
MONTREAL – GNSO - EPDP Phase 2 Meeting (first part of 3 out of 4)

Monday, November 4, 2019 – 15:15 to 16:45 EDT

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UNIDENTIFIED MALE: It is Monday, November 4th 2019, at ICANN 66 in Montreal. This is the GNSO EPDP Phase Two Meeting, first part of three out of four at 15:15.

JANIS KARKLINS: Good afternoon. Thank you for coming back with us the third day of the meetings. Today, we have two consecutive 90-minute sessions with one small break in between. Let me maybe explain how we will proceed. In this session, we will discuss, as you see on the screen ... Maybe spend some time exchanging views on the plenary session. Is there anything that we need to factor in in our future activities? And then, we will go to building block query policy and see whether we can close that building block list, based on the text that was sent to the team mailing list a few hours ago.

Then, after the break, the team would split in two. The Legal Committee would remain in this room, and would talk about outstanding issues of that nature. The rest of the team will be invited to move to Room 525A. And then, with Rafik, we would do the first reading of logging and auditing building blocks, just to see whether all elements are in place. That would be for today, in that mode.

Then, on Thursday, we would have 90-minute session, where we will try to close every outstanding issue. For instance, if Legal Committee

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would produce a miracle, and would put forward something for consideration of the team, or in the meeting on the logging and auditing would come out some proposals. And then, the rest of the time on Thursday meeting would be devoted to discussions on the way forward.

Let me maybe very briefly outline a few things that I would ask you to think about until Thursday—not to react and respond now, but just to think about Thursday on two options. We did a little bit of calculation of the time.

If we manage to put forward the initial report around 4th December, then during the face-to-face meeting, we would go through comments that would be received after the comment period. And in between that 4th of December, maybe one or two meetings we will devote to discussion of priority two issues, and then would go to the meeting in Los Angeles, which then would probably lead us to put out a final report after March meeting. That's the one scenario. The problem is that we may not have ideal initial report. Please think whether you would be prepared to put out maybe a rough initial report, instead of a traditional initial report.

If we go for the publishing of initial report, which would be probably slightly better than we would have in early December—slightly better—not ideal, but slightly better, then we would risk to drag all the processes to June meeting, because if we put it after the face-to-face meeting in January ... If we put out initial report after a meeting in January, it means that in March meeting, we will not have material to

work on, because comment period would end after March meeting. So, we would lose one opportunity to engage with each other in March.

That is our own determination what we want to do. Please think about those different scenarios, that we can discuss them on Thursday. With this, I would like to open the floor for any reactions members would like to make, in relation to the the public session today in the morning. Milton, please.

MILTON MUELLER:

Sorry. I'm not on the online platform yet. But yes, we had a very interesting statement from the European Commission Representative—I'm sure you all were aware of it—in which he told us that effectively, the UAM would not remove the liability of the data controller, which is the registrar or the registry. I wondered how people reacted to that. I'd like to kick that around a bit. It's sort of giving us ... Obviously, he's not the European Data Protection Board, but he's kind of answering the question that we asked the European Data Protection Board, and he is the European Commission. So, interesting contribution.

JANIS KARKLINS:

Thank you, Milton. I am now in the Zoom Room as well, so if those who want to use Zoom Room. Georgios, please.

GEORGIOS TSELENTIS: Yes. I would like to say something that I said repeatedly also in the past, and I will say once again here. The question of liability is related with the responsibility, and the responsibility is related with the processing activities. So, as long as the processing activities which are performed by the Contracted Parties regarding personal data ... This part of the processing activities which is related to the Contracted Parties has attached to it responsibility, and therefore liability. This, to our understanding, to our analysis, cannot be delegated. This is what we say.

JANIS KARKLINS: Okay, thank you. James and Hadia. James, please.

JAMES BLADEL: I was also keenly interested in that comment, and also the comment that he wasn't speaking for the Board, but we should ask. That's kind of what we're doing, I thought. We're asking, and we're trying to pin somebody down here, so that we're not getting more mixed signals. There were two other comments in the public session that I wanted to respond to.

The first one was—and I think it came fairly late—which was, “Why aren't you using the existing WHOIS Conflicts Policy that we already have adopted? Why are we going through this?” I think that the answer, for me, is fairly simple. That's a one-of policy for specific situations. It's not meant to address a systemic policy or conflict that affects the entire industry.

And then, the second bit was ... And I don't see ... Is Chris here? He mentioned something about just taking a step back. Chris Disspain, sorry. He mentioned something about taking a step back, and looking at the overall purpose of WHOIS—what the data is collected, and what's done with it, and do we still need it. I don't personally disagree with that statement. I think the applause indicated that a lot of folks agree with that statement.

I just don't think it's particularly helpful at this stage in the game to put something like that on the table, considering what this group has gone through—what Phase One, the Temp Spec, RDS, the Expert Working Group, RT4, and the other WHOIS PDPs that preceded it. I feel like that's coming pretty late in the game, and I thought it was a bit of a distraction. Good applause line—don't get me wrong—but just not really constructive. Thanks.

JANIS KARKLINS: Thank you. Hadia?

HADIA EL MINIAWI: I was always under the impression that ICANN Org or the Strawberry Team, before actually they submitted their report to the European Data Protection Board, that they should have consulted some DPAs or European Commissioners. So, if the answer was that obvious and that quick, I'm wondering why did they even send out this report. That's just a thought.

However, also, what I understand, that the report submitted to the European Data Protection Board does not ask for or suggest removing the entire responsibility or liability from—waiving it away from the Contracted Parties. But I think it's with regard to a certain activity, and again, whether that would be possible or not is yet to be seen.

Also, there was one positive thing there, when a question was raised about automation. The answer gave the sense that it could be possible, depending on the specific circumstances and cases. Thank you.

JANIS KARKLINS:

Thank you, Hadia. Anybody else? Thomas?

THOMAS RICKERT:

Sorry. I'm not yet in the Zoom Room. I'd like to quickly talk about two points. One is that I think ... When the question came up, "What about GDPR? Why are we focusing on GDPR only? There are so many other data protection laws." I think we probably need to do a better job in explaining why we're doing what we're doing, because we had extensive discussions around that in Phase One.

Our group concluded that we would work on GDPR, because looking at the plethora of data protection laws around the world, that chances that we get it right for most, if not all, jurisdictions are high if follow GDPR, because it has quite a high standard. So, I think maybe we should put that somewhere out in writing, in order to avoid that confusion, which obviously exists in the community.

