories of transparencies we bring forward.

One of them is notices. We talk about outreaches. You heard Zuhra on the team that shared with you about the outreaches. Reports and blogs. These are the annual report, the audit report, and the blogs.

And then the performance measurement and reporting, which is this last bullet here.

Here you have what we call the dashboard which has the monthly, quarterly, and annual. Also on the bottom you have additional Contractual Compliance-related questions and data that we've provided to other community members.

Heath Dixon:

[Heath Dixon] from Amazon. On the types of data that you're collecting, I went to an interesting presentation this morning on what issues and challenges are registrants having managing domain names. Brian Gutterman, one of the sources of data that he was giving us was Compliance complaints and an issue with the data that I hope that they'll be able to correct is that they didn't know whether a complaint was coming from a registrant or not. So they were having to estimate which complaints were from registrants versus from third parties or somebody else.

What I'd like to know is, is it that you have the data and he wasn't able to get it or do you not track who the complaints are coming from? Because I think it's a really interesting thing to do to start digging into, what are the issues and complaints that registrants are having so that we can understand more how to help those registrants, whether it's that the Contracted Party actually did something wrong or if it's that the registrant just wasn't properly educated. But the best way to be able to do that is to know if the complaints are actually coming from registrants so we can target those. So I wanted to see, do you collect

that data when you get the complaints? And if you don't, could you start collecting it?

MAGUY SERAD: Thank you for the question. The answer, no, we do not collect the data. We don't have the ability to distinguish between if it's registrant or different reporter. Our ability to distinguish it is at the level of the detail of the complaints. So today we don't collect. There's not a field that says, "I'm a registered name holder," or "I'm a Contracted Party complainant but another person."

But what we do, the estimates that Brian showed with you is information that he has been provided from Compliance. And we give him an estimate because as you know, transfer, especially unauthorized transfers or transfers between registrars or CORs, are usually from a registered name holder related. So we look at those and give him estimates from that assessment. But we are not tracking it at that level of granularity. Did that answer your question?

Heath Dixon: It did. You do know who is the complaining party though? So you could figure out – like if it's a complaint about a transfer or a complaint about anything, really, you could look and see if that party is the registered name holder. So, you're not having them self-identify as a registrant but it would be possible to identify them?

MAGUY SERAD:

Let me give you another solution in that aspect. You write but sometimes you don't want to also assume. That's why part of the review is to seek what is it we're trying to address. The way we're presenting this data is if you look at the closure of a complaint type, we are providing the reasons. In the closure of different complaint types, we are providing how many [is] the percentage that was closed because of the certain reason or another. And from that report, we'll drive if it's an understanding or not. But if we find like a spike and something, this is where we work with the Registrant Group, the session you went to this morning with Brian. Brian has collaborated with the Compliance Team to provide and we contribute to the blogs that they generate about registrant education. So it's the education we provided in these blogs by contributing to the group is we provide them based on the data and the facts we are seeing, and we're hoping that combination of the blogs, the closure codes and things of that nature, we can provide that level of information.

JAMIE HEDLUND:

Heath, this is Jamie. You raise an interesting question. I don't know that we have really thought about asking people to self-identify. If we have, I'm not aware. It may raise issues but we will take that back because I could see how that might be helpful to registrants as well as Contracted Parties. Thanks.

Heath Dixon: Thanks, Jamie. I just want to say that I think that effort is really important to start getting voice to the customer from the registrants, and so the more that you all can do to support that effort, please do.

RICHARD HILL: Hi, I'm Richard Hill. Since there don't seem to be very many questions, I just thought I'd say hi. I'm one of the PICDRP arbitrators. We haven't had very many cases but I think that's good. It's showing that that system I think maybe is having dissuasive effect than people are meeting their commitments. Just so you know we're here and working for you.

MAGUY SERAD: Thank you, Richard. Nice to meet you in person. I know the name because the names are published on the PICDRP page.

