
MONTREAL – GNSO - RrSG Meeting
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GRAEME BUNTON: Help yourselves.

UNIDENTIFIED FEMALE: That might not be clear what that is.

GRAEME BUNTON: I will explain. Want a Timbit? Timbits are donut holes. They're mini donuts. They're very Canadian. They're from Tim Hortons, which is the most Canadian of fast food joints. It's like a thing.

Are we good to go in the back of the room? Thumbs up? Okay. Bienvenue a Montreal. Welcome to Montreal, registrar friends. My name is Graeme. I'm the chair of the Registrar Stakeholder Group, and this is Registrar Stakeholder Group day where we get to spend a ton of time together.

We'll do introductions in a moment, but a couple of starting notes. First and most importantly, as previously mentioned there are Timbits running around the table. These are also called donut holes. Basically, they're tiny donuts. They're from Tim Hortons, the most Canadian of fast food joints. These things are delicious. They're terrible for you. Please enjoy them. Any health consequences are your own fault.

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My typical precursor for a meeting goes something like this. There are a bunch of people in the room who do work on behalf of all registrars, myself included – Our ExCom, our EPDP members, GNSO councilors. And one of the hardest things to do in doing jobs like that is making sure that you understand what the rest of our registrar community wants. What is the mandate that we have from all of you? We get that mandate by participation in our biweekly member calls as well as our three times a year meetings here at ICANN.

So what I would really encourage is everybody to speak up as much as they can. We are going to hear quite a bit from some usual suspects. These are people who are deeply engaged in a lot of stuff. But I already know what James and Michele think. I want to know that you guys think.

So it's not a big deal to put your hand up, raise a question. If you don't understand what's going on or if you're not quite sure how an issue is playing out, please speak up. It's pretty easy. This is a friendly room filled with delightful people, probably half drunk off Timbits and maybe still from last night. So the stakes could not be lower. Speak your mind. Ask a question. Let's make sure everybody's participating in this.

We're going to go around the room and introduce ourselves. There are two components to this that I do to make people feel less weird about talking more. The first I think is Fred's idea which is to say hello in your own language. I hope that is helpful for reminding us all that English is not everybody's primary language, to speak slowly. We don't have live

translation which we have done in the past, but just remember that not everybody speaks in English all the time.

The second is, and I do this to make sure everybody has said something dumb already, I want you to name a musical artist you have an irrational hatred for. Previously, I've done what's your least favorite book. And mostly I like to know what people hate, so here we go.

I'll start this off. I am from Canada. We're bilingual, so hello, hello. Bienvenue a Montreal. My name is Graeme Bunton. I work for a registrar called Tucows. We're located in Toronto, Canada. So this is not home, but it's not all that far from home for me. I am the elected chair of the Registrar Stakeholder Group terming out in June. Someone should think about taking this job. I hate the Doors. I think the Doors are so overrated. They're terrible. Let's go this way. You can introduce yourself.

RUSS WEINSTEIN:

Hi, everyone. I'm Russ Weinstein from the ICANN Global Domains Division. Not a registrar, but thanks for welcoming me this morning. I hate the Red Hot Chili Peppers. I live in Southern California, and they're overplayed on the radio.

PAM LITTLE:

[inaudible], that means good morning. Hi, I'm Pam Little. I work for Alibaba registrar. I'll pass the other one. Too personal. Thanks.

TOBIAS SATTLER: Guten Morgen. Tobias Sattler from United Domains and vice-chair of TechOps.

ZOE BONYTHON: Hi. I'm Zoe. I'm the secretariat for the registrars. I'm not sure I hate, but I don't get why Ed Sheeran is so popular.

BENNY SAMUELSEN: [inaudible]. Several ways of saying good morning in Scandinavian and Thai. I'm Benny Samuelsen. I'm the treasurer of the Registrar Stakeholder Group. And I don't listen to music, so I don't know.

GREG DIBIASE: Good morning. I'm Greg DiBiase from Amazon registrar. Kind of along Russ' lines, even though I live in Seattle, I think Nirvana is very overrated.

VOLKER GREIMANN: [inaudible]. I am Volker Greimann from Key-Systems, a division of CentralNic. I have a very intense dislike for Robin Thick because he sicced his lawyers on us for having registered a domain name where one of his songs was being file shared.

KRISTIAN ØRMEN: [God morgen]. I'm Kristian Ørmen. I'm from Larsen Data in Denmark. I am also the secretary of the RrSG. And as secretary I'm also terming out

in June, so we also need to find a new secretary. I am so bad at music names. Every time I hear bad music, I still don't know the name of it.

UNIDENTIFIED FEMALE: [God morgen]. I am [inaudible] from One.com, also in Denmark. So it was twice the [God morgen]. I have a very bad dislike for Danish band called [inaudible] which kind of means sucking tits.

FREDERIC GUILLEMAUT: Bonjour. I'm Frederic Guillemaut. I'm happy to speak French for once here. I'm a registrar called SafeBrands based in France in Marseilles and Paris. I never understood why Radiohead was liked by many people. And I've tried. I've seen them twice. I still don't get it.

UNIDENTIFIED FEMALE: Good morning. I'm Amy. I'm from a registrar based in [inaudible]. I was going to say Ed Sheeran, but I might say Madonna.

VLAD DINCULESCU: [Goeie more]. I am Vlad Dinculescu. I am out of South Africa from DNS Africa. I do not like Chad Kroeger because he's married to who was supposed to be my future wife, Avril Lavigne.

TOM KELLER: Guten Morgen. I'm Tom Keller. I'm working for a registrar in Germany called IONOS now, formerly known as 1&1 Domain Names. I really, really, really hate Britney Spears.

ANTHONY EDEN: Good morning. I'm Anthony Eden from DNSimple, a registrar in the United States. I have an irrational hatred for all country music.

NEAL MCPHERSON: G'day. Neal McPherson. I'm also from 1&1 IONOS, and I dislike Simply Red.

ROB VILLENEUVE: I'm Rob Villeneuve from Rebel.com, a registrar based in Ottawa, so about an hour down the highway. So not home, but close enough. I think on behalf of all Canadians, I'll apologize for Nickelback, Bieber, Celine Dion, Avril Lavigne.

UNIDENTIFIED MALE: Bryan Adams.

ROB VILLENEUVE: Bryan...well....

BRETT TACKABERRY: I'm Brett Tackaberry also from Rebel.com, and I'll add Drake to that list. Sorry.

ERIC ROKOBAUER: Hello. Eric Rokobauer from Endurance family of registrars. And I think I have a hatred, if you consider them music, for the boy band the Backstreet Boys. My wife continues to play them daily.

JAMES BLADEL: Good morning. I'm James Bladel from GoDaddy, and my people we say, "S'up?" My satellite radio is always on 80s New Wave, and they play Billy Idol. I hate Billy Idol. I don't think he's 80s. I don't think he's New Wave. And then they gave him a show where he's a DJ. I actually canceled my satellite subscription just because of Billy Idol.

MATT SERLIN: I actually think that is the definition of insanity, canceling because of Billy Idol. I'm Matt Serlin. I work for a corporate domain name registrar brand site in the United States. I'm going to get some boos I know for this, but I have a little bit of a hatred for the Beatles. I'm sorry. Yeah, yeah, bring it. That's fine. I'm okay.

SARAH WYLD: Allo, bonjour. I'm Sarah Wyld. I work with Tucows. I have never liked the Rolling Stones.

UNIDENTIFIED MALE: [inaudible]. [Dietmar] from [inaudible], and Lady Gaga.

MICHELE NEYLON: [Dia dhuit]. Michele from Blacknight. I'm also on the GNSO Council. Jim Corr because he's a racist, crazy person.

SEAN WILKE: Good morning. Sean Wilke from Principium Corsearch. I don't think they're a bad band. I just think they're very overrated. It would be Green Day.

UNIDENTIFIED FEMALE: Hi, I'm [Katherine] [inaudible]. I'm from Donuts and Name.com. I don't have a little bit of hatred. I can't stand the Beatles.

JOTHAN FRAKES: Darn it. I just did an interview of Paul McCartney's sister for Domain Name Association. Hi, I'm Jothan Frakes. I'm with a small registrar called Plisk. I'm based in Seattle. Hello, good morning, and s'up. I think that was a good one. So four-fifths of NSYNC really "in suck," but Timberlake's all right.

JACQUES BLANC: Bonjour [inaudible]. Jacques Blanc, Society de ProDomaines, French registrar from the south of France but the other side from [inaudible] from Bordeaux. He was a fantastic guitarist but what a crappy singer Prince was.

CYRUS JAMNEJAD: My name is Cyrus Jamnejad and I'm with the ICANN organization. I work with Russ. And thank you for taking the brunt of that heat. I went to school in Minnesota, and while he's got all the talent in the world I just don't like the music – Prince.

UNIDENTIFIED MALE: [inaudible]. I'm Michael from Knipp. There's one artist I sometimes hear on the radio but I don't remember his name because I always switch off quite fast. So if I hear him, I can say, yeah, that's him. But I don't know the name.

UNIDENTIFIED FEMALE: Can you sing it for us?

UNIDENTIFIED MALE: No.

UNIDENTIFIED FEMALE: Too bad.

UNIDENTIFIED MALE: I can tell you next time it's on the radio.

UNIDENTIFIED FEMALE: Great.

UNIDENTIFIED MALE: And you can sing next time.

UNIDENTIFIED FEMALE: I'm looking forward to that.

UNIDENTIFIED MALE: For the next ICANN meeting.

UNIDENTIFIED FEMALE: Great. Good morning or Guten Morgen in German. I'm Sandra. I'm also with Knipp in Germany. And I want to take the opportunity to thank you all. We just recently joined the stakeholder group, and we were very, very warmly received so thank you all very much. I don't hate any band in that kind of sense, but I really don't get Justin Bieber and Ariana Grande. I just don't.

JEFF REBERRY: Jeff Reberry with TurnCommerce. I would say, again, I don't hate any band but Taylor Swift is on the list.

WENDY SCOTT: Wendy Scott from Automattic, providers of WordPress.com. Also don't really hate anyone in particular. Just heart full of love. I would also throw it back the other way and say I don't understand the irrational hatred for Nickelback. They're not that bad.

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- ANDEE HILL: Andee Hill, GDD staff. Led Zeppelin. I don't get it.
- KARLA HAKANSSON: Karla Hakansson, GDD. I have an absolute irrational hatred for Rick Astley and no rickrolling. I'll kill ya.
- UNIDENTIFIED MALE: [inaudible] from ICANN GDD. I think we should add the Hanson Brothers, Meat Loaf, and Nelly Furtado to the list of Canadian disasters.
- CAROLINE GREER: Good morning. Caroline Greer from Cloudflare. I'm also a Nominating Committee representative. Taylor Swift, yeah, I find her annoying.
- OWEN SMIGELSKI: Good morning. Owen Smigelski, Namecheap. Even though I say it in English, I do understand French as well too. So that was something I thought was missing is the other languages that we all speak because I know there are a whole bunch of polyglots at this table. Irrational hatred, B-52's. I don't get it. And that "Love Shack" song drives me nuts.
- GRAEME BUNTON: Guys, that was great. I really enjoyed that. I think that set a nice tone for the day we've got together. Knipp, thank you for joining us. It's great to have new members. Can I get a show of hands if this is your second or less ICANN meeting? All right. Okay, so we've all – most people aside from [Katherine] – have been here a few times. That's great.

A reminder to go easy on acronyms because that causes people lots of trouble, especially not in English. I will be guilty of that. Also, a reminder – Graeme – to say your name before you talk for the transcript.

Now we’ve just shaved 11 minutes off the time that we were giving to GDD. So with that delightful introduction over, I’m going to throw it over to Russ from GDD so that ICANN staff can share with us what they are up to.

RUSS WEINSTEIN:

Thanks, Graeme, and thanks to the group here. For those who don’t know me, again, Russ Weinstein. I’m the senior director for accounts and services for GDD. So that used to have Jen Gore and Mike Zupke prior to her representing ICANN GDD’s team for registrars. We’ve now combined that across ICANN, so my team is responsible for both accounts and service management and policy implementation for GDD both registries and registrars.

We’re broken down into two groups. So Andee Hill is our director of account management, so all the account managers that you know – Mukesh, Cyrus, Howard – all work for Andee. And then our service management team is led by Amanda over there. So the services we think about are the things in your contract like I go to assign my accreditation to someone else. We write a service description that understands the contractor requirements so that our operations team can process that at scale.

And then the policy implementation and program implementation team led by Dennis Chang and Karla Hakansson. You guys know Dennis from your EPDP and other policies being implemented, and Karla is leading several big projects including the negotiations for an amendment to RAA regarding RDAP.

So that's a quick overview of our team. If you have any questions, please let me know. This is my first big ICANN meeting I think in this role with our combined team. We changed the structure right after the Kobe meeting, and then I came and spoke to you at Marrakech but I'm not sure how many people went to that meeting. So thanks for having us here. If you have any questions, again, let us know at any time.

We have a few things we wanted to talk about this morning. I'm going to let the subject matter experts talk to those. I think we were going to talk about a process to get maybe waivers when you have suspended names based on abuse issues and something we call the expedited – I'll let the slide talk to it. Can we go into the first slide? Do we have an agenda slide, or do we just get right into it?

GRAEME BUNTON:

I don't know. Who is running the slides?

RUSS WEINSTEIN:

Zoe, are you running the slides? Thanks. We have an agenda slide here for you. We're going to talk about extending this waiver process, we call it ERSR, to registrars as an option. Something we haven't done yet but

something we're exploring and wanted to touch base with you all before doing that.

Wanted to talk about the transfer policy issues related to privacy/proxy registrations. Cyrus will give you a good update about that and where we're looking for your help.

Karla will talk briefly about the RDAP amendments to the RAA and RA.

And Andee will give a brief plug for the GDD Summit in 2020 that we hope you all can attend and that you'll be actively involved in help planning the agenda for.

Did we miss anything on the agenda? Maybe we need to swap anything out? All right, sounds good. Without further ado, Mukesh, can you lead us off?

MUKESH CHULANI:

Good morning. Could we move to the next slide? Perfect. Now that we've got the hate out of the way for bands, it's Mukesh Chulani again for the record. Or as Michele refers to me as the Turkish lad.

This is a process which is generally familiar to registry operators, but I just put a slide here in scope because I wasn't so sure what the registrars really knew about it. The expedited registry security request (ERSR) was developed to provide a process for registries to inform ICANN of a present or imminent security incident either to their TLD or to the wider DNS and then request for a contractual waiver for actions it might take or has taken to mitigate or eliminate the incident.