The second point is, with respect to the point made by Pearse again ... Maybe Georgios, you can help out with that. Pearse said—sorry, it’s difficult to find the start of the sentence in this transcript.

“Secondly, in relation to what Elena presented to us from the Strawberry Team, there’s just one element where we have a very large question mark. That is in relation to the idea that we may use this Unified Access Model as the return path for the data to be given to the requestor, in the sense that there would be a determination at the level of the central portal or gateway, as to whether or not that data should in fact be transmitted, which would require the collection and processing of the data by the access model, and that actually renders everything even more complex under the GDPR.”

I’m wondering what model Pearse or the Commission actually has in mind, if they want to avoid that complexity. If we give access to registration data to the burger bun—to the intelligent unit in the middle that makes decisions about whether or not disclosure should take place—the mere possibility that they can get access to the data is already the transfer and data protection terms. So, we have a processing activity there already.

If Pearse’s suggestion actually is that the central model does not have access or transmit queried data to the requestor, then by no means we can have a central decision-making body. I think that has impact on the model that we’re discussing. You are eager to get in, so please do before I finish my point.

JANIS KARKLINS: Please, Georgios.

GEORGIOS TSELENTIS: I think there is a misunderstanding here. We are talking about, again, different processing activities. There is the processing activity, as I said, about the authentication about the requestor, about the identification of the requestor, about the data collection which is happening at the contracted party's site.

We have not decided yet. If we did, please tell me so. There is a possibility that this data goes through the central gateway, or transits through this central gateway to the requestor. There is also a possibility that you have a decision about disclosure, and then the data is going directly from the one who collected it to the requestor. All these are possible implementations of the model, which I don't think we have reached a clear point of how this will happen.

What we just say here is that any type of this scenario ... I know that ICANN, or the Contracted Parties, or whoever from the community has maybe a preference for a implementation scenario or not. All these have a different impact in terms of responsibility and therefore liability. This is what I'm saying.

THOMAS RICKERT: If I may ... I really need to understand this. I was quoting verbatim what Pearce said this morning. He said that if the registration data is transferred through the central unit, that that, in his view, adds an additional layer of complexity to the model. So, if you want to do a

balancing of rights, you need to know what that registration data is, because if you don't have the data of the registrant, you can't do the balancing. You can't check whether the registrant has his or her own rights, or what they might be using the domain name for.

Therefore, if Pearce's statement is meant to say that we'd better not have the central unit process the registration data, we can't possibly have the decision making at the central level. That's my point, and I think that has quite some impact on our discussions.

JANIS KARKLINS:

Georgios?

GEORGIOS TSELENTIS

Again, I recall our discussion that we had in LA, where we had, I think, several interventions from the Contracted Parties that they believed that they have to be part in the decision making of the disclosure, and they actually put some argumentation that they have extra information for do a better balancing test or whatever. These decisions have not been made. The issue about having a central system, exactly as is in Pearce intervention, that there is more complexity. This is a judgment that we make there.

There are also positive things, which is having it centrally ... This is, I think, also explained in the paper, that having it centrally instead of having it dispersed in 2,400 points—a decentralized model, in other words—then has other risks and implications. He highlighted the specific complexity that it adds to the model in this sense.

So again, what I'm trying to say here is that there is no ... According to our analysis, there is no magic solution that lifts completely responsibility, and therefore liability. We have not decided yet what exactly the form of the model would be, and to my understanding, there are some suggestions on the table.

This particular paper that was sent to the European Data Protection Board is exploring some scenario, and it would be helpful to see how this is judged by the European Data Protection Board, because we will get some feedback, hopefully, for this. But as far as I understand, we have not decided. This was also the discussion before. The fact that this is a suggestion for checking with the European Data Protection Board should not precede the policy directions that this group is taking. I understand that this is open still with us.

JANIS KARKLINS:

May I please?

THOMAS RICKERT:

Just one second. I just want to make sure that we draw the right conclusions from that as a group, because I heard Pearce's comments in the sense that he had a preference for a model where no transmission of registration data takes place through the central body. It sounded like he was cautioning us against doing that, but maybe I'm reading too much into that.

I think that we have two choices to make. If we want to get away without this extra level of complication, we need to limit the role of the

central unit to identification, accreditation, and authentication. If we are happy to add the layer of complexity, which I tend to do, we could also have the decision making centrally. So, I think those are the two choices that we have in front of us.

JANIS KARLINS: Indeed, and then maybe some variations specifically in relation to how this data will be sent to the requestor, ultimately. I have four requests and four minutes remaining for this segment. Greg, Brian, Milton, and Hadia in that order.

GREG AARON: Some of us were in some other meetings, and did not witness this talk that took place. Thomas, who is Pearse?

THOMAS RICKERT: I read the transcript, so I didn't make that up.

GREG AARON: Okay, but who is he? Can you explain to everybody who he is and what his position is, and how he talks authoritatively? Okay.

THOMAS RICKERT: Pearse is the director in DG CONNECT. He's the GAC member, and also he's the one—actually, my boss. So, he's the one who is sitting in the GAC now, and as DG CONNECT. As I said before, because there were interventions in previous meetings, who is talking from the European

Commission. Just to clarify, DG CONNECT is the responsible unit that is representing the Commission in the GAC, and I am sitting on behalf of DG CONNECT.

GREG AARON:

Okay, and so will things that he say override or substitute to answer the questions that we have asked, or ICANN Org has asked to the Data Protection Authorities. Basically, what I'm hearing is somebody said something in a meeting, but I'm not sure how to attach meaning to it, and whether it's authoritative or not. That's what I'm trying to learn.

THOMAS RICKERT:

It is the position that we, as DG CONNECT—because it was mentioned also by Elena when they came to us. It is the position that we gave to ICANN, and it is the position that I think I expressed several times in the past, regarding the processing activities and the responsibility.

Since the beginning, there was this idea that there was a possibility of delegation of liability. This was said in several meetings in the past, from the Contracted Parties regarding this. Several models actually were built with this idea. We said that the law, as we read it, gives this basic instruction, that you have to break down all the processes and processing activities attached them. Responsibilities and liabilities follows through that.

JANIS KARKLINS: So, I have Brian, Milton, Hadia, Laureen, and Margie, and that's the end of the list—and Elena. Yeah, we'll have a final word on this topic. Brian?

BRIAN KING: Thanks, Janis. I think there's some confusion about what was said and what was meant by that, and what we should take as guidance from that statement—confusion, not the least of which lives in my head. If we could ask for Pearse to clarify that, and provide those comments in writing, in a form that we can study, and contemplate, and digest, I think that would be useful input for our work, in addition to the response that we hope to get from the DPB, from the Strawberry Team. So, it would be helpful to have that in writing, so we can chew on it and see how it impacts our work. That will help me understand it better and come to a better conclusion. Thanks.