I want to let everyone know we publish the presentation ahead of the meeting. We're going to try to do for the next ICANN meeting, even publish it, try our best to publish it a few days before to give you more time to even look at it. I don't want to say we're going to eliminate the slides. I like presenting to all of you and I look at the faces and engage with you. But hopefully it gives you even more opportunity for you guys have some questions or you want to follow up about it and come from a different perspective and ask questions. So we're going to try by the next meeting – the community meeting – to publish the presentations a couple of days in advance. We do publish them like the week of the meeting.

Any questions? I see a lot of faces I don't recognize. I don't want to put people on the spot. Oh, there's Herb. Okay, I recognize you.

HERB WAYE: Thank you, Maguy. I just wanted to say hi. I'm Herb Waye, the Ombudsman for ICANN. I also like to drop in to Maguy's sessions because anything to do with Compliance, the significant amount of the complaints that come to my office are related to registrant/registrar/registry issues that are non-jurisdictional but people sometimes don't know where to go so they reach out to my office. In the past I would usually simply supply the link to the Compliance information that we just saw on the page earlier, but coming back to the question that was previously asked about registrant information, I don't collect that data either. But what I've started doing is actually referring people that are contacting my office about domain issues, registration issues and so on, I've started actually referring them to the Registry/Registrar Stakeholder Groups to reach out to the ICANN community and to participate in some of the issues that are impacting those people. So as much as I'm not collecting the data and can't tell you exactly how many people that are complaining to my office about issues that are related to the people in the room here, I'm telling now to come to you. I'm supplying the Compliance link also if there is a reason for them to specifically contact them as per an agreement contractual issue. But the ones that aren't necessary that about domain content and a few other things that they may have issue with, I'm supplying the links to your

stakeholder groups and telling them to reach out and to participate in the ICANN multistakeholder community process.

That's one little step that I'm hoping will improve a little bit maybe some of the things that are in your world. So, thank you.

MAGUY SERAD: Before you get up, if you don't mind, since we have truly an ICANN community represented today – Contracted Parties and other community members – do you mind describing a little bit the process between you and the Compliance Team?

HERB WAYE: And the complaints? The contractual issues are, first and foremost, not as per the bylaws part of my jurisdiction. So when issues do come in that are related to any contractual – the agreements that you folks have between each other and so on – the proper area to go to is Contractual Compliance. But if there is a complaint regarding Contractual Compliance's response to a complaint that has come in … so if Contractual Compliance received a complaint and it has been addressed and dealt with by Contractual Compliance and the individual is unsatisfied or feels that they were treated in some way unfair through the process, then they can come to my office and ask for me to review the process but not the decision.

So, I'm not an arbitrator or an appeal mechanism for Contractual Compliance decision. What I can do is look at the process that was followed and make sure that all of the steps that were taken were

taken as per policy and as per their processes. If I find something that is inconsistent with what is supposed to be normally done, I can bring it to their attention and they can review their process and their decision-making process in that specific case.

Does that answer your question, Maguy?

JAMIE HEDLUND:
So basically, Contractual Compliance deals with issues under the agreements with registries and registrars. Herb reports to the board and takes complaints about the behavior of ICANN, whether we have gone beyond our mission or acted unfairly.

And then there's Krista Papac who is the Chief Complaints Officer. She takes issue reports to the CEO. Some of the complaints that Herb mentioned, you could also take to her. There have been complaints that have been raised in Contractual Compliance context on transparency run PICDRP procedure that I think have been resolved well. But if you don't like the way I dress or whatever or the way any of us talk to you or conduct ourselves outside of interpreting or enforcing the contracts, that can also go to Krista.

MAGUY SERAD:
Any questions?

KRISTINA ROSETTE:
Thanks for that, Herb. That was really helpful. I have a quick question for you. Did I hear you correctly when you said that reporters might

complain about a contractive party and you'll send them the link to Compliance but then you'll also direct them directly to the Registries Stakeholder Group or the Registrars Stakeholder Group? Can you explain to me a little bit more about how you … So the Registries Stakeholder Group is like a group for – to be a member you can't participate unless you're a registry. So how would a reporter interact with the registries or the registrars collectively?