When we're talking about incidents here, some of the examples of activities may take place either singularly or in tandem. These are the types of things which might cause an ERSR to be triggered. They're malicious activity involving the DNS of a scale and severity that threatens systematic security, stability, and resiliency. Unauthorized disclosure, alteration, insertion, or destruction of registry data. Unauthorized access to or disclosure of information or resources on the Internet by systems operating in accordance with all applicable standards.

And a few more fine print kinds of stuff which you can read on the slides. But it's really exclusively for incidents which require immediate action by the registry and expedited response within three business days from ICANN.

The contractual waiver being granted here is an exemption from compliance action with specific provisions of the RA and for that specific time period to respond to the incident. So it's a very limited scope for very limited type of activities. Can I ask to move to the next slide?

I came across this court order which I put on the left side there, and it's again too small print for this early in the morning. But basically, the first chunk of words there says domain registries identified in this court order need to take the following actions. But then the second chunk of words there says at your discretion you may transfer the existing domains to a registrar.

So it seems that security vectors and incidents are evolving beyond past what the ERSR was initially drafted to cover which was just registries. So we've come across incidents where registrars are being asked to do something. And we are here to essentially ask and get a better picture of how action in response to some of these incidents are taking place on the ground.

For instance, the on the ground response to the court order required a registry to quarantine malicious domains, block unregistered domains, and then asked the registrar to keep the domains active and continuing to resolve so they could be sinkholed. But in this particular case, the registry received a waiver of their transactional fees from ICANN. So the 25 cents registry transaction fee. But the registrar actually wasn't eligible for the waiver of the fees. So we think this is a gap in the process.

And there's another scenario that was brought up but we're not sure really exists in the real world of perhaps some of the court orders might be directed directly at registrars without even going through a registry. It may be because of a jurisdiction issue where the law enforcement or the courts would have an arm's reach to the registrar because they're in the same jurisdiction but the registry is in a whole different country.

So we haven't come across that in practice. It's just a theoretical, conceptual thing which came up. So we also want to see what you're thinking about it, whether that's something that actually happens in practice.

When we look at what registries are asking to waive, there are basically two things they're asking waivers for. The first one is the transactional

fees, which I've mentioned. And conceptually if you think that a court order compels a registrar to take an action or if a registry is involving a registrar, then perhaps the benefits of that transactional waiver should flow downstream. Xavier will probably not like me to say that.

The second one is the monthly reporting. The registries also have some provision for how they report those transactions because they're subject to court order. Of course, if that doesn't flow down to registrars, then you may have some problems in the reporting where the registries are reporting them as nonbillable or in one way and then the registrars are reporting them in another way. So we may have some reporting issues.

That's just really to just walk through what we've discovered so far. And we want to hear your thoughts on this and any potential gaps related to the ERSR process. I'll turn it over to you, or we'll move over to the next part of the GDD update.

GRAEME BUNTON:

I'll jump in quickly. This is great. I think we're going to have to collectively spend a little bit more time looking at it, and then we can probably try and provide you guys with some feedback. Broadly, I think this is ICANN trying to make our dealing with abuse issues or bad domains easier, which is excellent. So being able to waive fees for domains that we no longer have responsibility for would be great.

Probably waiving the ICANN fee is less material than waiving the actual registry fee, but we'll need to talk with ICANN and the registries to see if

there's some mechanism that either we can use or come up with that would allow court ordered domains to disappear off people's tags, or abusive domains to exist in some way that doesn't cost us all bunches of money while we try and do good things.

Does anybody else have comments on that before we move along? I see Michele and James.

MICHELE NEYLON:

Thanks, Graeme. Just in terms of the volume of domain names, is there a lower limit, an upper limit? Because some of these processes only seem to kick in if you're dealing with 100+ names or 1,000+ names, which I'm not sure if that's helpful for some of us because in some cases it's just a pain in the neck but the volume we're dealing with is quite low. So just a better understanding of that would be helpful. Thanks.

MUKESH CHULANI:

The way it's currently set up, it's not triggered by any volume of domains. It's rather triggered by those specific incident types which I mentioned. So for you guys it may be a kind of a discussion on whether it's worth putting in the paperwork for something that maybe involves two or three or a handful. But that's a decision you guys should make. I think this is just a gap we've uncovered, or a potential gap we've uncovered which we'd like to fix if you think that's something realistic or not.

GRAEME BUNTON: I'm a little bit conscious of time because we spent a lot of time talking about bands we hate, which is my fault. I've got James and Reg in the queue. But maybe a good thing to do would be for us to look at this a little bit more and then have a membership call and get GDD staff on there and we can really dig into this one a little bit. James?

JAMES BLADEL: Yeah, agree. We should gather the group and talk about this because these are not theoretical or hypothetical. We're dealing with a number of these. And it's not just fees. As Graeme mentioned, it would be the registry/registrar fees as well as the ICANN fees that are material.

Also, we go 20 rounds sometimes with Compliance on transfers where people are trying to transfer out names that we suspended for abuse and ICANN is going to bat for those people. So we need to get out of that cycle and maybe have a parallel process here where when we suspend something for abuse either our ToS or especially for a court order that you guys aren't going to flood us with Compliance tickets because the registrant wants to transfer their name to a registrar who is maybe a little less aggressive on policing their zone.

REG LEVY: Thanks. This is Reg Levy from the Tucows family of registrars. In the slide just before this one, it seemed that this was a contract amendment to the registry contract. I was just wondering since ICANN has the ability to waive fees or any other provision of a contract at any time at its discretion, why this was added as a contract provision.

MUKESH CHULANI: Yeah, you can go ahead, Russ, if you wish to.

RUSS WEINSTEIN: Sure. Thanks, Reg. I think this isn't a true contractual amendment. It's essentially the registry comes to ICANN and requests a waiver. We assess it and if we approve it, which tends to be our bias on these situations, we issue a waiver. It's not a true contractual amendment. Does that make sense?

GRAEME BUNTON: Okay, thanks, all. I think we look forward to digging into this. What's next on your agenda?

CYRUS JAMNEJAD: Hi, I'm Cyrus from GDD staff as well. We're going to talk about the transfer policy. I know as many of you guys – next slide, please. Thank you. As all of you in this room know, the transfer policy is perfect. But if it wasn't, we want to talk about some of the issues that have been identified over the last couple years and reach out to you to really get our arms around what issues still exist and how we can best address those.

For a little bit of background on why we're bringing this up to you today, I see James sitting there, in 2016 you wrote I think a love letter on the transfer policy in your capacity as the GNSO Council chair to the ICANN

Board basically providing a litany of reasons why it's things that need to be addressed.

In response one of the issues that you had indicated which was whether a change of privacy/proxy registration should trigger the change registrant. That issue was given to the privacy/proxy accreditation issues implementation review team for analysis and to come up with a way to best deal with that. In the meantime, Compliance action around that particular thing was to have been suspended.

In addition to that, there were a few other things that were noted but that weren't remanded to the IRT for assessment. So the IRT, as you may be aware, was recently put on pause. So the question has not yet been concluded. Oh, apologies.

UNIDENTIFIED MALE: Getting feedback from various non-native speakers that you were speaking way too fast.

CYRUS JAMNEJAD: Fantastic. Thank you. Appreciate that. So, yes, the question was not resolved. And as mentioned, the privacy/proxy IRT was put on pause in September, so this question is sort of hanging out there. In the ICANN Org response to the GNSO Council in which we were indicating the intent to pause this IRT, we asked what the best way to treat this question which is now in some way orphaned, what can we do with this. The GNSO Council in response indicated that ICANN staff should look through the materials and consult with the Registrar Stakeholder

Group to look not only at this issue but any other issues surrounding it that have come up related to privacy/proxy registrations.

As we, the staff, went through this list to try and figure out what we should do with it, we also realized that in the meantime there have been other questions around the transfer policy which have come up. Some related to GDPR. Others related to things that we have learned in processing these things.

So basically what we thought we wanted to do is compile a list of the known issues to us, things that we've seen in practice and invite you guys to add on to or confirm that list. And then together we would look to give this to the council for the scoping team on transfer policy issues to compile a best-known list for resolution. If you could go to the next slide.

This is a list of five issues which we believe are currently outstanding. We don't have to dig into it today, but I think in the interest of time as Graeme noted perhaps this is something that we could discuss in another forum. But the long story short is that we want to look at these issues. We want to find out what you guys know about the matter and make a recommendation to the council for ways to address these issues.

GRAEME BUNTON:

Do I have anyone with a question for Cyrus on all of this?

RUSS WEINSTEIN: Thanks. I think the genesis of the GNSO's feedback to ICANN I'm guessing probably originated here in this room. So I think maybe if we can better understand what you were asking of ICANN, then we can work together to get the product back to the GNSO. I recognize it won't be solved today and here in this room. It's probably another one of those next call kind of things, but we're just trying to get the ball rolling with the registrars. We recognize there's an issue here and want to be as helpful as we can.

UNIDENTIFIED FEMALE: Currently, the PPSAI is on hold. Is this brought up today because you get a sense from the Board that they're going to reopen it?

RUSS WEINSTEIN: No, that's not why we're doing this. It's on hold because, as Cyrus had indicated, this issue got orphaned as that policy implementation got put on hold but the issue is live in the wild.

PAM LITTLE: Can I just jump in here? I think from the council's perspective, yes, we did get the feedback from the Registrar Stakeholder Group. And I think the underlying issue with this is there was a deferral request on the part of the Registrar Stakeholder Group to say can you defer compliance enforcement on the part of the transfer policy? However, it appears that the deferral that Compliance is willing to take is only one scenario rather than all these scenarios, and that's causing some issues for some registrars.

So we are just hoping that we can talk with ICANN Org and maybe also ICANN Contractual Compliance to say the issues that were identified in the original request attached to the council request to the Board were actually much broader than just switching on and off of [PP] service. There are all these other scenarios which we would like ICANN Compliance to include on the deferral of enforcement action.

So I think, Reg, is that correct? Isn't that the issue? So I think that's a more pressing issue. And the pause is the other thing which I guess the council is telling the Org implementation really falls within the [inaudible] of ICANN and really you should be the one making the decision whether it is wise, prudent to continue the pause or [inaudible]. I know there are pressures from other quarters of ICANN community to get this going again, so we are saying, ICANN Org, you should make that call. Thanks.

RUSS WEINSTEIN:

Thanks, Pam. That's really helpful. I think you're right. As we trace back the history of these letters, you can see that the thing that got to the Board requesting deferral was fairly narrow. So that's the Board told the staff to defer. Now we understand or the GNSO is highlighting that it might be wider.

So I think if you're looking for us to do something, I guess we just have to work together because staff alone can't defer. We need a request to go to the Board from the council and the Board to tell staff to defer. If you think you know the issues, I think you can just run with it there. But

it sounded like you wanted staff's participation in identifying the issue in alignment there before going back to the Board.

PAM LITTLE:

Sorry, Russ. Maybe I didn't make it quite clear. If you look at the council letter back in 2017 when James was chairing, if you look at the attachment to that council letter request to the Board, the scenarios were much broader than just one particular scenario. I think that's the issue. The most recent council letter to the Board basically said that somehow there's kind of a mismatch. ICANN Org took – there was only one issue relating to the deferral request, but there another more scenarios that should be covered. So please go back to that document, and I'm happy to maybe resend that link of the original request. Thanks.

RUSS WEINSTEIN:

Okay, thanks, Pam. Yeah, it definitely looks like there's just been a miscommunication in the trail here. That's why we're here, to try and clear it up and get the right thing to the Board.

GRAEME BUNTON:

We're going to claw back a few minutes from the GNSO up because it sounds like that might be short. So I think we have a few more minutes for GDD staff.

ZOE BONYTHON:

Graeme, there are two people with hands up.

GRAEME BUNTON: Where?

ZOE BONYTHON: Sarah and James. You need to keep an eye on the Zoom.

GRAEME BUNTON: Ah, maybe, Zoe, you can let me know if there's a Zoom chat for our remote. And if you're in the room, maybe stick your hand up because it's easier for me to manage the queue with that.

UNIDENTIFIED MALE: Sarah was first.

SARAH WYLD: Thank you. Hi. The third thing on the list, inability of the privacy service to cycle emails, how is that related to the transfer policy? Thank you.

CYRUS JAMNEJAD: Hi. That was actually one of the items that was listed in the letter that Pam referenced in Annex A of the 2016 letter from James. That was in thinking about the treatment of privacy/proxy services and the way that they are addressed in the document, this was one thing that wasn't going to work with IRTP Part C. James, I don't know if you want to speak to that a little bit more.

JAMES BLADEL:

Yeah, just real quickly. Some privacy/proxy services have random number generators each time a domain name is queried in the email address. It's a different and unique email each time. And Compliance was saying that triggered a material change in the WHOIS and then therefore that was a change of registrant.

I know we're running out of time. I just want to say we need to capture these and work on them. The challenge with us is that when we route them up through council to send them, this opens up a broader discussion with other interest groups who see a list like this and see all the things that they wish were possible or feasible or practical. And we have to spend a lot of time explaining why they don't work.

So I just want to let you know there's a barrier that we have to get through when we go through the council to the Board where we can have these reasonable and sensible discussions with GDD because you guys get it and you understand the operational constraints that we're under. But then we go to folks who are like, well, I would like you to do all of these things without realizing that this is sort of a snake eating its own tail and it doesn't work. Thanks.

CYRUS JAMNEJAD:

Thanks. Just to get back to the point, the first three [ingredients] there are listed in James' letter and the other two are ones that have come up over time. So to the extent that we want to break that up, I think that might be notable. It's just these three, I think the last remaining ones from your list that we had still identified.

This discussion or negotiation process kicked off a 90-day discussion period. It's at least 90 days. We anticipate that it will at least go up to the 90-day period. The challenge that we have right now is that it will be crossing over the holiday time period. So the calendar that you're looking at right now is very optimistic.

There are a lot of components that you can see that relate to how we put this into place which includes a public comment period once we have a proposed amendment in place. Followed by whatever comments are coming back we will work collectively with the stakeholder groups, discussion group, and staff to address the comments. Once that is made available, there's a voting period followed by having it go to the Board. Then we will have a 60-day period once the amendment is voted on by the Board. And then we'll have 180-day time period to have the amendment, all of those elements be put in place by the contracted parties.

So in addition to this, I think one of the main points here to be clear is that this really is addressing a technology issue and making sure that it is a coordinated transition from WHOIS to RDAP. It's not something that's going to be happening overnight in the sense that once the amendments are in place that WHOIS will be turned off. We've had WHOIS in place for 30+ years, and there is going to need to be a significant amount of communication efforts to build the global awareness for this transition across all of the parties that use WHOIS currently. We'll be updating all the contracted parties in terms of how we're going to be managing that process. It should be an interesting year to 18 months to make this happen.