JANIS KARKLINS: I think we have one letter, which is signed by Pearse, about four months ago. I think that is the latest formal communication that we have, where all the preferences of the Commission are outlined very clearly. And so, I think that is what is the first point of reference for us, or should be. Milton, please.

MILTON MUELLER: Yeah. I'll try to keep it quick. I think this is a very good thing, actually. We have been dancing around what is in fact the crucial question, which is who is going to make the disclosure decision. That is going to be an essential part of any progress forward on developing the model.

Apparently, at least ICANN Org has a great deal of uncertainty about whether that responsibility can be absorbed into a central point. I think we've gotten a very clear indication from somebody at the European Commission, who is in a pretty good position to know, and he's being backed up by Georgios, that probably not. Probably not. We should not go forward blithely assuming that we can remove the responsibility from the registrars.

Of course, that has tremendous implications for the disclosure decision, because if the registrars are going to liable for the disclosure, but they are not going to be in control of it, I think they are not going to accept that. So, I think we need to really think hard about the implications of this. Of course, we will accept and get additional input, hopefully, from the European Data Protection Board, but I think the signs ... The wind is blowing in a fairly clear direction, and the flags are flapping, and we should pay attention.

JANIS KARKLINS:

Thank you, but probably it would be wise to let Contracted Parties to speak for themselves, rather than to think what they may think. But that's for the different conversation. Hadia, followed by Lauren.

HADIA EL MINIAWI:

Actually, my question is to Elena. My question is with regard to the report that you sent to the European Data Protection Board. Have you actually shared it, or had someone from the European Commission or the European Data Protection Board look at it, or look at the thought

behind it, before you sent it out? Did you share your thoughts with the European Commission before putting it down in writing and sending it out to them? As we understood today, the idea of actually disclosing through a central system is not favored, and that's the core of the system proposed. Thank you.

JANIS KARKLINS: Thank you. Laureen?

LAUREEN KAPIN: First, I do want to underscore, which I think everyone understands, is that the final authoritative arbiter is going to be the information we hopefully get back from the European Data Protection Board, rather than other views. That said, I too was concerned by what I heard. Thomas, you read part of it, but the part that I was most concerned about, I didn't hear. I do have a version of the transcript here, and I think it's worth reading aloud, because it went by quickly and generated a lot of concern, I think it's fair to say. So, I thought I would read that aloud, so we can have at least a shared understanding.

"There's just one element ..." And this is in relation to, it says, what Elena presented to us from the Strawberry Team. I think there's an outstanding question as to whether what Elena presented to us was the same thing that ICANN has published as a potential model, that is now being sent to the Data Protection Board for their views. I think I echo Hadia's question. Are we talking about the same thing, or are we talking about two different things?

That said, here's what Pearse said, "There just one element where we have a very large question mark, and that's in relation to the idea that we may use this Unified Access Model as the return path for the data to be given to the requestor, in the sense that there would be a determination at the level of the central portal or gateway, as to whether or not that data should in fact be transmitted, which would require the collection and processing of the data by the access model. That actually renders everything even more complex under the GDPR."

And here, in my mind, is the significant part. This is my editorial, not a quote now. Now I'm going to the quote, "It would not, at the same time, remove the liability of the data controller, which is the registrar or the registry. So, we would have a question as to whether it is actually worth that added complexity, and this added liability, which will actually fall onto ICANN as well as the liability which will continue to apply to the data controller—the other data controller."

Just so everyone has a shared common ground of what was said ... I can't read minds, but when I heard that, and when I'm looking at it, I'm thinking that the essential takeaway, at least from the European Commission, in the form of senior leadership of DG CONNECT, is saying that you may propose a model with a central gateway, in the hopes that that will reduce risk to the Contracted Parties, but we don't necessarily think that is so under the GDPR.

That's how I heard it. That's how I am seeing it. I do think it's worth getting some clarification. I too am interested in what Elena has to say about whether the access model that was presented to the Data

Protection Board is the same access model that Mr. O'Donohue is talking about. At the end of the day, the most authoritative entity is going to be the European Data Protection Board.

JANIS KARKLINS: Okay, thank you, Laureen. Margie?

MARGIE MILAM: I think I took away different things from what Mr. O'Donohue said. I don't think what he's saying is inconsistent with what Bird & Bird has told us. If you take a look at the Bird & Bird memos, and they talk about their being in joint controllership, and then they also talk about the fact that you can apportion liability based on processing. And so, when you look at the Bird & Bird memos, they say the same thing—that you're not going to get rid of the liability for the Contracted Parties, but they're going to have less liability, if you will.

They actually talk about the fact that when you're apportioning the liability among joint controllers—for example, in what we're talking about in this case, ICANN—that you remove certain parts of the liability—for example, the penalties that are associated with the percentage of gross revenue. What remains is the liability, if a data subject were to make a claim that the disclosure was improper.

So, I just think there's a lot of nuance here, and we may be putting too many words—too much interpretation—into what was said in the public forum. I do think we really need to listen to what the Data Protection Board tells us. I certainly have never thought that we were

going to get to a place where Contracted Parties would have no liability. We were looking at scenarios where there would be less liability, and so I don't see the statements as being inconsistent with what we've already heard from Bird & Bird.

JANIS KARKLINS: Thank you, Margie. Let me take James and then Elena.

JAMES BLADEL: Just my reaction was, I think, very much aligned with Laureen's, both the dramatic reading of the quote and then your editorial comments. I don't think there's a whole lot of room for interpretation, personally. But just stepping back from that for a second, I think the whole point of this SSAD was to find ways to reduce or transfer liability from Contracted Parties to some centralized model, in exchange for a standardized system of access to nonpublic data.

I think what we heard, taken on face value, and understanding all the qualifiers, is that the risk that we're not going to be able to do that just went up significantly, assuming he wasn't speaking off the cuff and all that. I agree that we need to wait for the authoritative response from the European Data Protection Board. However, I am pessimistic that we're going to get some crystal clear, definitive, black or white guidance from them. I think we're going to get a lot of maybes and qualifiers that are also subject to interpretation, and in the eye of the beholder.

But just stepping back again, we all knew this coming into this. We all knew that we were working on spec, and that all of this stuff could get to the very end of the process and just be thrown overboard by a court case, or by some guidance from regulators or something. That was the risk, and we decided, and I think correctly, not to wait until we were standing on solid ground, but to get as far as we could with the data that we had.

