

PPSAI Comment Review Subgroup 1.3.2

Analysis and Report of Section 1.3.2 Question 1 (Relay)

DRAFT

Introduction

All raw data based on the Review Tool provided by ICANN staff can be viewed at the following Google Docs Link.

<https://docs.google.com/spreadsheets/d/1I2VsM45uvKA69HKLKXD18XUZpHkrIAnzkaWInfl3ZUA/edit?usp=sharing>

NOTE: Row 18 of the original Review Tool has been removed after confirming with Mary that this row was data associated with a question in Section 1.3.1.

Analysis Overview

For each comment received we determined how the commenter responded to the following questions posed in the Initial Report.

On Escalation in the event of a persistent delivery failure, providers -

- 1) SHOULD upon request forward a further form of notice to its customer
- 2) MUST upon request forward a further form of notice to its customer

Regarding Cost

- 1) Providers SHOULD NOT have the discretion to charge a reasonable fee
- 2) Providers SHOULD have the discretion to charge a reasonable fee
- 3) Who should bear the cost

Each of these questions are represented by an additional column in the review tool. Additional comments, not covered by these questions, were also tracked in the "Other" column.

When there was a clear indication the commenter agreed with the question a 1 was placed in the column, non-support resulted in a 0.

When the commenter did not directly answer one of the questions a n/a was placed in the column.

Findings

A total of 61 responses was received and analyzed.

As for the question regarding escalation

- 7 thought providers SHOULD forward a further form of notice to the customer
- 8 thought providers MUST forward a further form of notice to the customer
- 43 did not provide a response

As for the question regarding charging a reasonable fee for escalation

- 6 thought that providers SHOULD NOT have the discretion to charge a reasonable fee
- 12 thought that providers SHOULD have the discretion to charge a reasonable fee
- 38 did not provide a response

As for who should bear the cost

- 6 thought cost should be born by the P/P Service Provider
- 12 thought the cost should be born by the Requestor

Comments not associated with Questions Asked

Comments not related or associated with the specific questions asked in the report were varied.

- Several stated that there should be no mandatory minimum requirements for relay. In fact, several respondents suggested that relay should happen without a court order or probable cause from an LEA.
- Several suggested parameters around how a persistent delivery should be determined. (Note this is an implementation issue)
- Several suggested that persistent failure should trigger re-verification of info (Per the 2013 RAA)
- Several suggested that providers should be able to limit repeated requests for abuse purposes, however one stated that providers must not have the ability to limit the number of requests from a single trademark owner for different domain names.
- (There were others single comments that are not listed here)

Comments we should consider adding clarifying text to the report

- 1) Define what a “reasonable fee” is
- 2) Clarification as to exactly which orgs constitute a P/P provider.
- 3) Strike “The number of” from escalation text.

The most insightful comment by far was the comment by Jawala stating that PPSAI working group members should get a life. I suggest we put aside 3 hours of our next face to face meeting to debate this important topic.