Any questions?

GRAEME BUNTON:

I love putting myself in the queue first. Thank you for that, Karla. This is a big deal we are amending our contracts, which doesn't happen very often. And the last time we did that, it was I think a pretty fraught process although that's a bit before my time.

I am reasonably confident that this is going to be constrained to just RDAP. I've had some people express worries that we're going to see other issues put into this. What I've said to ICANN staff and I'll say to all of you is I think if we can prove that this model works where we have a single technical issue or a single constrained issue and we can go through the process cleanly to amend the contract, then we have a model for what might work in the future. And it would be silly to undermine that with [pouring] somebody else's hopes and dreams alongside RDAP in our contracts.

So we have a – I sent an email to the list some time ago, and we built a little team to do this. However, it is a contractual amendment process so we want to keep it as transparent as possible. Zoe is going to be typing up notes when we have these meetings and sending them to everybody. If you would like to follow along, I think that's perfectly fine. I'm just conscious that at some point if we get a lot of people and we're all really trying to put in input, it becomes not constructive. Our timelines are short, so I might constrain that a little bit. But for the moment, I think we're okay.

The last bit I'll mention is that when all of this is done, all registrars need to vote on this, so not just RrSG members. I still haven't really had the time to go into the voting threshold details but it's like 90% of the total domains registered or 50% plus one. So I think the short answer is we all need to vote on this when it happens. So you'll get lots of information because that will happen some time from now, but expect that to happen and it's important.

Anybody have questions for Karla on this? I believe we also have it later on our agenda today to dig into it a little bit more to make sure everybody knows what's up. I see Michele.

MICHELE NEYLON:

Thanks, Graeme. I think this is helpful. This is more of a comment rather than a question. I think just as long as this amendment process is kept narrow and focused on this specific issue, then we're happy I think mostly. And being able to shut off WHOIS is not a bad thing, and I look forward to being able to decommission one more server.

GRAEME BUNTON:

Anybody else? All right, thanks, Karla.

ANDEE HILL:

Next slide, please. Just a quick plug on the Summit. We have identified the location of Paris. We will again have the Board meeting beforehand, so hopefully we'll have some attendance during our actual event. The other events we'll continue to follow as we did last year.

We will start our planning, after we all get back and recover maybe a week or so, we'll start our planning committee. If anybody is interested in joining, please email global support. We're happy to have your participation.

Sponsorship opportunities are available. Just to reiterate, I don't know if everybody looked at the summit survey that we had from last year. We are looking at that when we're going through the planning process, and we're looking to have probably fewer sessions and more combined sessions and also looking at focusing on the TechOps and the business part and really trying to bring those two together so we have some resolution when we walk out of that event.

I think that's all I have. As noted, we are looking in the Los Angeles area for 2021. Again, let us know if you have any support or questions.

GRAEME BUNTON:

Thanks, Andee. I hear Paris in May is just the worst. So that's great. Just a plug that GDD has ebbed and flowed in its value, I think, for registrars. If we want that meeting to be good, we really collectively need to participate in building the agenda so that it has the topics that we want to really dig into. Substantive stuff we want to try and fix or change. That requires real input and work from everybody around this table. So as we begin to get in there, I'd love to see a great showing of hands of people getting in and making the GDD in May everything it could possibly be. Any questions for Andee? No? Okay, thank you.

Is that it from you guys?

RUSS WEINSTEIN:

Yeah, just one last. Thanks very much, Graeme. And I'd echo Graeme's comments. The GDD Summit is definitely one of those events of you get out what you put in to the summit, both in the planning process and the actual participation. So I'm really hoping to make it the best summit we've had yet. And again, Paris in May, not a bad place to stop on the ICANN tour.

Switching gears just before we get off the stage – and thank you all for your time. I know we went over your budgeted time for this. I do want to say that for those who are aware the Registry and Registrar Stakeholder Groups put a presentation to the Board on Saturday during the Board's workshop. Graeme presented on your behalf. And I just wanted to share that that was really well received. The information you guys provided in that was, I think, really helpful.

The presentation was well done, and it's a catalyst for getting more interaction with the Board. Several Board members were interested. We didn't have a ton of time to dig into it, but I think it was a good first volley back into getting in front of the Board and explaining the market that you guys serve and how the policies affect different things with the way you guys behave and that sort of thing. So I just want to applaud Graeme and the work you all did for putting that together.

GRAEME BUNTON:

Thanks, Russ. That presentation to the Board – thank you, GDD. Thank you for joining us. Appreciate your time. We look forward to digging into

that registry free abuse thing, ES-whatever-that-was, and on those transfers issues.

Briefly while I'm talking about it because Russ raised it, that presentation to the Board is a thing that we've been trying to get on the Board's agenda for three years. We did it once just before the GDD in Madrid. And it's not about policy. That one is about our businesses. What does a registrar actually do?

We had it ended up being about 20 minutes to try and present the depth and breadth of all of our different business models. Which was not wildly satisfying for me, and I would love to get more time on the Board's agenda so that we can bring in some other experts from around the table. People, like I can talk to wholesale domains for a long time, but I don't know a ton about retail or brand or aftermarket.

So we're going to keep hammering on that to get some more time with the Board because it seems important that the people sitting at the top of this DNS industry have some idea that the choices they're making, how they impact their primary revenue drivers.

Right. Okay, I think moving on to GNSO Council update from Pam. Please and thank you, Pam.

PAM LITTLE:

Hi, everyone. Zoe, would you mind? Let's move to the slide. Okay, I will start and, hopefully, if I miss anything or misstate anything, Michele will jump in to correct me or add. Okay, I just want to share with you all what

really the council has done over the last 12 months and what's in the pipeline.

You can see on the left-hand side, we obviously as a council spend a lot of time on EPDP Phase 1, especially on the two recommendations that were not fully adopted by the ICANN Board. We're still dealing with that one back and forth in the so-called consultation between the Board and the council on how to resolve Recommendation 12 which is about deletion of [org field] data if the registrant doesn't confirm that data is correct.

So at the moment the thinking of the council is leaning toward issuing some sort of implementation guidelines to address the Board's concern about so-called security and stability concerns. I think the Board is saying if you delete that data, that data is lost. And for example, ICANN.org as a name, then we wouldn't know who the registrant is for that domain name.

I think James and others on the EPDP on other occasions have explained why that wasn't the case. The data won't be lost forever. The registrar will still retain data. But anyway, we do hope that would come to a conclusion soon because it's been on council's meeting agenda every month and it's quite painful and time-consuming.

The other thing that has taken a lot of council's time is this IGO/INGO's access to curative rights. Basically, the IGOs and INGOs wanted to have a new domain dispute resolution mechanism just for IGOs and INGOs that would model on the UDRP but different process. The previous working group has concluded that won't be necessary, but the IGOs and

INGOs seem to think otherwise or they think otherwise that UDRP doesn't work for them.

That was quite problematic in that the council then struggled for a long time. We eventually adopted Recommendation 1.24 which [is kind of non-material] apart from saying, no, we don't need a new dispute resolution mechanism for IGOs. But now there's a Recommendation 5 about jurisdictional immunity, and that wasn't adopted by the council. Now that is going to be deferred to the RPM PDP working group Phase 2 under a different work stream but in parallel with work stream to work on that issue.

So it's just one of those very difficult and challenging and I would say divisive topics that the council had to deal with over the last few years now. But last 12 months that came to a head and then that's where we are at the moment.

The other thing I want to mention is PDP 3.0. As you may have heard elsewhere at ICANN meetings or somewhere else and also the councilors of this Registrar Stakeholder Group are trying to bring to your attention about this ongoing work that kicked off about two years ago. And we're coming to a close of wrapping up the implementation of this PDP 3.0. In fact, some of the ideas or principles in PDP 3.0 have been trialed at EPDP. So some of them should not be foreign or strange to us.

The gaining FOA letter to the Board that was [percolating] for a long time and eventually we managed to get that sent just at the end of last month before everyone was traveling for ICANN meeting and you should probably see that posted soon. Basically, we're asking for

deferral of Compliance enforcement of the requirement that gaining registrars need to send the FOA because it's really technically quite impossible to do so or differentiate whether the email is available or not, available at the losing registrar end.

The last one I want to mention because there are new templates and guidelines for the GNSO as a decision participant in the Empowered Community. There are a bunch of new documents and templates for those new accountability mechanisms if GNSO needs to exercise the power, for example, of approval action or rejection action or removal of Board member or spill the whole Board or invoke the independent review process.

There are a whole host of guidelines now being developed by a drafting team led by Heather Forrest a former GNSO Council chair and other folks in the community, including some from the Registry Stakeholder Group. Unfortunately, we don't have one on that drafting team. We means the Registrar Stakeholder Group. Therefore, we haven't really followed that work closely, and I haven't. I'm not sure whether there's anyone from our group who has followed that work. But it is on our council meeting agenda on this Wednesday. The council would vote formally to adopt the guidelines and the templates to be used in the future if such eventuates or a scenario that we need to spill the Board, for example.

So I'm just going to recommend we have a bit of a trust in those who are leading and involved in the drafting team and vote in support of that motion. But if you have been following the work and feel concern about

any of them, please let us know or the councilors know before the Wednesday meeting.

So what's in the pipeline? You can see that. I wouldn't go through them. These are the major ones that are going to come before the council in the next 12 months, especially the SubPro PDP. They're [ramping up] their work. [PDP Phase 2], that's a bit of an unknown.

The other one I want to mention is the transfer policy review. The council has just kicked off a scoping team effort, and I'm really pleased to know many of our registrar members have signed up to volunteer to work on that scope. So hopefully, that will be kicked off soon after the ICANN meeting.

Within the pipeline is also this ERRP review. Sorry about the typo. It's "review." And EPDP Phase 1 Recommendation 27, as you may know, that would involve a ton of work which is the review and updates of impacted existing ICANN consensus policies and procedures. So ICANN staff is working on that, how to phase that work so it's not all hit us like a truck. We can phase that in a more manageable fashion.

That's all the updates from me. I have a second slide to tell you there are quite a few outgoing council members and new ones. I guess it's always good to know who we have to work with. [Rubens] from the Registry Stakeholder Group, he's leaving us but will be replaced by Sebastien Ducos who some of you may know. And these are other folks that will be on the council. It's going to be another busy year for the council ahead.

So Michele next, and then questions.

MICHELE NEYLON:

Thanks, Pam. As most of you probably know and some of you may not know, there are three GNSO councilors representing you. So we have to have this geographic diversity, Pam is Asia Pacific, I'm Europe, and Darcy Southwell who unfortunately can't be with us this week is North America. The way ICANN splits up the world, you end up with some countries being in ICANN regions that don't make a lot of sense, but that's just the way the did it.

The council meets once a month, and we rotate the timetable. So Pam a lot of the time ends up getting up at 2:00 or 3:00 in the morning to do a lot of these calls. So I think you should thank her for ruining her social life.

We will be meeting early in January, well, middle of January in Los Angeles again to have what we call a strategy meeting. This is to try and work on improving the overall organizational effectiveness of the GNSO Council as an organization but also to look at what we can realistically achieve over the next 12 months.

If you go back to the previous slide and you look at some of the things that are on our to-do list, and there's another document that I think we've shared a couple of times to the members list which is the ongoing projects list. Things like the IGO/INGO thing keep on coming back. We've been trying to get it off there since before James was chair, I think, but it keeps coming back. And then there are other ones that are

being added in there. The reality is there's no way we're going to get through the entire list because stuff will be overlooked.

On the templates and guidelines thing, this is really not contentious. It's just that the new ICANN bylaws that came out of the IANA transition were drafted, and it's like if you're going off and writing a huge, big book with lots of rules in it and then when you look at it afterwards you're like, okay, what the hell do I do with this and how can we actually handle these particular scenarios?

So we have a couple of weird ones in there where some random person could come to the GNSO Council to lodge a complaint, and what is the process for dealing with that? Just as one kind of crazy example. So I think the documents that have been drafted there are to act as kind of a manual or how to deal with various scenarios. And it's based on work that the drafting team has done as well as getting some advice from ICANN Legal, I believe. Thanks.

GRAEME BUNTON:

Thanks, Michele. Thanks, Pam. The Pam getting up in the middle of the night thing is so bonkers, and she's so good at it and coherent at 3:00 in the morning, especially when we're doing ExCom calls, not just GNSO calls. So being in that region and operating on the times that we in Europe and North America find convenient is a real challenge, so thanks, Pam.

I think we've got about five minutes. I'm kind of curious about PDP 3.0, and I have not been digging into that issue personally as much as I

should. But I would love to see PDPs exist in a way that they can actually ever get done and we can begin actually fixing things instead of getting stuck for years and years and years. So do either of you two have a two-minute PDP 3.0?

PAM LITTLE:

Sure. Just before that, I would just have a bit of a plug. On 27 November there will be a webinar for everybody to participate in PDP 3.0. So it will run through what's in the PDP 3.0. And at the moment, there's also a consultation process going on. We have written to [OSGNC] seeking their input and also other SOs and ACs seeking their input.

Let me see if I can break down to just very quickly about 3.0 improvement. Basically, there are 14 improvements to make the whole PDP process a bit more efficient and effective, we hope. Some of them are really about membership criteria or composition of a working group team or the leadership criteria or requirements or when a new member can join. So to avoid someone actually joining a working group, like the working group has been working for two years and a new member says I want to join then we [really get] a lot of issues that have already been closed. So this is one bucket.

The other bucket is kind of project management types of things. There will be ongoing reporting requirements from the working group, and there will be a close monitoring of the status, progress, condition of each working group. So there will be kind of like monitoring and prevention versus allowing a working group to go astray when things should have been addressed much earlier on.

The other bucket will be about, say, conflict resolution. You might have heard some sort of a complaint within a working group and then stalled the work of a working group. And the GNSO operating procedures are not very clear on how to deal with this type of complaints, conflict resolution. And we are devising much more clear guidelines as how this should be addressed. Roles and responsibilities in terms of working group chairs and liaisons' role and then GNSO leadership's role. So conflict resolution is another bucket.

The other bucket will be about cost control. We want to be able to report costing of PDP. Because at the moment working groups run for years and then no one is really tracking how much they're costing.

I think that would be my two-minute cover. And I'm happy to send out more detailed slides about the PDP 3.0 to our group after the meeting. Thanks.

GRAEME BUNTON:

Thanks, Pam. I think that would be helpful because I would love to get more people involved in PDPs. And certainly right now, they feel like a real big burden, and if we can figure out how to fix those, then we can have plenty more voices and more registrar voices in them which would, I think, be great.