So, I feel like we ringfence this off. We say, “There’s a huge risk here that there’s a cliff at the end of this process, and that we’re all going over it together, but we still need to continue, and we still need to await that guidance in parallel, but we have to continue our work.”

I don’t know that right here and right now, today and in Montreal, we’re going to ... As much as I’d like to just say, “Well, that’s it. It’s all over. Let’s just all go back to our hotel room and cry into our pillows,” I really do feel like we just need to note this risk—the risk factor, maybe the exposure just went up a little bit, but we need to keep working, and we need to move on. Thanks.

JANIS KARKLINS:

Crying on the shoulder of your neighbor is giving much more relief than crying on your own pillow, I can tell you. Let me take Thomas and then Elena.

THOMAS RICKERT:

Maybe I haven’t made this clear enough, but I was dwelling on this point, not because of the legal liability. I was one of those who said from

the outset that there's no free ride. Everybody who has hopes that any of the parties will get away with a blank check not to be liable for anything should go home and cry alone, or on your neighbor's shoulder, or whatever.

My point is that we are entering uncharted territory with this model. Obviously, there is a political will in the GAC, in the Commission, and elsewhere to make this work. I'm just afraid ... I just want to get this point clear. Maybe Georgios, you can take this back and ask Pearce specifically.

If we're about to develop something that, at the end of the day, the Commission can't endorse politically, because they had something else in mind in terms of how the data flows, then we better know. Because regardless of the legality and the feedback from the European Data Protection Board, I want to make sure that we have something that we're working on, that the GAC and the European Commission can wholeheartedly endorse.

JANIS KARKLINS: Thank you. Elena?

ELENA PLEXIDA: Thank you. I'll try to not forget everything I heard, but I was arriving a little bit late, so apologies for that. If we knew what model works to begin with, we wouldn't ask any question. If we knew whether we can remove liability or all that stuff, we wouldn't need to draft questions to

the European Data Protection Board. There are a lot of gray areas, as Margie pointed out just before.

There are different processing activities. That's the point that Georgios was trying to make. There's liability with respect to the supervisory authorities. There's different liability with respect to data subjects. At the same time, I think we all understand that we're not talking about all liability. We're only talking about processing of data disclosure. It's pretty clear that there will be things that stay with the Contracted Parties, no matter what we do. That's clear.

That said, I will turn directly to what Hadia asked. Actually, it was your question that moved me from the end of the room and here. As I said yesterday or the day before yesterday, we did work together with the European Commission, and Georgios, who is sitting next to you can confirm that. We did not work with the European Data Protection Board. The Data Protection Board is not a consultancy. You can just ask them something and hope that they will pay attention to you.

But the European Commission worked with us. They have the same questions as we do, and that is what Pearse said. He didn't say anything different. If you look at the questions that we drafted, with advice from the European Commission, are essentially those. In question two, it asks, "Can the system consolidate responsibility?" Maybe the answer is no. Question three, right after this, says, "Is there any other way to consolidate this responsibility?" We acknowledge that, as Pearse said, maybe, probably, this is not possible by just saying, "They are processors. We are contractors."

I very much regret to be the one to interpret what Pearse said. I really hope that he will do it himself, but Georgios kind of explained. The other point that he made was about the return path. In this point, his point was the following. What is in the model as hypothesized by us is a gateway that takes the data—the whole dataset from the Contracted Party—and then sends it to the requestor. What Pearse was saying is, “That thing, maybe you should avoid it. Maybe, still having a central gateway doing the job, the Contracted Parties should be sending directly to the requestor the data.”

UNIDENTIFIED MALE:

Like in RDAP.

ELENA PLEXIDA:

Yeah, because this adds extra complexity. This is the complexity part, is that there’s also against, if I may say that, the data minimization principle of GDPR, in that perspective. We have a justification of why we’re making this suggestion and asking a question—question number four—to the Data Protection Board to see what they say about that. It’s very likely that it doesn’t work as well.

I will reiterate that everything that was in the paper is a hypothesis. This is what we jointly did with the Commission. We hypothesized something to test it. But the model in there is ours, ICANN Org. It’s the questions the Commission helped us draft so we can test that model. I will repeat again, we don’t want a yes. A no is also a good thing, so we know what to do. If there’s a no to a Unified Access Model—to a unified

mechanism—I will repeat again what I said Saturday. It will be good if we hear it from the European Data Protection Board.

I think Thomas was saying there is political momentum around the mechanisms that will be unified. Let's make it clear, if it doesn't work, that it is [inaudible]. I think I will stop here. Maybe I forgot something. Of course, that is clearly what Pearse said. Ultimately, it's the European Data Protection Board that will tell us. Thank you.

JANIS KARKLINS: Thank you, Elena. Matt, your plate is up. You want to say something, Matt?

MATT SERLIN: No, it's Volker's.

JANIS KARKLINS: It's Volker's? Sorry. Yeah, Volker.

VOLKER GREIMANN: This is a bit frustrating to me, because it seems that we're wasting time on discussing the ideal situation—what would happen if everything were perfect in this world—if everything were possible. I think we should focus on that which we already know which is possible, not on the scenarios—what might happen if some way we find to transfer liability. If we find it, that would be nice, but while waiting for it, we're

wasting time. I think we should focus on what we can build with what we already have, what we know, what will work.

It's not like the Contracted Parties don't want any responsibility. I think we're very fine with liability that we can manage ourselves. Therefore, what we've proposed from the start, to build a system where the decision-making process lies in our hands, within certain rules and regulations, and a framework that everybody has to abide by ... That's something that we could have built months ago, that could have been developed by now.

By always trying for the higher goal of a system of distributed liability, where the decision-making process would magically been taken away from us, we've wasted so much time. We could have been done with that part already. This is endlessly frustrating to me, because the community is waiting for us to deliver a result, and we are not doing that because we're trying to make a more perfect solution that probably will not materialize. Even if it does, we will be one year behind of what we could have done. Let's try to focus on what we have. Let's try to build a model on what we know is possible, not on what we think might be possible if certain stars align.

JANIS KARKLINS:

Thank you, Volker. Let me remind ... Probably an expert could have written what we have now in two days. But the difference would be that not all of us would buy into that model. Now, we have no choice but to say, "Yes, this is the product of our collective brain, and this is how far we can get in our collective thinking and decision making." That's the

pain of the multistakeholder process. But at least we all are owners of our own decisions. That is where we are. So, as a result, yes. It is maybe not optimal in terms of timing, but it is our own, and we are owners of that. Whether that is good or bad, that's a different thing, but we are owners of it.