HERB WAYE: I would supply them the links to the various constituency groups starting with the GNSO main page. Under that, I believe there is a member group to the GNSO which has the list of all of the … and on those individual sites, I believe there's contact or at least the names of the chair and the co-chair, but also information on how to participate as an individual. Very often, I would also direct them to the NCUC or one of the NCSG depending on maybe what they were discussing, but they also get a link to the NCSG so that if they want to participate as an individual user. But I may get a complaint from somebody that is involved directly with the registry or registrar issue, which is of course much more an issue for Compliance to look at, but for the individual user they would also get information on how to contact and participate as a member of the NCUC or the NCSG side of the house.

KRISTINA ROSETTE: Thanks. So really, it's more of providing information like, "Here's some more information about ICANN org and all the various groups and the ways you could participate." There's not sort of an expectation that

there's a person within each Contracted Party House that deals with complaints collectively for us.

HERB WAYE: No. That's correct. For the individual user, they would be directed more to the NCUC to contact them and participate in the multistakeholder model and they will be supplied information on the … or actually anything on the Business Constituency side because some of them may also be involved in the businesses and a lot of the domain name complaints that I do receive are about people who have business on the Internet and they may be interested in participating in the BC or IPC or something, one of those other constituency groups also. So I try to give them as much information as possible to participate.

KRISTINA ROSETTE: Thank you. That's helpful.

MAGUY SERAD: Thank you, Herb. Since we have a little bit of time, before I go to the slide on the PICDRP, I wanted to let the audience know, Compliance is not just about looking at complaints and processing and reporting back to the community. We have a voice in every aspect of the policy development process. When an idea is initiated, they come to the Compliance Team and they say, "Is this an issue? What data do you have about this? What are you seeing in this environment?"

We work through our Policy Department and they facilitate the dialogue and the questions to us. We respond and provide the information, sometimes engage with them to answer some of the questions. As the policy development progresses, we stay up to date on every aspect of it. We read. We do not participate actively but when we are invited, we join. But we do read up. We have different team members within the Compliance Team.

Again, understanding the bigger picture, anticipating what are some of the concerns and issues that are being discussed. Help us also be better at what we do. We have different Compliance Team members. Part of our development and growth is to also continue development and growth in the policy aspect. So different team members actively follow up and follow through on the policy developments.

This is just a list of a couple of the areas that are registrar related that we are involved in. Then of course, there is the registry area that the team can also be following, reviewing, and learning about. So I just wanted you to know.

The initiation of an idea, the development of the PDP and then later on is the measurement of that policy. We are hoping that with the policy development, they're going to add more of the measurement of success up front, not later. Because up front, when you identify the issue and put what is the measurement then we can capture and measure it throughout the life cycle. So when they come back a year later or two years or so on, and say, "How are you doing?" Or when the review teams come back like you saw on the previous slide, we have

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the WHOIS Review Team 1, we have the SSR Review Team 1, Review Team 2 now reviewing what? It was implemented based on the first one. So it's an ongoing life cycle for Compliance to collaborate across ICANN org and with the community and the GNSO and everybody.

You heard earlier that we have a Public Interest Commitment. It's one of the reports that Compliance also receives from the community. I'm not going to explain what it is here, bit this is another area where a complaint came through to the Complaints Officer as you heard Jamie talk about it. Based on that report, that's already published. There were some recommendations for improvements. So you can read the report there to learn more about what were the issues but also what were some of the ICANN org Complaint Office recommendations for improvements. I encourage all the registry operators – I think yesterday also I see a lot of you. You were in the Registries Stakeholder session where Russ gave an update about it.

There is a lot of activities going on and if you have any questions or you have anything you want to follow up with Compliance, on this slide you will see we have a compliance@icann.org. By e-mailing it, any one of our team members will have access to it and we commit to responding to you within five business days. If the response takes different specific skillsets, we'll let you know and follow up with you differently.

Any questions in the Adobe Room? Any questions from the audience? Maybe registrars, you deal a lot with the community members or registered name holders or users, is there anything you want to … I

mean this is everybody here, not just Contracted Parties. Is there anything you want to share or talk about relevant to the topics we've been talking about?

JAMIE HEDLUND: It seems like we're getting towards the end of the week. Thank you very much for coming. I really appreciate your feedback. You can also reach out to us offline and I'm grateful for all your feedback and input. Thank you.

[END OF TRANSCRIPTION]