Anything else on the GNSO? Anybody have questions for Pam or Michele? Greg, please?

MICHELE NEYLON:

Yeah, thanks. Just one of the things that Pam mentioned around the PDP 3.0 thing was this issue of costs. As the GNSO Council, we do have the ability to submit comments on the ICANN budget and the ICANN strategic plans which also ties back to the budget. But we're not as nimble and not as able to be as expansive in our comments as the stakeholder group or individual companies. As individual members or as individual companies, you can comment on pretty much any part of the budget that you want to comment on. As the GNSO Council, we have to be very, very careful that we only submit comments in relation to what we see as tangibly impacting us.

Now on the cost thing to do with the PDPs which is what I was kind of getting at is that at the moment there's a bit of a challenge in how ICANN handles its own financial reporting internally. They don't seem to be tracking the number of staff hours that are assigned to some of these projects. I think they're changing some of that. It's just there needs to be a better dialogue between us and them because if you look at the breakdown, ultimately they want to keep doing more things which means they need more revenue. And ultimately we're the ones paying for it, so just be kind of careful and mindful of that.

GRAEME BUNTON:

Thanks, Michele. It is now 10:17 and we are two minutes into our break time. I believe, what time do we come back, Zoe? Half past. So we've all got slightly less than 15 minutes now to go grab a coffee, and we'll see you back here shortly for more. Thanks, everyone.

We'll get going again in about one minute if people want to take their seats. All right, we've got lots to get through, so we get to get started again. If we could take our seats, that would be sweet. How are we doing in the back. Are we ready to go? Thumbs up. Thank you, gentlemen.

All right, guys. We did it. We got through the morning chunk. This next session is pretty long, 10:30-12:30 when lunch shows up, and then we'll have lunch in this room. We've got the agenda in front of us. That's great.

Next up is a Compliance update. I will just hand it right over to Greg. You got this one?

GREG DIBIASE:

Kristian and I chair what's called the Compliance subgroup. For those unfamiliar for what this is, we have a subgroup within the Registrar Stakeholder Group that discusses issues that we're having with Compliance. The main goal is for members that are confused or frustrated with Compliance to be able to bring their issues to this group and we can settle them together and basically escalate these to Compliance and present a unified front on certain issues that we're struggling with.

Since the last meeting, the group took the initiative to – over the last several meetings our typical formula is to ask registrars for feedback, compile this feedback, and then present it to ICANN. We took a somewhat more formal approach since the last ICANN meeting and we

actually had registrars fill out a survey expressing their pain points, issues they're seeing. We had good participation. I think 27 registrars participated. And a good diversity of large and small registrars, so it's helpful to see what the different issues are based on the business model of each registrar.

We will be presenting this to Compliance. They haven't had a chance to review it, so we're not asking for real substantive answers to our hard-hitting questions. More just reviewing the survey with Compliance, making sure we're on the same page, and hopefully giving action items to Compliance to resolve issues or fix certain things by the next meeting where we can follow up.

If you haven't read the survey I sent out to the list, please take a look. It would be really helpful if there's an issue that's highlighted and you've experienced it, to bring your specific experience to the meeting so we can give ICANN more specific examples of what can be improved. If you don't have the survey, feel free to email me or maybe we can send it out to the list one more time ahead of time. And please show up to the meeting tomorrow. I think it will be productive.

I think the other piece of the Compliance meeting, we're hoping for a more substantive update on when the registrar audit will be. There is a registrar audit coming up focusing on DNS abuse at some point. I don't think it will be by the end of this year, but we have not gotten very firm timetables about when or really what it is. And we've also provided ICANN feedback with what we believe is in scope of the audit, so we're

anxious to hear from them what their plan is here. So that's the other thing we'll be discussing in the meeting.

GRAEME BUNTON:

Thanks, Greg. A couple things. That survey on Compliance I thought was really interesting and surfaced some really good stuff like the frustration with SLAs on ICANN side. ICANN's inability to articulate why they think you're not in compliance. Those are things that are super fixable and would reduce a lot of frustration. So I'm gently [crusty] that it's us doing that work to figure out where they're not great instead of ICANN doing that work. That really should have been them doing this. But they seem to be reasonably receptive to that, so good work everybody who participated. I think that may make a difference.

As part of that, they're going to talk about getting Compliance into the naming services portal with us. I guess, is that tomorrow? It's tomorrow? I think that piece is going to be really great for shining a brighter light on this SLA response time because if we have tickets in that system, it should really highlight just how long it's been since ICANN last responded. It makes it easier for us to gather that data. It makes it easier to hold ICANN to a better standard there.

Does anyone have questions for Greg or Kristian and Compliance? Is anybody not in the Compliance sub team but really wants to be? All right, great. That was easy. Anything more from your end?

GREG DIBIASE:

Bring your questions and specific examples tomorrow.

GRAEME BUNTON: Ah, yeah. Specific examples. Like if you actually have Compliance ticket IDs, you can say these are the specific things we need to deal with. Because Compliance often gets hung up when we talk abstractly or about broader issues.

Okay, we'll move right along then. What is next on our agenda? Incorporation update.

ZOE BONYTHON: Graeme, can I just interrupt there for a moment, please?

GRAEME BUNTON: Yes you can.

ZOE BONYTHON: Thanks. Because we're a little bit early in the agenda, I don't know if Thomas is in the room yet because we told him 11:00. So we might want to switch up.

GRAEME BUNTON: Ah, okay. Yeah, we can. In fact, I think we're going to run through a bunch of this stuff pretty quickly.

OWEN SMIGELSKI: I can go now if you want.

GRAEME BUNTON: What have you got?

OWEN SMIGELSKI: I'm doing transfers.

GRAEME BUNTON: Transfers. All right, we're going to jump ahead to transfers with Owen.

OWEN SMIGELSKI: All right, thanks, Graeme. Some of this stuff was touched on earlier during the GNSO Council update, so I won't be too repetitive. I think I've got 20 minutes, but this will probably take a lot quicker.

There are two main things going on with regards to transfer. One is the gaining FOA issue which we're all well aware of so I won't beat a dead horse with that. Kind of a timeline is that there was a letter that the registrar stakeholder group sent to the GNSO Council. There was a discussion during the October 24 meeting. And as I've just learned and updated the slide recently – thanks, Zoe, for including that – was Keith's letter to the Board. I'll paste links into the chat for all those there when I'm done talking. I can't multitask too well here.

So that's ongoing. What's expected is Board action on that. We can't really give an idea when that's going to happen. And then also, we need to make sure that Compliance is aware of those efforts. Namecheap has an ongoing saga of a ticket which has been open since June 2018 which covers this issue. I'll be giving them an update after the meeting where I detail everything that the stakeholder group and the GNSO Council

and the registrars have done on this so that they keep deferring trying to push us to implement a gaining registrar FOA.

The other thing that's ongoing which GDD touched on is that there's a transfer policy review scoping team. There is a working group and mailing list. That's about it for now. There are a couple of registries, one person from the NCUC, and then the rest of the members on that list are registrars.

We're trying to have a meeting I think the first week after next week. Goodness gracious, that's soon. And it's anticipated that we'll have this wrapped up possibly end of the year, early next year. At which point, that would go back to the GNSO Council for further action and launch a PDP on that.

So that's the updates for transfers. I don't know if anyone has any questions.

UNIDENTIFIED MALE:

Can you share anything about the ongoing saga you referred to?

OWEN SMIGELSKI:

Yeah. As some of the registrars here know, once GDPR temp spec came in, Compliance started launching inquiries either based upon complaints and then sometimes based upon just review of WHOIS data and stuff like that. They did some temp spec inquiries starting in June or so of 2018. I know at least for Namecheap one of the issues identified was failure to do a gaining registrar FOA. It was one of the temp spec

noncompliance areas identified, and it's been ongoing ever since. They keep telling Namecheap you need to implement it, and we keep telling them it's impossible. Which is where this action with the Registrar Stakeholder Group and the GNSO Council.

In June this year I know some other registrars also were having issues with ICANN. And we met with GDD staff in Marrakech to try and push this along. That's what's going on. But this ticket has been ongoing of that long. Greg?

GREG DIBIASE:

If you're comfortable sharing, do you have a pending update you have to provide to them? Because I think the state we're looking for is, okay, this ticket can be open while the letter is going through but you shouldn't be asking us for anything new while the letter is going through.

OWEN SMIGELSKI:

Yes, Compliance wants those updates, and so monthly updates. Although, I did get a deferral from them. They gave me an extra three weeks or something so that I could wait until after the ICANN meeting for the next update. But, yes, have not been able to get that closed yet. I think it will stay open until the Board orders so. Hopefully, they'll close it at that point.

VLAD DINCULESCU: Just a quick point. Recently, well, not recently but some time ago, ICANN sent out a link to the new training program for registrars with regards to keeping up with the temp spec I believe. I recall doing that, and one of the questions was the FOAs. When do you send out the FOAs? Do you understand that you must send it out pre....

GRAEME BUNTON: Yeah, you're talking real fast, Vlad.

VLAD DINCULESCU: Sorry. One of the requirements, well, one of the questions was, do you know that you have to send out the FOA as the gaining registrars, the losing registrars, and so forth? Essentially when they asked that question was I understood as I now acknowledged that I have to send out a gaining FOA because otherwise I get that question incorrect and then ICANN Compliance might come down to me and say, well, you're not well-learned or you don't understand the implementation of the policy.

And now that comes to this where it's currently sitting in this upheaval, essentially. So is that something we need to raise as well? Because I [don't] want to sit there going I've acknowledged that I have to do this, but I potentially might not do this and it's kind of just sitting in limbo at the moment.

OWEN SMIGELSKI: Yeah, I agree we should raise that issue. I had to take the training this year as well as part of Namecheap’s reaccreditation. I had a couple of issues with some of the things. I didn’t necessarily take notes, but I got some things wrong. Which I violently disagreed with. But I think that’s kind of an ongoing thing. We should probably raise that with GDD or whoever is responsible for that.

GRAEME BUNTON: Yeah, it’s a fun one. This gaining FOA is a real problem and I think my hunch is, and I think we’ve asked this before, that not a lot of people are sending them anymore because it’s unable to figure out if that email address in the output is reliable. I think Owen drew the short straw on this one. But I think we probably have pretty similar implementations around the table, so all of this ties back into the work that’s going on.

It’s going to take quite a while, I think, to really work its way through. It’s going to end up being a PDP before I think – so we may get deferral on enforcement from the Board via the GNSO, but I think it’s PDP before we generally really clean this up.

OWEN SMIGELSKI: Just making reference to most of us around the table not doing that. I’ll paste the link here in the chat, but we cite some stats in there in terms of registrars that don’t have email addresses present in WHOIS and it’s a lot. So it shouldn’t be too much of a concern getting the deferral, I hope.

GRAEME BUNTON:

Cool. Anybody else have questions or comments on transfers? I think ultimately this PDP is going to be fun. I think when we get there, which who knows exactly when that will happen because there's lots to clean up about transfers. TechOps has a great white paper on how they should technically work. I think we all see the friction that exists in the system around transfers, and cleaning that up will be a really good project. So get ready for IRTP E, probably, maybe 2020. It will be fun.

All right, I think Thomas made it into the room, and we can go back to Incorporation. Fun. So this is a hilariously long-running saga, about as long as my tenure as chair, where we've been as a stakeholder group struggling with our current financial situation which is perfectly good around how much money we have as a stakeholder group. And you all voted on a budget relatively recently.

But currently our bank account is a weird lawyer trust thing that exists. I think John Berryhill still manages it. He has not been super well-engaged in the stakeholder group for a while, you may have noticed. And there are actually pretty substantial fees we pay on that to have that managed.

Along with that also we don't have a credit card, which means paying for lunches and stuff is super difficult, I think. Michele has the highest limit on his credit card, so we make him do it and then we pay him back. And that's pretty awkward. So being responsible for our own finances is an issue.

And then also we have the delightful Zoe who makes this whole thing happen, and we have an interesting time trying to hire Zoe when we don't have any legal existence as an entity.

So we have been trying to incorporate and figure out what model we want to use to incorporate for some time. The registries did this last year, I believe, and they incorporated in the U.S. as a 501(c)(6), I want to say. And I'm not hearing wonderful things about that experience from them. I think they really are struggling under the requirements of that designation that they have to have quorum, they have to do a bunch of stuff. So that doesn't sound like fun. We had been looking at going down that road and then sort of backed off it.

Thomas Rickert, who is around here somewhere. Did you join the table, Thomas? He did. Great. Has been helping us on this and presented some options. And we did a pretty deep dive on this. I forget. Where was that? I don't think it was Japan. Where were we? Anyway, it doesn't matter.

So we bounced around various models where there is the full membership are members of this association which is incorporated, but that felt way too heavy. So what we're really trying to do is find the lightest weight method that we can have some sort of legal existence and a bank account that is also reasonable and responsible.

So we have a one-pager from Thomas that I don't recall if it's been out to the list or not yet. But I think maybe, Thomas, if you can give us your five-minute here's the structure as you envision it, here's how it works. And then we'll get the one-pager and the articles of association out to

the member list again, and we can hopefully conclude that discussion. And then hopefully in the nearest future get it done.

THOMAS RICKERT:

Okay, thanks very much, Graeme, and hi, everybody. The starting point for the discussion was to find a legal vehicle for you to do certain things. As Graeme said, primarily it's about being able to have a bank account, equip the directors with credit cards to make some payments, and also to have a legal vehicle that would allow for Zoe to be properly hired.

As I mentioned to this group when we last met, we did not do an analysis of all jurisdictions that might qualify for doing this. So I hope that we don't need that exercise, but actually the question was can we do something [inaudible] in Germany and the possibility is there.

In the last discussion, we concluded that we really want to keep the scope of this association very, very, very limited to basically just supporting the secretariat function and basically that you can have meals and other expenses paid for when you convene.

The idea is to have actually a professional association which is for tax purposes the easiest way to do that. We would need to have articles of association for this organization. We could incorporate it in Germany. It could actually have its seat in my law firm unless somebody else volunteers to be the home for this association.

Then we would basically have two tiers of directors. As you may know, typically directors are being entered into the register of associations, but that might prove difficult with directors coming from all around the

world. So what we propose doing is to have a minimum set of directors. You need one, but we recommend to have two in case somebody is not available. These two individuals would be entered into the register of associations.

On top of that, we would have an ExCom that would not be entered into the register but that would be voted on by the membership on an annual basis or whatever terms you might choose to have.