Let me conclude by Georgios, and then will move to building block, because indeed, we can entertain this conversation probably until tomorrow morning, and I will miss my flight home. But there is no really outcome of it, and I would like to see outcome of today's meeting, in terms of finalizing one building block at least. Georgios, please.

GEORGIOS TSELENTIS

Yes. It was covered by the two last interventions—yours and Volker's. I also believe that the perfect is the enemy of the good, as we are trying here. I see this exercise as an exercise of building consensus about something. I want to highlight here that I see our position here ... I'm representative of the GAC here. I'm not representative of European Commission. So actually, already there is a level of consensus that has to be built inside our group here.

We are not here to ... And this is more to what Thomas says. I don't see myself here to propose a model that everybody else has to abide to that. On the contrary, I think I'm the least to see how this model will function in an industry like this one. You have the knowledge, and you have all the knowledge about how this can work and should work according to the principles that you are working. The only thing that I think we could be useful here is to see—because the law was drafted

inside my institution—to see the levels of compliance to this law. This is what we are striving here, and gradually try to see what sort of the solutions that we are debating here, and where consensus is compliant to the law.

The intervention here is exactly this. It says, “Okay, we can check this with the European Data Protection Board. We believe, from what we know, that this might raise this type of concern—of complexity, regarding the return path.” This is what Pearse said. But for me, what we should continue doing here is that we should try to get more clear positions about all the actors, of their willing part of responsibility, because this is all about it.

This complex system can work with many different ways. What we have to decide here is—part of the community, and I’m talking mainly about the Contracted Parties and ICANN, to declare very clearly what sort of processing activities they are ready to take onboard in this type of model. Based on that, we can see whether it is functional, whether it is working, and whether it is compliant. That’s how I see our work advancing.

JANIS KARLINS:

Thank you. In the meantime, Steve has asked for the floor. Steve DelBianco, if you could try to be as brief as you can.

STEVE DELBIANCO:

Thank you, Janis. It will be very brief. I would truly love to give Volker, Matt, James, an outlet for their frustration. I think that could happen

this week at the Implementation Review Team for the Phase One recommendations. In particular Recommendation 18, can move forward. Then, there is an opportunity to build something that works, which is the standardized request and response system that I know Volker could probably build in two weeks if we would go ahead with Rec 18.

That's not the trouble of this room, but it's an opportunity for the same group, who meets on the Implementation Review, to move ahead with things like that, that we can build and that need. While in parallel, we have an aspiration to build a Unified Access Model, we can move ahead with Rec 18. Thank you.

JANIS KARKLINS:

Let's go back to the grind mill, and think about how we can get to the model, and patiently build the house. That would be my suggestion. We're condemned to continue, not to cry in the pillow, because there are expectations in the community that we will deliver a report—good or bad, but report, which will be hours. After that, we'll be judged how clever we are, and how good service we can do to the community.

Are we ready? Can I get on the screen, please, the text? Can we get the text on the screen, please? Thank you. So, based on our yesterday's conversation, we did a redrafting, and also moving certain elements of the proposed text to the different places, and putting them in a different order.

So, elements that we captured from discussion and tried to reflect there, were that there might be high volume legitimate requests, but that would not come every day. That will be things that would pop up once in a while. Then, there might be abusive behavior, and we tried to capture the system should be monitored first, and then some action should be done in order to protect integrity of the system, in case of detection of abusive behavior.

All this, we tried to reflect in both parts of the text, so I hope you had the change to look at the text in its entirety. I would now propose to see whether we can go quickly through the changes. Now, a is what yesterday was b, and that is already agreed, and I think we should not spend time discussing it.

With b, the proposal is to delete what used to be “illegitimate,” and then to address here only demonstrated abusive nature, including four manifestations of abusive nature. With now what is on the screen, can we say this would meet our expectations?

VOLKER GREIMANN: Amen.

JANIS KARKLINS: Thank you. I understand that that was yes? Correct? No, what is now on the screen is b, including the definitions of abusive nature, which is one, two, three, four. Yes, please.

CHRIS LEWIS-EVANS: Can I just ask for the addition of “ultimately” be inserted between “can” and “result,” so it will read, “Ss with other access policy violations, abusive behavior can ultimately result in suspension or termination.”

JANIS KARKLINS: Please say again.

CHRIS LEWIS-EVANS: “As with other access policy violation, abusive behavior can ultimately result in suspension or termination.” That just goes to the point we raised yesterday, about having a graduated effect. Thank you.

JANIS KARKLINS: That’s why I was hoping that you had the chance to look through the text until the very end. What we discussed on the remedies, there is lower in the text the possibility of recourse.

JANIS KARKLINS: Okay, you want to add “ultimately—” that “abusive behavior can ultimately result in suspension?” You propose put “ultimately” in? Okay. Let me see if adding “ultimately” is causing any difficulty. No. Can we add “ultimately” before “result?”

UNIDENTIFIED FEMALE: I can’t [inaudible].

JANIS KARKLINS:

Imagine it is inserted, or rest assured it is inserted. Thank you. With that, I understand that point b is fine. Now, let me see if the text which has been added also meets our common understanding. “In the event the entity receiving a request makes a determination to limit number of requests, a requestor can submit, further to point b, the requestor may seek redress by ICANN Org, if it believes the termination is unjustified.”

And then, the next sentence, “For the avoidance of doubt, if the entity receiving a request receives a high volume of requests from the same requestor, the volume alone must not result in de facto determination of system abuse.” Brian?

BRIAN KING:

Thanks, Janis. The language is really good. I’m glad that we added it. I want to point out something that I think might alleviate a little bit of heartburn that remains in point two there. I think it’s clear what we’re trying to prevent is requests that were previously denied, so the system isn’t just getting hammered with requests to which the requestor is not entitled.

But requests the were previously fulfilled seems inappropriate. if the requestor has a legitimate purpose or a lawful basis for requesting and then further processing that data. It seems odd to prohibit that, just because the volume is high. As we mentioned, there’s a lot of use cases for high volumes of data.

And then, in the second part of that sentence, I get that that’s trying to maybe address some of that, but the way that it’s drafted, I think, is way

too subjective to be practical. I think the folks that do investigate domain names when the WHOIS is likely to change sooner would have a very different idea of what and when the data is likely to have changed, versus whoever picks this up and looks at it later.

So, I think the second part of that sentence is problematic, and I think it does exactly what we want it to do if we get rid of the “fulfilled” part and maybe leave it after “denied” there. Thanks.