If we do that, it should be relatively straightforward and easy to manage the association. I've spoken to a tax person who certainly couldn't give me an exact cost estimate for this exercise because he said that it basically depends on the effort they need to spend on this, i.e., the number of financial transactions that need to be booked. But chances are good that it's going to be far cheaper than the solution that you have at the moment.

I guess what we need to do is you need to review the articles of association that I have sent to Graeme in draft format so that you feel comfortable with it. In the earlier version, I've tried to synchronize it with your charter. But since there was a wish to really keep this as lightweight as possible, I've pretty much detached that from your charter. So we would basically still have voting and nonvoting members. But other than that, the role of the association would be limited to hiring Zoe and supporting from an administrative point of view your policy development as a framework but not the policy development itself which is going to take place in the [RrSG].

So next steps after you've agreed to the articles of association is that I would need two of those permanent directors that would just be entered into the register of associations. We could do that through me and one of my team, but I think that Tom and Volker, for example, said that they would be happy with performing that role as well. I mean, there's no work attached to it. And since there are no big financials involved, I guess the risk is like zero being entered into that function. We just need to have two individuals that can be entered into the register of associations.

From an operative point of view, I have been asked by Graeme to check with banks since you didn't have a preference for a bank to work with. So I've checked with banks whether they would be comfortable with the setup, particularly given more rigid money laundering laws. So big financial intuitions at times have difficulties with membership coming from all around the world and with directors coming from all around the world. But it looks like I have a bank that's willing to do that. I'm waiting for their written confirmation so that we're on the safe side.

So that's the second condition before we proceed. The first condition, again, is you agree on the articles. The second condition is we get a greenlight from the bank. And then we could proceed to two members actually adopting the articles that we have previously agreed. Then we would need three individuals that actually do the founding or the inaugural session of the association. And then if we can add more members to that if we reach the threshold of seven registrars being willing to join the club, then we can go to the notary public and have that filed with the association register.

One last sentence. I hope I haven't stepped over the line too much timewise with the five minutes already. We do not know. There's always a little bit of uncertainty if you don't use really standard language for articles of association that the register has questions and asks for amendments. So the local courts who operate these registers, they offer a service whereby you can send the articles to them for checking. But that typically takes a couple of months for them to get back to you.

So my recommendation to you is that if we feel comfortable with the articles, we just file the association. If they accept them, fine. If they have questions or ask for amendments, let's deal with that if we need to. But I think that keeps the resources to a minimum that we need to spend, and we get things going quicker than otherwise.

So, Graeme, I think that's my five cents. Is there anything that you would like me to expand on?

GRAEME BUNTON:

First, thank you, Thomas. I know it's a bunch of work, and I know you've been thinking about this for us for quite some time and it's super appreciated.

Let's hear from the room because this has come up a few times and people have had some strong opinions about this. So I would like to hear from people in the room how they think about this particular model. James, I saw you were in the queue.

JAMES BLADEL:

Yeah, thanks, Graeme. I was raising my hand actually before Thomas spoke, so I wanted to first thank Thomas. And this is not a criticism or a rebuttal or anything to anything he said.

Just very similarly I wanted to see if we had explored because the 501(c)(3)/501(c)(6) is not the lightweight process we're looking for and of course any other option would create probably some potential tax exposure for the organization, that setting up a professional association and having it run by a trusted third party would be good. There are firms I know in DC that do this if there's ever a coalition for puppies and kittens and sunshine type things that we see pop up all the time in our space.

Something like that might fit the bill. It would certainly allow for the hiring of a director or an employee or a secretariat or whatever designation we wanted to give Zoe. What it doesn't solve though is maybe the credit card issue. It would still be a reimbursement thing. But I think that could also be a lightweight process is to have an outside firm manage it. And it sounds like that's what Thomas is pitching.

The only caveat to me in incorporating outside of the U.S. would be if there's any requirements on directors' locations, we have to future proof this. Because I now we sometimes have trouble finding people to run for offices in a way that's geographically distributed, and we would hate to get caught with this thing where we don't have the right people from the right jurisdictions ten years down the line. So I would just note that that might be a vulnerability. We never seem to have a problem

with coming up with enough Americans. That's just kind of the way it is. You swing your arms and you hit three of them. Thanks.

GRAEME BUNTON: Thanks, James. Do you have any comment, Thomas, on the director geography piece? Aside from the two that go into the register, the other five which would be ExCom.

THOMAS RICKERT: From a legal point of view, there is nothing preventing an association from having directors globally. So there are no limitations whatsoever. The only thing is [know your] customer requirements [by] banks. So I think we would run into difficulties if we had directors coming from countries that are on sanction lists. So that might cause an issue because they might then be the financial beneficiaries for the money that's in the bank account. But I think these limitations would be applicable in all jurisdictions that I've heard so far could potentially qualify for this job. The [EU has] sanctions list, so does the U.S. So I'm not sure whether we would gain anything by going elsewhere.

GRAEME BUNTON: Thanks, Thomas. I've got Jothan then Jeff.

JOTHAN FRAKES: Thanks. I'm just actually coming off two years as executive director of a (c)(6) type if we're looking at (c)(6) versus (c)(3) type of operation. The thing that I ran into often is there are often discounts or things that are

advantages of one versus the other. The (c)(6) doesn't often have those available. So there are some benefits to going with the more popular of the two. So I have some operational experience with this. If I can answer questions or help and bring some of what I've experienced to bear to help this process, I'd be glad to answer questions or help that along, Thomas. Thank you for your help with this.

JEFF NEUMAN:

Thanks. I think the problem with the registries was the state they chose to incorporate in, not the format. They chose Florida which is one of the worst states. Not in general. I love Florida. But that's not a place that I would ever recommend anyone incorporating. There are better places.

The question I have, and I don't know the answer to this, is if we join an organization that is headquartered in another country, are we subject to the jurisdiction of that [country] by virtue of joining that association? That's just something I don't know the answer. I've got to check with our legal teams. But that's something that obviously people would need to go back and think about.

THOMAS RICKERT:

If I may, Jeff, good question. I guess this question came up last time that the members don't want to have any liability risks associated with being a member of the association. There are none. Members are not liable for the association's dealings.

JEFF NEUMAN: That's not the question I'm asking. I'm asking about personal jurisdiction type things.

THOMAS RICKERT: Sorry, I hadn't finished. I think there are three aspects to that question. One is can members be held liable for things that the association does. And then from a German legal perspective, there is no such risk.

Then the second aspect is whether by joining an association in another country whether you might be subject to that jurisdiction at least in certain aspects. That needs to be answered by your local counsel. I don't have an answer for all jurisdictions around the table. In Germany, there wouldn't be such risks for German associations or organizations being a member of an association.

The third thing is whether directors are liable for what they're doing. And certainly there is a fiduciary duty with directors. But let's face it. The budget of this association is not huge. It's a few thousand U.S. per year. It is tailored to be sufficient to buy you a cup of coffee every now and then and to pay Zoe. So I think if you get that sorted, I think the risk is more or less theoretical.

GRAEME BUNTON: Thanks, Thomas. Thanks, Jeff. I think in this model the vast majority of people like RrSG members are not members of this small association. It's really just the ExCom. So that liability doesn't happen unless your or that relationship doesn't impact you unless you're a member of the

ExCom and now on the board of directors. Because it's not a membership organization. It exists only to facilitate this organization.

Any other thoughts or comments on this? It feels to me like we're actually converging on something that could be really helpful, and I don't want to jinx it but I'm quietly really pleased.

THOMAS RICKERT: [inaudible] point.

GRAEME BUNTON: Fire it up.

THOMAS RICKERT: And that's sort of a second step issue. But if we want to hire Zoe, that will be a cross-border employment. You would have that in every scenario where the association is not sitting where Zoe is residing. I'm sure that many of you as companies do have employees in other jurisdictions and might be familiar with that. So I have not looked into that, but I think from a budget perspective it would be great to have one member volunteer for this to reach out to the tax folks to get that process done and properly have her enrolled as an employee.

GRAEME BUNTON: I have Fred then Tom then Elliot.

FREDERIC GUILLEMAUT: Hello. I was just wondering, we seem to have quite a clear idea of what we could do. Is there a chance to have that finished by, not the end of this year, but by the next ICANN meeting? Or is there still a long process to vote, discuss, and things? Because I have the impression we keep talking about it. There is no perfect solution. Maybe at some point we should make a choice and do it.

GRAEME BUNTON: Thanks, Fred. I haven't really thought about the formal mechanism to yay or nay it. I think we've still been in that discussion phase where we're trying to narrow it down to the right option. I think we're close to that. I don't know that we need to vote on this per se, but we can certainly raise it as a consensus issue. And then if there is strong disagreement, we can go back and figure that out or do an actual vote. But it would be really good to get this done.

I've got Tom, Elliot, Pam.

TOM KELLER: Thank you, Graeme. I think whatever kind of construction we take, we will always have certain issues with it. It could be something [in the states], it could be any other country. I'm very strongly promoting to move forward with something. The only two concerns I would have I would like that have more information about is, first of all, how fast can we dissolve such a structure if we don't like it anymore or we find out that we don't really are pleased with the outcomes or it's too complicated or whatever?

The second would be how we evaluate the tax risks. I was just part of a group that founded a company in Belgium and then we found out afterwards there are all sorts of regulations we didn't know about. It was supposed to be tax free and then it wasn't tax free and all that. So especially if you employ someone, we need to make sure that there is not a greater liability on the directors.

GRAEME BUNTON: Thanks, Tom. Elliot?

ELLIOT NOSS: I think you answered my question in [Slack]. But, Thomas, I think if Zoe is a contractor, then the employment issue doesn't matter, does it? If Zoe is a contractor, then the employment issue does not matter, correct?

THOMAS RICKERT: Well, if you have somebody working for you exclusively, then even if you call it contractor by statute they would be an employee.

ELLIOT NOSS: That's the test, for sure. That's the test in every country, but I mean....

THOMAS RICKERT: I think Zoe can probably best speak to that.

association and the ongoing cost to comply with German laws and regulation. Thanks, Thomas.

THOMAS RICKERT:

As I mentioned for the – I think the original set up including the drafting of the articles of association, I think I have done a cost estimate for up to \$3,000 U.S. for everything. So then you have a few euros, but it's actually negligible for filing this. We would need to set up a bank account that costs a few euros per month to get that operated. And then you have the tax [consultant]. There are very lightweight rules for professional associations, so they don't need to do full-blown annual accounts. So that's facilitated. So the ongoing costs as to the tax [consultant] would be substantially lower than what you have at the moment. I think it's a couple of hundred euros that you pay for Berryhill's....

GRAEME BUNTON:

I think it's – where's Benny?

UNIDENTIFIED FEMALE:

500.

GRAEME BUNTON:

I think it's 500 bucks a month. It ends up being a – right? Which would be two registrars' worth of fees a year that adds up to more than that, obviously. It's pretty substantial, and this would certainly save us some money on that inside of a year.

THOMAS RICKERT: And the only income of this association will be through membership fees, and that wouldn't be taxable. So you don't have any tax issues with that.

Just to give you a ballpark when it comes to social security, the employee part of that. If you take the gross salary plus 25% roughly, then that would be the mix that you get in Germany.

UNIDENTIFIED MALE: So just a protocol question here. We've done updates on this. And, Thomas, you're doing great work. As far as this update goes, what's the next step? Does somebody need to make a motion that this move forward? Where does this lie now as far as procedurally what happens now?

THOMAS RICKERT: Okay, let's try to summarize the next steps. I guess the most important thing is that if there are any remaining concerns, that you discuss whether you want to proceed with this option or not.

Then the articles of association, I think it would probably be best for Graeme to send them to the full list or those that are willing to review them so that we know that this is something that's adequately covering your wishes.

The third step is for me to get written confirmation from the bank that they will actually support these plans.

And then I would need a couple of volunteers, three in total, to get the initial set up done. And then we can onboard more members. And once we have seven members that have signed the membership [publication], with seven founding members we can go to the notary.

But I think once we have your guys' green light that you want to proceed, feedback from the bank, and a green light on the articles of association, I would send you a brief memo exactly spelling out the next steps and potential timelines for getting this done.

GRAEME BUNTON:

Thanks, Thomas. So for us internally, it's to get those articles out there, review them, have a discussion on our mailing list that clears up any issue remaining. We can do it without a vote assuming we don't have a lot of conflict around it where we can say here's the actual plan. This is what we're going to do if no one has any strong objections. If there are strong objections, we can move it to a vote, but we don't have to do it that way. And then we do it.

Any last bits and pieces on this? Great. Thank you very much, Thomas. Again, we really appreciate your work on this.

THOMAS RICKERT:

You guys are most welcome.

GRAEME BUNTON:

Okay, moving right along. I think we're running well ahead of schedule at this point too. Compliance and transfers went a little zippier. RA and

RAA amendments. Okay, am I on the hook for this, Zoe? Is this me? Oh, lucky me. We talked a little bit about this this morning, so this might actually go pretty quickly as well. But I'll lean on you a bit here, Jeff, too.

Everybody should have had in their email notification from ICANN that they've started the 90-day discussion period for an amendment to the registrar accreditation agreement specifically to put into our contracts SLAs for RDAP. This amendment process, we've been very clear with ICANN and ICANN has been very clear with us that this is going to be limited exclusively to RDAP SLAs. There shouldn't be anything related to anything else. I am reasonably confident that they mean it when they say that.

There are caveats to that though. There may be other [factors]. So it's Russ and Karla. We had them in the room earlier today. There are probably other bits and pieces inside the ICANN Org itself that might present some pressure on them to add other things. And there are certainly other elements inside the community that, once they understand this is happening, may try and push other things in there.

I'm not super concerned about other things not related to RDAP from coming in, but we will be extremely cautious that that does not occur. That this is not a full-blown contract renegotiation. This is specific to RDAP SLAs. ICANN genuinely wants to get RDAP up and running and have these SLAs in place and sunset Port 43 WHOIS. I think many of us do too. So it's generally in everyone's best interest to keep this clean and narrow and get it done.

We have a small team of people that are officially working on this, although we're keeping that reasonably loose. I think I asked Zoe to send out the notes from yesterday's first meeting to the membership list, so everybody should see what that first discussion was about. We will try and keep this as transparent and open as possible.

If people feel super strongly that they are – about participating in this process, please let me know and we can add people to that. We need to manage, as we do in all things ICANN, our ability to get stuff done with our ability to be transparent and have broad participation. I'm not too concerned about that at the moment.

We haven't quite figured out the cadence, but it sounds like it's going to be every two weeks. We're also in some discussion about whether we have a lead on this. We might do that. It might be Jeff. We'll make sure notes get back.

The voting process I think I discussed a little bit already this morning. We will all have – all registrars, not just RrSG registrars – will need to vote on this. This is one of the weird bits of our contracts that specify the RrSG is responsible for the negotiations, but all registrars vote. So if you have friends who are registrars but not members of the SG, a) ask them why the heck not and get them on board but b) you might want to talk to them that this is coming down the pike.

One of the very few, as a gently aside – I'm not sure if this is a carrot or a stick – but encouragement mechanisms for registrars to become members is that there are things in our contracts that the SG is responsible for that they don't get to participate in unless you're an SG

member. So if people from outside the SG wish to participate, then they actually need to join the SG because they should. It's important to participate in these things.

I'm not super dialed in to the four key issues. I will leave that to Jeff maybe to talk about. If you can give us a quick run down on those four key things that we think are going to be important in these negotiations.

JEFF NEUMAN:

Sure. Well, I think there are a number of sub issues. But the four that were identified at least in yesterday's meeting, one of them was called by ICANN initial versus final SLAs. So this is something that has been a thorn in my side because we spent a year negotiating acceptable SLAs with ICANN. Never once a mention that this was only acceptable as a starting point.

They seem to think that these SLAs that we all agreed upon that have been forwarded around the group many times, they're taking the position that that's only because the assumption that WHOIS was also operating at the same time. Which is not true and I have emails to prove it. But that's something that they phrased as an issue and I think we'll dispense with that pretty quickly.

The second one they called issues with the profile. We could put issues in there like ICANN wants to have searchability in the SLAs, but I think this mostly impacts the registries because they're the ones that agreed in their contracts to do searchable WHOIS. So the question for the

registries is, is committing to doing searchability in RDAP the same thing and should those automatically be converted over? It doesn't really impact I think the registrars if I'm correct because there's no searchability requirements for us.

A lot of the issue then relate to the third category which is the retirement of WHOIS services. Actually, I'm sorry. There is one more in the RDAP profile. We as registrars are used to having the option of whether we set up for – sorry. For thick registries we have an option of setting up our own instance of WHOIS for those registries or essentially framing, linking, whatever, taking the registry data and then putting that into our output.

ICANN is of the view that that should change going forward and that registrars should be required to provide their own instance of RDAP regardless of whether that information is for a thin or a thick registry. That's going to get a little bit thorny. I think there have been some previous email exchanges around the group. That's going to be one that I think we'll discuss for a while.

Then with respect to retirement of WHOIS services, ICANN is – not so much Port 43. I think everyone is settled on moving that out. But one issue that ICANN is taking is that the RDAP profile does not contain a specification or it doesn't contain anything that requires a web based interface both for the input of WHOIS queries or the output of the results of those queries, let alone how that would be implemented in a searchable system.

So there's a view that because RDAP doesn't require, that that's not our problem and go figure it out. Build your own client. It's designed so that anyone can build a JSON client and make it look pretty.

So I think there's a disagreement of positions. Whereas, I think ICANN just assumes that, well, if we're getting rid of web based WHOIS, then you should provide web access to RDAP query information. So that's going to, I'm sure, cause some discussions.

And I think the last thing is really just what is the process for making changes to those SLAs. Because we all recognize that this is new and we're still waiting for some of the aspects to be worked out within the protocol itself when IETF and – let alone the operational rules around it. So there's an expectation that there may need to be modifications, and I don't think any one of us really wants to go through this amendment process to handle those.

GRAEME BUNTON:

Thanks for that, Jeff. I think this thick/thin registry issue is going to be really interesting. I don't know actually how Tucows does it. Whether we display our own or whether we mirror registries for thick data. But I think the implementations are pretty diverse on this.

UNIDENTIFIED FEMALE:

We display our own data.

GRAEME BUNTON:

We display our own? Quick show of hands if people know off the top of their head whether – put your hand up maybe if you display the registry if it's a thick registry. One, two, a few, three, four. No. Question. All right, so people either don't know or do some of that. So we do have some diversity of implementation there, which is perfectly legitimate under the current contract but might be interesting as ICANN wants it.

I think also that causes a problem where the registry and registrar could be displaying different information. It makes it confusing for people trying to get that information where to go for what is definitive. And it's going to be maybe definitive in both places, just for different reasons.

I think I have James in the queue and then Elliot.

JAMES BLADEL:

Thanks, Graeme. Thanks, Jeff, for aligning the material. [It definitely is] going to get tricky around some of those things. I just wanted to – look, maybe I have some residual trauma from the 2013 RAA negotiation like a dog that was kicked as a puppy. I hear that and I just brace myself a little bit. Do you guys have a process? I'm less confident that we're going to be able to keep this narrowly tailored, particularly when it goes out for public comment.

I wasn't clear from Karla's chart yesterday if there was going to be a period in between the 90-day discussion period and then the public comment where it would be circulated among the Registry Stakeholder Group and the Registrar Stakeholder Group prior to going out to the public. Does that eat into the 90-day period? Does that eat into the

public comment? Or is the first time that folks are going to see a redline when this goes out for comment?

GRAEME BUNTON: [Do you know?] Do you have an answer?

UNIDENTIFIED MALE: It's an expectation that we will be keeping everyone up-to-date as drafts go back and forth. So it's on the small negotiating team to make sure everybody knows what's coming. So Karla wouldn't build that into her timeline. That's really for us to develop the internal plan, and I think we should do that based on the overall one.

So just to give you a little bit of comfort on ICANN's side, unlike what happened in 2013 with the registrars, when the registries were negotiating their amendment they put it out for public comment, got a bunch of comments on expanding the scope, and ICANN pushed back and said no.

So as long as they do what they did the last time, which there's no reason to think that they won't – the last time with the registries, and there were a lot of comments to change a bunch of things that weren't included in the registry agreement – then I think we're going to be good.

GRAEME BUNTON: And I think any redline we get goes back to the list. So throughout that entire process, the notes and redlines and versions of this go out to the entire list. It is a contractual issue. It's important.

UNIDENTIFIED MALE:

So just two quick observations, and this is not a criticism of Jeff or [Katherine] or any of the other folks who are working really hard on this, but having our only legal representation on this group be from vertically integrated companies that are both registries and registrars I think presents a potential problem if those interests diverge and which hat you guys are going to choose to wear in that particular scenario. So we'd like to watch that very carefully, and we'd like to have you guys proactively disclose any of those divergent. That's another one.

And then the second one is a process to hit the brakes and pull the ripcord on this entire thing if you do believe, Graeme has mentioned, that there is a little bit of waffling on the part of ICANN staff about reopening.

My primary concern is the way this was phrased in the blogosphere about ICANN is finally putting a nail in the coffin of WHOIS. Ding, dong, WHOIS is finally dead. I think that was like ringing a dinner bell to a lot of folks who don't want WHOIS to be finally dead, even if it is being replaced by something better and more secure and more compliant.

So those are my other thoughts here. Thanks.

GRAEME BUNTON:

Thanks, James. That's a good point on vertical integration. Not that you guys are bad, but you're right. We should think about that. If we've got more lawyers who are not from vertically integrated registrars, let's chat. Jeff?

JEFF NEUMAN: Yeah, I just want to clarify. We are not a vertically integrated registry/registrar. We're not a registry. We're only a registrar. Yes, we provide advice to registries, but we ourselves are not a registry. We are only a registrar. But I'd be happy to disclose any conflicts or any of that. If I'm appointed by the registrars, I will absolutely look out for the registrar interests.

GRAEME BUNTON: Thanks, Jeff. I've got Elliot, then Volker, and Jothan in the queue.

ELLIOT NOSS: Yeah, thanks, Graeme. Jeff, I want to pop up from the issue of thin versus thick presentation. I think that it's my impression and I think we see this in the transfer discussion too that underlying some of ICANN's positions on things is an acceptance of the fact that Compliance is broken or that they can't run compliance enforcement to ground. And I really don't want to see that broken tactical piece of the bureaucracy impact on something like the RAA.

So where this often comes down to is the difficulty in enforcement. I'm sure if there were not some issues with some registrars who were able to independently present not doing it well, this wouldn't be a negotiating point. Maybe that isn't even the case. Maybe it's just hypothetical and I don't know if ICANN has presented them to you, if ICANN has presented you with those instances.

But here I would really encourage a position that says we're happy to agree to strict requirements for registrars who do choose their own presentation so that it is consistent with registries, etc., and we're happy to help you with enforcement of those who don't. But agreeing to what they ask for I think is completely inappropriate.

JEFF NEUMAN: So I think they're asking for the opposite. I think – I'm just trying to make sure I understand you, Elliot.

ELLIOT NOSS: They're saying we want....

JEFF NEUMAN: Everyone to have their own instance, not that you copy the registries.

ELLIOT NOSS: Oh. I thought they were saying....

JEFF NEUMAN: Yes.

ELLIOT NOSS: Then it is exactly the opposite. Really?

JEFF NEUMAN: Yes.

ELLIOT NOSS: Do you know why?

JEFF NEUMAN: I think it had something to do with the temp spec requirement that in the WHOIS you display the link or something else to someplace where they can go to contact the registrant with a complaint.

ELLIOT NOSS: Got it. That's great.

JEFF NEUMAN: Where the registrar is just bringing in the registry information, it's leading back to the registry instead of the registrar and then the registry doesn't have that information.

ELLIOT NOSS: Got it.

JEFF NEUMAN: And so it causes confusion.

ELLIOT NOSS: That's great. In which case, accept their position. That's fantastic. No, I mean not for – for those of you who want to....

JEFF NEUMAN: Right.

GRAEME BUNTON: Thanks, Elliot. Volker, then Jothan.

VOLKER GREIMANN: In a way, this is a bit of a backwards process here because first we are required to implement something and then they're creating SLAs to do that and essentially force us to change our implementation, at least potentially. So one of the main goals of the negotiations, from my view, should be that the impact on existing implementation should be as minimal as possible.

The second point is that they will likely have certain response times baked into the SLA, and I'd like to see those be framed from the time that the registrar or registry receives the request to the time they provide a response, not the time the request is sent by the requestor to the time they get a response. Because there are many things outside our control that might impact that. And the way that it is currently for WHOIS in the RA is probably the wrong way.

GRAEME BUNTON: Yeah, thanks, Volker. I'm completely familiar with that. And in fact, that was a huge issue when the registries were negotiating their SLAs because ICANN decided that it wanted to have its own probes go out there and test everything. And of course, ICANN probes can't test when something reaches into the system versus when it gets kicked out.

So the registries, with the exception of [CommonNet], all the other registries have agreed to these SLAs with the assumption of probes. But the SLAs, if you look at the response times, are pretty ridiculous. Very few people could ever violate those and if you did or if there was some external factor that caused the issue, then those are in a force majeure clause and saying specifically that the registry in that case is not responsible for all of that.

Completely understand, and you're right, the way that SLAs are normally measured are when it comes into the system to the moment it goes out. But then you can't test it from the outside. So I'm completely familiar with that. I think the registries lost that battle in 2012.

VOLKER GREIMANN:

Well, there is a way to test that. It's called an audit. They can audit our logs of requests. We're required to keep those logs, so let's just tell them to make that part of the audit program instead of have the ongoing probes.

And finally to the question of not being able to provide the contactability information for the registrant, we mirror the registry image and we know that the registry does not have that information. We just append it to the output at the end. And then it's still there. It's still compliant. And it works, and we can mirror. So that shouldn't be the consideration for accepting that demand of ICANN.

GRAEME BUNTON:

Thanks for that, Volker. You want to respond?

JEFF NEUMAN: Yeah, quickly. Yes, completely understand. I was just presenting what ICANN's view was not my view.

GRAEME BUNTON: I think we can all agree that ICANN probing sounds just like the worst thing I've ever heard. Jothan?

JOTHAN FRAKES: I think the majority of what I wanted to raise was actually raised by Elliot and Volker. But, Jeff, thank you for the hard work on all this. I don't want to put words in James' mouth, but I think also as he mentioned vertical integration, diversity that we have, there's also I think profile diversity.

In the presentations we made to the Board to help educate them on the types of business models that we have in our group, I think that somebody, for example, as a company that provides services to corporations or brands might have a different outlook on this than, say, one that is a reseller or direct user. So I think that the more diversity that we have in these discussions the better.

JEFF NEUMAN: 100% agreed. More people involved is great, and I'm just volunteering. We are a corporate registrar. I don't have to lead this thing. I can step back and that's fine too. If I'm involved, it's clearly with the

understanding that it's on behalf of the registrars as a whole. But I'm happy to step down too. Whatever.

JOTHAN FRAKES: Yeah, and that wasn't directed at you, Jeff. And thank you for the service on this. It's definitely one of those no good deed goes unpunished kind of things, right? But thank you.

GRAEME BUNTON: Yep. And I actually should point out it was Jeff that fought the battle to actually get this into a contractual amendment and that what ICANN was trying to do with the SLAs was inappropriate. So the reason we're not already having to have these SLAs and that we're going through this formal process to do it is because Jeff fought a hard battle on that.

I've got Michele. And then anyone else in the queue on RA amendment?

MICHELE NEYLON: Thanks. Great seeing Jeff leading this. I have absolutely no issue with that personally. The one question I had was in relation to the probes and the SLA stuff because this came up with GDD in Bangkok that the registry operators have access to the system so that they can see what ICANN is seeing, but they didn't seem to have thought about how to do that for registrars. Has there been any progress on this?

JEFF NEUMAN: Not to my knowledge, no.

MICHELE NEYLON: Okay, so that's super helpful. So do we have any inclination as to how ICANN intends to measure these SLAs, and are we just going to end up in a situation where the registries get access to the data and are able to see it and we are just going to have to take ICANN's word for it?

JEFF NEUMAN: That would not be ideal, obviously. Those are all good questions, and I don't know even if ICANN has fully considered how they would do this with their existing probes and – God, that sounds terrible, Graeme, you're right. So, yeah, those are all really good questions and certainly ones that when we get into the details we will talk to them about.

GRAEME BUNTON: Great. Good stuff. I'm glad there's strong interest on this because it is super important. So thanks, everyone, on that topic. Let's keep going. I thought we were going to be super behind, but I think we're running like 20 minutes ahead at the moment. We just have like 10 minutes of quiet time, put your head down.

UNIDENTIFIED MALE: Combine that with the probes and....

GRAEME BUNTON: Yeah, we all need a palate cleanser after the ICANN probing. All right, strategic planning next steps. We do strategic planning. It's a thing that

the SG does, and it's great. We're not at the moment super awesome at executing everything that comes out of that planning. That's partially my fault. That's I think mostly [just capacity] and time.

But we get lots of good feedback. We've done this twice now. Once with the ExCom and GNSO councilors only in L.A. as we tied it to a GNSO fly-in. And then we did it at that tail end of the meeting in Kobe in Japan, and that was open to all registrars. We had a number of people show up, and we had a really good day I thought. We had some really good discussion and it was appreciated.