JANIS KARKLINS: Sorry. I didn’t follow. You’re talking about this sentence which was added, right?

BRIAN KING: Yeah, sorry. I was talking about point two under b. Yeah, that one. If we could remove “fulfilled” there, and then the “except in cases” after that could be removed, too. Thanks.

JANIS KARKLINS: Any reaction? James?

JAMES BLADEL: I think I’m okay with that. I just want to talk it through for just a second, please. It says, “high volume automated duplicate requests that were previously denied, except in cases where domain name registration is likely to have changed during investigation.” That’s fine, but what did we lose?

The only scenario I'm worried about, Brian, is ... I guess what I was trying to say with "fulfilled or denied" is that there was response to the request, but the requestor is not interested in the response, either way. They're not interested in a fulfilled request. They're not interested in denied request. They're simply interested in sending requests. That's the only thing I think we lose here.

One of the reasons why I want to noodle on this a little bit is if it's captured somewhere else, then we can drop fulfilled as you mentioned, but that's what we are ... If it's not malformed or incomplete, then it doesn't really fit as a pseudo DDOS in item number one. I just want to see if we can capture it somewhere else, then. That's the only scenario that concerns me. Otherwise, I'm good.

JANIS KARKLINS: Okay, Margie.

MARGIE MILAM: Thank you for this. I think it's getting closer to what we were talking about yesterday. The one suggestion I would make is where it says, in the bottom, "In the event the entity receiving requests makes the determination to limit the number of requests a requestor can submit," I would just add, "for abusive use of the SSAD." In other words, the limitation of the number of requests is only allowed if there's abuse.

JANIS KARKLINS: So, we're adding "a requestor can submit for ..."

MARGIE MILAM: “To limit the number of requests a requestor can submit for abusive use of the SSAD.”

STEVE DELBIANCO: Could you say, “determination based on abusive use?”

MARGIE MILAM: Okay, that’s fine, too.

STEVE DELBIANCO: After the word “determination.”

MARGIE MILAM: After the word “determination” add “based on abusive determination.” “Based on abuse.” Yeah, that’s right. Thank you, Steve. That’s clearer. So, you put it right after “determination.” Say, “based on abuse.”

JANIS KARKLINS: So then, the text would read, “In the event the entity receiving requests makes a determination, based on abuse, to limit number ...”

MARGIE MILAM: Right, so it explains why you would limit the number. Thank you.

JANIS KARKLINS: Yeah. Seems that that is okay. So, that is captured not on the screen, but it is captured. James?

JAMES BLADEL: Yes. We were chatting. That's perfectly fine. I think we did have a question. Could we go back to two? Brian, can you clarify? When you were saying the second clause that begins, "except in cases where domain name registration is likely to have changed during an investigation," were you suggesting to drop that or keep that?

BRIAN KING: I was suggesting to drop that language, because ... I don't hate the concept. I just think it's very subjective. We were hoping that dropping the language would get rid of that, because I'm well aware that the folks that investigate cybercrime, and have those uses for that high-volume use, are likely to have a very different definition of what high-volume is and when they would expect the data to be changed, versus someone else who might pick this up later. Phishing attacks, and responses, and takedowns are measured in minutes and hours.

I think that somebody who picks this up is going to say, "Registrants rarely change their registration data. Why would they need the data again this week?" So, I think there's very different interpretations, based on who picks this up, on when the data is likely to have changed. That's why I suggested to strike it.

JAMES BLADEL: Okay. We need to think about that a little bit, because I thought you meant to keep it, and Matt said you wanted to drop it. Matt was right and I was wrong. You want me to say it louder? Matt was right, and I was wrong.

JANIS KARKLINS: So then, you need more time for point number two? Okay. So then, I take that we are fine. Please, Brian.

BRIAN KING: Thanks, Janis. I would just put a pin in that. I think we agree, and just maybe don't know how to say it. Maybe James and I can hang out a little bit, with or without Matt, depending on what's going on down there, and maybe we can work that out.

JANIS KARKLINS: I simply want to understand what we can close and what we cannot close. I take that we can close everything in point b, except bullet point two. Hopefully, on Thursday, at the beginning of the meeting, we will have closure on bullet point two when Brian, and Matt, and James will work out a formula that is acceptable.

JAMES BLADEL: Can we just reject that idea, and just say we're okay with that proposal now—just “high volume automated duplicate requests that were previously denied.” Right? Is that it?

BRIAN KING: That's it.

JAMES BLADEL: Then that's okay.

JANIS KARKLINS: So, then I'm putting for the group suggestion that bullet point two reads "high volume automated duplicated requests that were previously denied," full stop. Stephanie, please.

STEPHANIE PERRIN: Thank you. The language is not in there. I believe this ship has sailed, but I just wanted to put on the record as we're closing this that the normal language for repeated, and annoying, and unnecessary requests for information is "frivolous and vexatious," in data protection and access legislation. I just find it confusing when we call these abusive requests, when they're requests for information about domain name abuse. It's like we're using the same term in two different respects in the same sentence. I'm just putting in a plea for "frivolous and vexatious" again. Thanks.

JANIS KARKLINS: We went through this one, and the suggestion was that we're saying abusive, and abusive, and abusive in the same sentence—we're repeating it. That was the reason why we suggested let's go just for one

time “abusive behavior,” and that’s it. And then, we even explain what that abusive behavior means. On high volume, we’re talking slightly down the text.

STEPHANIE PERRIN: We may actually thin the word out of this particular bullet, but because we haven’t agreed that the phenomenon is called “frivolous and vexatious,” it’s going to show up at the IRT. It’s going to show up in the language surrounding the policy. I’m just trying one more time to get people to accept the common parlance. Thanks.

JANIS KARKLINS: Let’s see. Let me ask once again. Can we put back “frivolous, nuisance, or vexatious” and “abusive nature ...” Volker, please.

VOLKER GREIMANN: The CPH has no opinion either way. We are fine with both versions.

JANIS KARKLINS: What about BC?

MARGIE MILAM: We would like Stephanie’s language. I think that that’s helpful. So, thank you, Stephanie.

JANIS KARKLINS: Okay, so then we're done. Then we're putting back "frivolous, nuisance, and ..."

MILTON MUELLER: Where? That's my point, is my understanding of what the Contracted Parties are concerned about in bullet point two was not actually whether they were previously fulfilled or denied. In fact, you could completely delete that clause—have "high volume automated duplicate requests," with the key word being "duplicate." But then, if you add the "vexatious" language—and we love the frivolity and vexatiousness of it all ... Those are great words. We've got to put them in there somewhere. You put them in there, and they make sense. I think that's what they're getting at. Whether they're previously fulfilled or denied is not all that germane to what's going on there.