There's going to be a bunch of items to follow up on there but, boy, have I not been paying attention to that and it's probably time that I dug a little bit deeper. So I don't know that I'm super ready to talk about the bits and pieces we've identified and what their status is because I need to go back and check on that.

But I think the intent out of that last strategic planning was to institutionalize it somewhat. And I think the plan was to do it at the first meeting of the year. It was to stick on a half day or a day either before or after the meeting to figure out what's working inside the SG, what's not working inside the SG.

And then how do we be strategic? Right now it still feels very much reactive. There's so much coming at us. We only have limited resources. What are the things we can do to be more strategic and proactive in the community?

So those are the really good discussions to have and, boy, do you definitely have to book the time to have them. Otherwise, we never do. And that's what we're going to try and do at those strategic planning meetings as we institutionalize those.

I think that's probably mostly what I want to say there. Was anybody in the room for the strategic planning that we did in Kobe that had thoughts to share about that process? I mean, you're probably – you were....

UNIDENTIFIED MALE: I was there. I don't have thoughts.

GRAEME BUNTON: You don't have thoughts. Anybody? You were there, Jothan. Do you have?

JOTHAN FRAKES: I completely agree. It was very, very good to get together because I thought we were able to get through a lot of items together. Zoe did a fantastic job organizing that. It was a very, very constructive use of time. It was good for us to meet when we weren't all distracted by the hum and the buzz of all the other things we had going on. We could actually get a lot done face-to-face, so that was a very constructive use of time from my point of view.

GRAEME BUNTON: Great. So we're going to start thinking about how to – oh, Zoe?

ZOE BONYTHON: Yeah, I want to mention one thing about if we're going to do another one as a part of the – in Cancun, for example, if we're going to do it. I did note that for the travel funding that the days end on the Thursday. So if we're all going to do it on the Friday, that wouldn't work for anyone that was getting travel funding. But it starts – they can arrive on the Friday before. So just in terms of planning that we should maybe aim, if we're going to do it there, that we should do it on the Friday before rather than the Friday after.

GRAEME BUNTON: I wonder if we can negotiate that with ICANN to be like, hey, heads up. We want to do this ICANN-related important thing. We're not asking for another day of hotel, but we're asking to have one extra day on the flight. It doesn't seem like an outrageous ask to me.

So we'll try and line that up and get it in everybody's calendar, and everybody would be welcome to join. I would love as much participation as possible. It's really useful, I think. Michele?

MICHELE NEYLON: Just on the thing about the travel support. There's usually no issue with booking longer periods of stay in country in terms of the flights. They usually don't care about that one way or the other as long as you do that at the time of booking. What they do tend to get upset about or

traumatized by is the concept that we're consenting adults and that we might be able to pay for our own hotel rooms beyond that. [inaudible] some people aren't or something. I don't know. But it's not a problem.

ZOE BONYTHON:

Hi. I was going to bring this up in AOB, but since it's topical, a reminder that any application for travel funding for Cancun is due tomorrow, Wednesday. Okay? So if you would like to apply, don't forget.

GRAEME BUNTON:

Maybe not everyone knows or has paid attention to this. We get, I think, on that topic seven slots of travel funding. And that is hotel, per diem, and airfare. Three of those go to our GNSO councilors because they've got to be at the meeting and they've got to do a bunch of other stuff.

We actually have a policy document that I think I wrote, although it was some time ago and I haven't read it in a long time. But it really lays out the goals of how we try and distribute that travel funding. And it is really to encourage the participation in policy development and working groups and activities inside of ICANN to offset the costs, basically, of participating in this space which is expensive.

So if you want to participate in a PDP or a working group or something and you're having a tough time and you can't make it to all the meetings, get in there, sign up, and let us know on the travel funding application that that's a thing you're working on and trying to do. We take that into account as we're allocating travel funding.

And it doesn't have to be all three of those things. For instance, if it's a European meeting, the people in Europe probably don't take a flight because it's only going to cost them \$100 to get there and we'll give those flights to people coming from much further, more expensive places. So that in theory with those seven full slots, we could fund in some way 21 people. It ends up being usually a bit less than that, but somewhere between 10 and 14 people often get some sort of cost offset.

There are things you have to do if you get travel funding – oh, my lunch showed up – which is typically we make people who get travel funding work on the notes. So the session recaps that everybody gets in their inbox every day which are awesome and helpful, you end up being responsible for some of those.

We also have a policy which is if you get the travel funding and you don't contribute or we don't see you in stakeholder group day and you're not attending the meetings you say you're attending, I think we have a two-year ban so that it doesn't get abused. Because those dollars are super useful for a lot of people and one of the very few things we can do to help people participate in ICANN stuff.

Any questions or comments on the strategic planning or travel funding?
Tom?

TOM KELLER:

Thank you, yeah. The only question is, have you thought about not appending it to the first ICANN meeting in the year but to the GDD? The

GDD in general is shorter, and I think a lot of registrars are showing up there as well. I mean, maybe could even package it into the GDD in itself as a day. So from my point, that would make more sense because the first ICANN meeting is long as it is.

GRAEME BUNTON:

That's not a bad idea, Tom. I kind of like it. It hadn't occurred to me. Sure. Oh, no. Another day in Paris. That's good. Anybody else on that? Do you have the survey results? Let's maybe bring those up on the screen and we can walk through them kind of quickly. I haven't had a lot of time to go through this yet.

We sent out a survey relatively recently, a questionnaire, and got a reasonable response. It could always be better, but these things are really useful for us. Like I said at the beginning of this morning's meeting, as we're trying to figure out who we represent and how we represent them – all of you – it's really useful for us to get this information back so that we can understand the community that the ExCom and our members are representing. This is all interesting for you guys too, so I think we'll send out – have we sent these results out to the whole list yet?

ZOE BONYTHON:

[Let's do this first.]

GRAEME BUNTON:

We'll do this first. Register type questions. I mean, you guys can read this. I don't think this is wildly interesting. You can keep going. Where are the ones that I thought were kind of useful and interesting? There are a few people that are.

This one is good. The primary language. A little bit more than two-thirds English as primary language, and then there's some real diversity there that is roughly equivalent. French and Germans get to fight it out for who is next on that list. It's pretty close. But that's a real chunk of one-third of you English is not your native language.

And as we're trying to participate around this table, I'm well aware that there are a lot of acronyms. There are a lot of vernacular, and it's hard. We try and do a good job here of speaking slowly and reduce the acronyms, but for a third of the people in the room recognize that they're having to work a lot harder than you are, assuming you're a native English speaker.

I had an interesting conversation with a French registrar yesterday who said they didn't often participate or struggled to participate and there were others who felt the same because of language difficulties. So prior to every meeting, we send out a survey and included in that is a question about whether you could use translation services.

In the past, we've done live translation to Chinese, but it was not used and it's super expensive. It doesn't cost us money directly. It costs ICANN money. We fund ICANN, so we should be cautious of their expenses. So we've stopped doing it by default. But on that survey that you get before the meeting, if translation services would be helpful for

you, we can do it. But put it on that list so that we can actually get it in place ahead of the meetings. Fred?

FREDERIC GUILLEMAUT: As a French person, maybe not translation but I'd just like it [if we are] having a transcript onscreen. It would help a lot because at some point if, for example, Jeff is saying something and I lose the tempo of the sentence, I can catch it back on the screen, for example, so it's easier.

GRAEME BUNTON: That's a pretty good idea, Fred. I don't know if live transcription is possible for us.

ZOE BONYTHON: Yeah, I imagine that would be like live – well, it would be live interpretation, but possibly even more.

GRAEME BUNTON: So my understanding and I think I only learned this yesterday is that the live transcription people who do it, who listen and then type it up really fast in hilarious ways, are all in L.A., and I think they work for ICANN staff.

OWEN SMIGELSKI: No.

GRAEME BUNTON: No? They're contractors out of L.A.?

OWEN SMIGELSKI: Yeah, they're contractors, and those poor people. Like if the meeting is in, say, Singapore, they're still in ICANN in the middle of the night typing.

GRAEME BUNTON: Great. So my hunch is that's way cheaper to have someone in L.A. listen and type on the fly than it is to have someone in a booth in the back of the room. I saw Kristian post something in the chat. So that, I think, is a good idea and we'll look into that. Would that be helpful? Quick show of hands in the room for the non-English. Okay, that seems pretty reasonable. Great. Okay, guys. We'll take a look at doing that.

Pam, go ahead.

PAM LITTLE: Hey, Graeme. Thanks. I'm a bit puzzled by this finding or this result. Because if you look at our group, we have across ICANN accredited registrars I would say one-third in North America, one-third in Europe, and the rest other regions, right? But now we are actually saying two-thirds are English speaking. So I think there's something not quite proportionate, i.e., we have too small a sample or those who participate in the survey are actually predominantly from North America region because that's the only English-speaking countries.

GRAEME BUNTON: Yeah, I mean, I don't want to presuppose that a bunch of Germans don't sit there working in English all day. It could be possible. Every time I go to Europe, they speak better English than I do. So 29 responses. This is the data we've got. It could be people didn't understand it was a survey because they don't read English particularly well. So we have a bias there. But I think the end result is that we can implement some solutions to make it easier for people. Zoe?

ZOE BONYTHON: Yeah, I should just mention, yes, when I looked at who responded, there was only one Chinese registrar that responded. Not you.

GRAEME BUNTON: Did you just say you use English primarily in your company?

UNIDENTIFIED MALE: Yeah.

GRAEME BUNTON: Yeah? All right, there we go. European sits there in Europe talking in English all day. Okay, primary business focus interesting. There's really quite diversity in there too.

UNIDENTIFIED MALE: Graeme, could we go back to the previous question?

GRAEME BUNTON: The language one?

UNIDENTIFIED MALE: Yeah.

GRAEME BUNTON: Yeah.

UNIDENTIFIED MALE: Just noting, did the survey tool offer any translation services or was it only in English? Because that would be a filter that I think would skew it toward that.

GRAEME BUNTON: It was only English. Yeah, there is definitely a bias in the survey itself. But I think we just got to where needed to get to which is there's a pretty substantial portion of us that could use some help.

The next one is maybe not surprising. There's just real diversity inside of the stakeholder group. It's not all retail registrars. There's a real strong showing there from brand protection and hosting, a bunch of wholesale, a bunch of other people that are doing other things but also selling domain names.

And then there's real diversity too in the sizes of registrars at this table, which is great. It's really hard I think to participate in this space. It's expensive. So getting lots of smaller registrars here is, I think, really

useful in making sure that we capture those perspectives. Keep going. You guys will be able to peruse this at your leisure.

Man I hate pie charts so much. Thank you for putting this together. I think it's the default out of the Google forms we used to create this. I find them hard to read. So we have pretty good participation within the stakeholder group activities, which is really good. A lot of people inside of TechOps and Compliance and the policy team. If you're not involved in any of those things and you would like to be, please talk to Zoe. No one selected the RA review team, but I know there are people in there. Keep going.

There's a real distinction between participating in stakeholder group stuff and participating in ICANN stuff. So I think we've done a pretty good job of making things really relevant and easy to participate in inside the SG. But this really highlights how hard it is to participate in PDPs and review teams and other stuff outside of the SC but within ICANN. We've got 31% of those 29 respondents participating, and probably this is biased because if you're participating in ICANN stuff, I bet you also fill out that survey. It feels like the sort of [keener] thing these people would do. And then we can see the list of what people are up to there. Like we have six members participating in the EPDP, and that alone would be a big chunk of this.

We've got to figure out how to get that other 41% on our membership calls because I think there's a lot of value in there. Scheduling conflicts, I get it, and time zone issues. Some of the feedback here was interesting because I think we've been pretty consistent in when we're having them

now. I think they're always – they're every other Monday at whatever UTC time that is.

We should probably survey periodically to make sure that time is still beneficial for people, but it seemed to be a reasonable compromise for most people but Pam or other people in APAC. But if you have other bits of friction that are preventing you from joining those calls, we would love to hear about it. But I hope that consistency helps. Keep going.

Lots of people read the transcript, which sounds great. Although I don't know how many – oh, 21 responses there. Okay. Transcripts I generally find pretty quick and easy to read. I will note that you can go back to the recordings in the Zoom rooms and listen to them at two times the speed. So if you want to hear chipmunk Graeme, highly recommend. But also, that hour-long call you get done in 30 minutes. It's pretty easy to do. It's not bad.

And someone [liked] the two weeks issue. I still find that we're rushing through those calls a lot, even at one hour now every two weeks. So we might need to increase the length of them just to make sure that we can cover all the topics we need to cover. But I'm also conscious that not everybody has lots of time to participate in these things, so it's always a bit of a balance.

Do we have any other questions there that need addressing? I think that was most of the good stuff. We'll keep doing this probably once a year or so. Did I put in, "I need a break, man"? That seems like something I would do.

UNIDENTIFIED MALE: In all caps.

GRAEME BUNTON: Yeah, in all caps. That’s probably something I would do. There are a lot of maybes. Do we have elections on our agenda for later this afternoon? Is that a topic.

UNIDENTIFIED FEMALE: AOB.

GRAEME BUNTON: AOB. Okay, we’ll talk more about that in AOB this afternoon. But we need to turn a lot of those maybes into absolutelys in relatively short order, so we’ll come back to that. “Policy work is just not sexy and very satisfying.” How dare you? It’s the best. That was yours?

So we’ll continue to do this survey because I think there’s real good feedback in here, and it helps us make these meetings more useful for everybody in making sure that we’ve given everybody the tool they need to stay up to date. So make sure you fill these out when you see them. I think you can still fill it out.

ZOE BONYTHON: Hi. That’s exactly what I was about to say. Obviously, we collected this just to talk about at the meeting, but because particularly the start of this questionnaire which obviously wasn’t included in this summary is

our collecting up-to-date information on who should be the member representative, if you have an alternate representative, a billing contact, who should be on the mailing list, all of this sort of stuff that does change and obviously you're not necessarily going to remember to tell us. So if you've not filled it in, please do. It's always useful to get more info on how you communicate and participate. Thanks.

GRAEME BUNTON: Anyone else have thoughts or comments on this? Sweet. Okay, just make sure to fill it out and fill it out when we do it semi regularly, once a year, twice a year, something like that. Once a year?

ZOE BONYTHON: Historically, what we started doing is sending it with the invoices because you have to act on those.

GRAEME BUNTON: Speaking of which, everybody should go pay their invoices if you haven't done that right now. Go find them in your inbox. You've got them. I found mine. I haven't paid it yet, but I will. Go do that. 12:00. Is it lunch break now? Is that what we're doing?