JANIS KARKLINS: It used to be in chapeau—in point b. The point b now would read, "May take measures to limit the number of requests that are submitted by the same requestor, if it is demonstrated that the requests are of frivolous, nuisance, or vexatious, or of an abusive nature."

UNIDENTIFIED MALE: No, that's not what I'm proposing. I'm saying that the "vexatious and frivolous" language belongs in bullet point two only, not in the chapeau. I agree with whoever it was that said if you put it in the chapeau, you're saying it's abusive, and abusive, and abusive. But in bullet number two, we are getting more specific about what makes

duplicate requests bad or abusive. We are saying that they're frivolous and vexatious. That doesn't matter whether they're previously fulfilled or previously denied. I really don't know why anybody would get hung up on that. But it does matter that they're being sent for no particular reason. That's the gist of what I thought James was saying.

JANIS KARKLINS: Okay. So then, let me try. We'll leave chapeau sentence as is. And then, point number two, we add "high volume duplicate requests that are frivolous or vexatious."

JAMES BLADEL: I feel like we can replace the entirety of bullet two with "frivolous, nuisance—" I don't want to say "nuisance—" or "vexatious requests." Maybe we can capture something about high volume, automated, or something like that, but I don't think we need "duplicate" anymore. I don't think whether it was previously fulfilled or denied. I think we can drop the second clause and just say something like that.

JANIS KARKLINS: So, we say, then, "high volume, automated, duplicative, frivolous, or vexatious requests?"

JAMES BLADEL: That's fine.

JANIS KARKLINS: Full stop.

JAMES BLADEL: That's fine. I don't know how to say nuisance, except I would say "annoying," but how can a request be annoying? It's really more the requestor's behavior that's annoying.

JANIS KARKLINS: Then we stabilize the text, "high volume, automated, duplicative, frivolous or vexatious requests," full stop? Okay, so then we have it. Once again, "high volume, automated, duplicative, frivolous or vexatious requests," full stop. Brian?

BRIAN KING: I think we would agree with that, but it should be, "high volume automated duplicate requests that are blah, blah, blah, blah," so it doesn't read like a litany, that it could be any one of those, but that it's "high volume automated duplicate requests that are blank."

JANIS KARKLINS: "High volume duplicate requests that are frivolous or vexatious?" Fine. Good. So then, let's go to c.

MARGIE MILAM: With that change, I think we delete four, because I think that's already captured under the new two.

MILTON MUELLER: Yeah, that’s the vexatious part.

MARGIE MILAM: I think you’re covered. You’ve covered everything with two.

JANIS KARKLINS: So, we delete four?

JAMES BLADEL: I’m not ready to let go of four. I think four is a different kind of a tactic. It describes a ... I don’t want to say ... Four almost implies a bad faith use of the system, by trying to flood it with a stored ... The request may not necessarily be frivolous or vexatious, but they are timed to disrupt the system. So, I don’t know that I’m ready to get rid of four, though, particularly if we still have to define some SLAs.

JANIS KARKLINS: Okay, so then let’s keep four, and then we can still ...

MARGIE MILAM: Then, I think we need to insert “automated—” “high volume automated requests.” I think that’s what you’re talking about, right? It would be an automated storing and sending. Otherwise, it seems to broad to me.

JANIS KARKLINS: Margie’s suggesting inserting “automated” also in four—“high volume automated requests causing SSAD ...”

JAMES BLADEL: I don’t know that automated is a necessary component to this type of a tactic. It can be a manual tactic of simply flooding a system. It’s not the same as ... I think what we’re saying with one and two is that we’re talking about a DDOS, effectively. But number four is slightly different.

It is about timing or sequencing legitimate requests, that you are actually interested in a response to, but doing so in such a way to have the maximum disruptive effect on the system. So, I don’t think it’s quite the same as a DDOS, where you’re trying to deny access to the system, and you’re not interested in the response. Let’s noodle on that a little bit, but I don’t see them as equivalent.

JANIS KARKLINS: Yes please, Margie.

MARGIE MILAM: Yeah. I just think that it picks up a lot of legitimate—legitimate high-volume requests ... How do you know when something’s stored or delayed, or it’s just the way it was processed by someone on a cybersecurity thing that required a lot of submissions? That’s the problem. You may ...

JAMES BLADEL: “ In order to cause ...”

MARGIE MILAM: You could have some sort of intent—“with the intent of,” or, “In order to cause the other parties to fail the SLA,” but I don’t know how you ever prove that.

VOLKER GREIMANN: I thought we just got rid of it, and we wanted to get rid of all intent.

MARGIE MILAM: No, I agree. Intent’s a difficult concept. But the problem with four right now, is it may pick up legitimate high volume requests, and I don’t know how you distinguish those from the ones that James is talking about. I don’t disagree with what James is trying to accomplish. I just think the words are too broad as written in four.

JAMES BLADEL: If I may, I think if you want to put back “automated,” and that addresses it, then that’s fine, because as we’ve said probably a couple dozen times, it’s a non-exhaustive list. So, it sort of implies that something that gets close to this but is abusive, then we can probably consider that abusive as well. I think my concern is that, is that someone sitting on months or years worth of requests and submitting them within the same hour, for example, to try and get an SLA payment. That’s that I’m getting at. But if “automated—” because this is a list of examples, and

if “automated” addresses it, then I’m okay. I wasn’t okay with throwing it out, because I think it is different than one and two.

JANIS KARKLINS:

Also, please remember. We added the element of redress, in case of doubt. That was not yesterday, and we agreed already, actually, on all four bullet points in the previous few days ago. Now, we’re reopening it again, with the many additional elements already present, which takes care of some concerns. Look, I really want to move on. If we add in bullet point four, also after “high volume,” “automated,” and close this conversation ... Thomas?

THOMAS RICKERT:

I’m not sure how many of you have seen the movie The Life of Brian. “One cross per person.” That’s the SLA, right? I think, in this game, if you’re a requestor—if you’re getting accredited—you’re being told what the SLA for processing requests is. With this, we’re just asking high volume requestors to honor what the SLA can do. So, if you have high-volume requests, you just need to sequence them so that the systems are not breaking down.

I generally don’t see what the issue is. If you don’t play by the rules, you get into trouble. If you’re trying to bring the system down to a halt, you’re getting into trouble. Just follow what’s agreed in the SLA. If you sequence your requests, you’re going to be fine, even if it is high volume.

JANIS KARKLINS: Yeah, but if that does any harm, and if that comforts some group, and other groups can live with it, why don't we leave it? I'm trying to close it, because we can discuss until tomorrow morning, just one point, and we need really to try to progress. We have additional 10 minutes to go, and we still are not at the end of the first part of the building block. Chris?

CHRIS LEWIS-EVANS: Yeah, thanks, Janis. Margie, I think we had similar concerns over four, because four was always causing us more grief than all the others. But I think the last sentence in the block below really helps out with that. Coming to your point about, if you've got a high volume, I think that last sentence cures all of that.

So, for us, I don't think we need to change that language. I think the language is good as it is. For me, it's that last sentence which covers the cases which I think you've got in your mind. So, I think for us, we're happy with the language, certainly with that addition of that last sentence. Just maybe if you can read that and think if that does cover the cases you're thinking of. Thanks.

MARGIE MILAM: Okay. That's fine.

JANIS KARKLINS: So then, we're done with b. I have three hands up, for some reason. Milton, James, Chris, please lower them. Otherwise, they distract me.

So, c, we have already agreed. Just making sure. Okay. And then, we go to the next one. So, “EPDP Team recommends that SSAD—” so, a, “unless otherwise requested or permitted, must not allow bulk access, wildcard requests, reverse lookups, nor Boolean search capabilities.” Okay.

MARGIE MILAM:

Yeah, we still have the same issue with the reverse lookups. We were just talking about it before. It’s an issue what we’re exploring in the Legal Sub-team. So, the bulk access is fine, but the reverse lookups is one that Thomas, and Volker, and I, and Brian have a proposal we’re starting to think through for the Legal Committee.

JANIS KARKLINS:

Okay. So, in that case, we would mark this specific point with a clear indication that it will be revisited after the Legal Committee or advice from Bird & Bird, but that would not us prevent from provisionally closing the building block. So, point b. We’re talking about a system itself. It recommends that “the SSAD must be able to receive and process high volume of legitimate requests.” I see nodding.

And then, c, d, and e, we have already provisionally agreed. And then, the last one, “Requests must only refer to parent registration data.” I think that we will take out somewhere this sentence, because it appears in a number of blocks. So, with this understanding, I think we can provisionally close this building block, and we will come back to the

question of reverse lookup at the later stage. James, you want to comment on this?

JAMES BLADEL:

I think Margie and I had hands raised. Thanks. I guess it's just me. With b, I'm not clear here when we say "must be able to receive and process a high volume of legitimate requests." Are we thinking that's a per-user capability, or are we speaking to the capacity of the overall system, or what do we mean by that? We just did a whole bunch of stuff with high volume automated requests, and now I feel like we're working against ourselves. So, I'm just looking for some clarity. Thanks.

JANIS KARKLINS:

This is the attempt to respond, that system should be able to deal not only with the one, two, three requests, but the system should have a capacity in addressing also high volume requests—not automated, not of abusive nature. The system should have sufficient processing capacity. Let's put it in that way. So, that's the meaning of this sentence. Okay, Milton, your hand is up.

MILTON MUELLER:

I think we need to reword that, if we are ... Essentially, I'm trying to come up with some wording here in the chat, but what you're saying is quite reasonable—whatever the expected level of requests, the system should be able to handle it. As currently worded, it seems like this is trying to, basically, greenlight automated high volume requests from a specific user. I think, yeah, of course, whatever is needed. Every

information system has to be tailored to the appropriate capacity. So, we need to reword that.

JANIS KARKLINS: Marika has a proposal.

MARIKA KONINGS: Yeah, thanks, Janis. What if we just add at the end “in alignment with SLAs established,” to make clear that the system does need to be able to receive requests as the SLAs establish, because I think that’s what we’re trying to convey.

JANIS KARKLINS: So, could you then read your language, and see whether we can accept that?

MILTON MUELLER: “The capacity of the system should be able to handle the expected number of requests.”

JANIS KARKLINS: Milton is suggesting that ... Are we in agreement that we’re talking about a system’s capacity to respond to requests in this? And so, in that case, what I’m suggesting is that Secretariat will work on the basis of this notion, and then the proposed formulation will be read in conjunction that the SSAD must have capacity to handle expected number of requests. Hadia?

HADIA EL MINIAWI: No, I actually don't agree on having expected number of requests, because in such case, we need to have a definition of what's the expected number of requests. Tying it to the Service Level Agreements makes more sense. Thank you.

JANIS KARKLINS: So, what would be, then, the way forward?

MATT SERLIN: Janis, I think we were fine with your proposal. And the inclusion of Alex's language, to meet the needs of the community, is fine as well.

VOLKER GREIMANN: Maybe just add a reference to the SLA, "expected as by the SLA," "as outlined in the SLA—" something like that, that we have a reference there—not have hanging language in there that doesn't really explain expected by whom? By the requestor? By the requestee? By whatever. So, just reference the SLA there, and we'll deal with it when we come to that.

JANIS KARKLINS: So, could you, Marika, read how it is now? No, it's very hard to—if we cannot work on the screen.

MARIKA KONINGS: What I took down is that the wording would say something like, “must have the capacity to handle the expected number of requests, in alignment with the SLAs established.”

JANIS KARKLINS: Thank you, Marika. With this, we have reached the stability of this building block. Thank you very much. Also, I think, in order to mark this historic event, we will be doing a photo, that it stays not only in our memories, but also we will have some material proof.

MATT SERLIN: I thought maybe we would have a little toast, with a beer or so, but that’s just me.

JANIS KARKLINS: In ICANN meetings, as I understand, no drinks before 6:30. So, you still need to wait a little bit.

BRIAN KING: Milton’s still not back from that beer run.

JANIS KARKLINS: Thank you very much. This is the time when I will say goodbye to the team. After the 10-minute break, during which we will have a family photo, in this very room, Legal Committee will continue working on question. And then Room 525, those who are interested—and I believe the rest of the team should be interested—do first reading of auditing

and logging building blocks, just to gather sense that we could see whether those building blocks could be closed on Thursday. Rafik will be moderating that conversation. So, thank you very much, and now a photo.

THOMAS RICKERT: Janis, since you're leaving, well done. This is extremely challenging, so let's give him a big round ...

FARZANEH BADHII: Are you leaving forever—like you're leaving us?

JANIS KARKLINS: You would wish that. No, I'm not.

FARZANEH BADHII: Good.

JANIS KARKLINS: I'm going to the airport, and I will join Thursday's meeting remotely.

[END OF TRANSCRIPTION]