ZOE BONYTHON: We are early for lunch. However, lunch is here, so we can actually break and take lunch. But on the agenda, for example, we weren't scheduled to come back to actually start talking again until 12:45. So we're running well ahead of time. We can maybe take some AOB, but let's give

people half an hour to stretch their legs, get some food, eat it, and come back.

And then we'll come back maybe to the table in about half an hour. You can eat at the table. You can eat wherever you want. And then we'll see if we can cover some AOB topics in that last 15 minutes is how I think that should work before we get going again. If we give people a little bit of time back, and then we can get that working lunch going in about half an hour. Cool? All right, we'll see you guys back here at 12:30 or here for the remainder.

All right, guys, you're welcome to keep nibbling. I will keep nibbling. And we have still plenty of Timbits to eat, I think. But maybe we'll take some of this time to do some AOB. So if you're around, take your seats and we'll get going. Are we ready in the back of the room? Great. Thanks, guys.

Okay, so we're now back into our working lunch. I hope everybody enjoyed their sandwich. They were of reasonable quality. We've seen worse, that's for sure. I hope everybody enjoyed their \$5 pops, which is nuts. Sarah Wyld has some maple candy running around if people fancy. Maybe pass that down. Thanks, Sarah.

UNIDENTIFIED MALE: They last forever.

GRAEME BUNTON: Yeah, that's a long, slow thing. It's like the PDP of candy. Right. So we can start into SubPro in a moment, but maybe because we're 15 minutes ahead still we can do a little bit of AOB now. And I wanted to talk about elections. I term out in June. I will have done four years as registrar chair, which is plenty.

UNIDENTIFIED MALE: Four more years! Four more years!

GRAEME BUNTON: Thank you, no thank you. I was trying to get out this June, but that didn't happen. Kristian, do you term out as secretary? And Toby terms out as vice chair tech. Owen does not and is not actually even up for election this year, right? Because you would serve a two-year term. So he's not up for election. Benny, where are you at? You have no idea. And the European GNSO Council seat. I don't think Benny is up for reelection again. I think not. So that's chair, vice chair TechOps, secretary, and the GNSO Council seat that we're going to need to fill in June, right?

UNIDENTIFIED MALE: And NomCom.

GRAEME BUNTON: And NomCom. What? As in you can run again, or you are termed out?

UNIDENTIFIED MALE: Just to clarify, it's EU, Africa, or Latin America. It's not just EU.

GRAEME BUNTON:

It's not just the EU, right. Yes. Somewhere that's not North America or APAC, I guess. Right, so that's quite a few things that we need to fill, and we need people to do it. And people are super busy. GNSO Council eats up some time, but we also have six people right now participating in the EPDP and, boy, is that a whole bunch of work too.

So our bench is not super deep in people that are ready or have time to take on these roles. So this is, I guess, me doing a pitch for this which is I think a lot of the [roles] of the stakeholder group might seem daunting, especially chair, but it's really not so bad. I am just a beautiful figure head, and Zoe actually does all of the work. So it is much less now about having to really grind through a bunch of things and write a bunch of stuff and it is more decision-making, and Zoe offloads a lot of that burden. Thank you so much, Zoe. Couldn't do it without you. We could not operate without Zoe.

I think – maybe I'm really selling Kristian short – that secretary of the SG as a position is in some ways vestigial and probably not too hard. So the way I operate the ExCom is that everybody is – we have very collaborative ExCom calls with all the GNSO members and NomCom where we talk about issues and we take input from everybody. So there is some burden of joining those calls, but I think in terms of the actual charter responsibilities it's not super gnarly, right?

KRISTIAN ØRMEN: The biggest concern is [barring that Zoe gets sick] because then by the charter you do have a lot to do. But I have been pretty lucky for the last couple of years. So the only really actual work is handling the elections. And then, yeah, of course you get to participate in all the ExCom calls and so on, which is super interesting.

GRAEME BUNTON: I'm glad you think so. Thank you, Kristian. And thank you for serving as secretary. So if you're like I would like to do this ExCom stuff but I'm worried that chair or vice chair is a real big leap, that could be a really great role because you get to see the inside sausage making and how we get stuff done, but in terms of hours and time it's not a huge ask.

Chair is not easy all the time, but it is certainly fun and I've found it very rewarding as an experience. I keep encouraging people to talk to me if they're thinking about it, like maybe that's a role they would be interested in. I'm happy to talk to anyone and share the unvarnished experience.

I'd say it has quite a bit of public speaking. It has a fair amount of standing up in front of people. So that's certainly a job requirement I think. There are different styles and ways to do this, but there will always be some level of that. But it is pretty interesting. It's pretty fun. You get to do some weird things that change the future of the Internet. So I'd really encourage people to think about it and think about running.

The survey showed there was a whole lot of maybe on that list. I think people worry about time commitments. If I were being pretty honest about how much time chair takes me, I would say it's probably 10-15 hours a week. Half a day to a day and a half. Two days sometimes maybe. Which is a chunk of time. But if you're better organized than I am, and I'm not super organized. I offload that bit of my brain to Zoe too. I think you could do it in less.

And then I think TechOps is probably not so bad either. Do you want to talk about how much time you put into TechOps?

TOBIAS SATTLER:

Yeah, well, it depends on what's going on in TechOps, but right now it's more like 5-10 hours. It depends on how much time you spend on writing documents that some people might look at.

ZOE BONYTHON:

It depends on whether the TechOps is actually the chair of TechOps itself because the work you do is for TechOps the group.

TOBIAS SATTLER:

Yeah, Zoe helped me out here. She said that it depends on if you are just chairing it or if you do work for TechOps. So in my perspective I'm doing more work for TechOps stuff. So [inaudible] chairing I [ditched] everything to Marc Anderson.

GRAEME BUNTON: Maybe to make this a little bit more concrete for people who might have answered that survey as maybe, is there anything you can think of that would turn that into a yes other than some clarity on time commitment and support?

ANTHONY EDEN: I just want to point out that on the RrSG.org site is the charter. I think it's a good idea for anybody that's considering one of those positions read through it because it does make very clear what the commitments are required in terms of presence and availability and communications and things like that and sets the [layer] of expectations there.

GRAEME BUNTON: That's a very good point. Thank you. Yes, definitely have some understanding of the charter. Anybody else have thoughts, interests? I can hand pick a successor and make it mandatory, build a dynasty. It's fun and it's interesting, so think about it. I guess I'm bringing this up now because June is going to happen really quickly and if there are impediments that we need to clear out of the way for more people to hold office, then we need to start doing that ASAP.

All right, I think that's my pitch. God, I hope it was successful and enthusiastic. I don't hear people like, "Yeah! I'm going to run." But hopefully that helps people along. Pam?

PAM LITTLE:

Hi, Graeme. Thanks. I just want to add a bit of clarification on the term of those offices. For our ExCom it will be after election, I guess, their term will start, right? But for the council representative, the term doesn't start till at the end of the AGM. So Michele will be serving his full term out, I hope, till November next year or October, whatever. And then your term will start. If you are interested in that position, Michele when his term is finished, please come and talk to any of us.

I guess on the question of time commitment, it's a bit of kind of up to you individually. Graeme is very super CEO style, delegates a lot [inaudible] to Zoe. So he may feel that it's not as burdensome. But if you are one of those who feels like you're very hands-on, you have to read every document before you sign the dotted line or whatever, then you could be committing more time or spending more time. So it's a bit of a your personal style as well.

But I take your point about maybe we should give a bit of an indication what sort of a timeline. For my personal experience, I'm not sure about Michele, I tend to be the latter. I read everything. So I would say the council role is actually not just turning up at every monthly meeting. There's a lot of reading materials and you read the motions. You understand all those documents attached too to be able to really make a decision whether we should support or not.

And we then consult with the ExCom. A lot of the things [inaudible] mentioned, but I also think that we do communicate. The ExCom and the council representative, we have a [Skype] channel. A lot of them really are [in] daily communication. I found that a really, really helpful

and effective way of making decisions. It's not formal, but we get things decided or communicated fairly quickly.

For me as a council, the contracted parties vice chair, that does require a lot more work than a councilor because a lot of decisions are made or work done in between meetings by the council leadership and I'm in that with, obviously, Keith Drazek being the chair and a non-contracted parties house vice chair. There's a lot of work as a vice chair and on a leadership team. Anyway, please if you are interested, talk to any one of us. Thanks.

GRAEME BUNTON:

Thanks, Pam. Pam, when she says she reads every, she literally reads everything. It's so amazing because there are just details that I don't have time for and, Pam, your attention to those details is so helpful. So thank you for that. Michele?

MICHELE NEYLON:

Yeah, thanks. Yeah, I'll have to repeat what you're saying. Pam does read every single document and seems to have an incredible capacity for finding the most minute and oblique details, which is great.

In terms of the time commitment as a normal GNSO councilor, in other words not one that's part of the leadership team, I think it will depend a lot on what's on the council's plate in terms of what the projects are. So for some of them, there are things that as a registrar you probably care quite a bit about. So things like the transfer policy, maybe stuff to do with changes to the UDRP, those kinds of things that you could relate

to directly. It's harder to get excited about IGO/INGO curative rights. I really struggle to get excited about that one.

In terms of time commitment, Zoe has been incredibly helpful and is worth her weight in gold and is very good at cat herding all of us, which I think is something we should all be thankful for. But the other thing as well is the ICANN support staff on the policy team are absolutely fantastic. Nathalie who is at the back of the room is amazing. But a lot of this stuff around the council as well as you can go to Nathalie or [Marika] or somebody on the policy team, and they're always incredibly patient and will help you to find the right document or explain to you why a particular thing is being done the way it's being done. So you don't need to be a super duper policy wonk to actually get involved with this stuff.

And in terms of the time commitment, again I think it really does depend on the individual. In terms of just as council, we have one two-hour meeting once a month. The level of traffic on the council list isn't particularly heavy. I mean, it depends on what's going on, but it's usually fairly manageable.

GRAEME BUNTON:

Thanks, Michele. Anybody have questions or comments? Anybody thinking about running? You don't have to tell us right now. [Katherine]?

UNIDENTIFIED FEMALE:

I'd like to nominate Rich Merdinger for all the positions.

GRAEME BUNTON: Is he in the room still? Done. All right, let us get back onto our schedule agenda. We're going over to SubPro. We can sometimes do not the best job of putting everything in context. So let's, Jeff, as you do this assume that not everyone knows what SubPro even is. So give us a little bit of a minute of background context, and then we can go in. That always fun thing on the back of the Timbits box is really great on the screen. Please, Jeff.

JEFF NEUMAN: Yeah, thanks. Before we get to that slide, so don't look at that yet because we're doing context. SubPro or the Policy Development Process on Subsequent Procedures for New Generic Top-level Domains – SubPro for short – is tasked with reviewing the 2012 round of new gTLDs as well as the policy that was from 2007-2008 which gave rise to that 2012 round. And then determining based on the lessons learned whether any changes need to be made before we get into the start of the next round.

This process has been going on now for three years, so just a little under Graeme's service. So hopefully it will be complete by the end of Graeme's service. The PDP has had five public comment periods already. It has over 40 subjects. One subject was moved into a separate what we call work track, Work Track 5, which was dealing with geographic names at the top level specifically. That group just finished its work. We'll go over that in the timeline.

So that's basically what it's about. We had an initial report that came out in mid-2018 with a supplemental initial report that handled some additional issues that weren't in the first one. That was at the end of 2018. And we've been compiling all of those comments and developing final recommendations. The plan is to have one additional public comment period that will be just those issues that have not yet been out for public comment or that couldn't have been commented on previously because it's something new or the group changed directions. Not too many items.

So that public comment period hopefully toward the end of this year, early next year will cover those narrow issues. I guess you could put up that other balloon one now. The one you just had up there. If it's the case that we do the final report – no, not that one. Sorry. Wait, or is that the one? It has different colors. The second one that I said this one. Sorry. The last one I sent. Cool. Sorry, my fault. I sent – that's an old one, so just ignore that one. Well, it's a little bit old. Come up with the new one any moment.

Anyway, so while it's getting put up, we hope to have – you'll see in the new one that the council will deliver a final report actually in the [inaudible]. Things got moved in the middle there. Are we good? Sorry, that was my fault because I sent the old one, but I also sent the new one. Oh, I can look at myself on the camera. All right, there we go. That's better.

So delivering our final report hopefully by the end of Q1 2020. This is if I were to guess what a timeline could look like, if all goes well and the

council does only its job and not digging in and trying to do additional work into the recommendations, then you could have that approved in Q2. Then the recommendations would be delivered to the Board. The Board has a mandatory public comment period but thinking that it could adopt those recommendations Q3/Q4, start the implementation, and move forward from there. You're still looking at 2020 as a likely date for the next round.

So it seems like it's far away to a lot of people, including myself, but there's a lot that needs to happen in between and I would love it if the community could speed some of that along and maybe some of those intermediary steps won't take too long or as long as this, but we'll see.

Work Track 5, just to talk a little bit about that, they completed their work at this meeting. They delivered their report to the full working group. So now there's no longer a Work Track 5. We have all of that, and it will just be included in our final recommendations.

We're in the process of developing those final recommendations now. The topics that I think are of most interest to registrars, there's one issue that's closed generics. That's new top-level domains that are for generic type words or strings where the registry wants to exclusively use it as both the registry and the registrant. In 2012 that was allowed to be applied for, but there was GAC advice. There were a bunch of comments. And so the ICANN Board decided that in 2012 it would not let those applications go forward as closed generics or exclusive generics.

So the in that resolution said for the rest of this round no more closed generics, but we're kicking this issue to the policy development process to see whether this should be done in the future. GAC advice wasn't that there shouldn't be any closed generics. It was that it should only allow closed generics where a public policy reason could be found or you had a public policy reason. This is a controversial issue. I will say – sorry, yeah, go ahead.

UNIDENTIFIED FEMALE: I was just wondering if you had an example of what that would be.

JEFF NEUMAN: Yeah. In the last round – that's a good question – in the last round you had Safeway apply for .supermarket or .market or .grocery. They wanted not to allow third-part registrations of it. They just wanted to use it itself. Or there were applications for .food by a particular food company that they wanted to use it for themselves.

UNIDENTIFIED FEMALE: Sorry, I was wondering about the public interest that would allow. Do you have an example of what would allow?

JEFF NEUMAN: Oh, yeah, sorry. Better question, and that's the harder question. The group has been discussing it. First, I should say that the group is at polar opposites. I honestly don't believe that the group will come to consensus on any solution one way or the other. But what has been

expressed is if you can imagine – and I use this example a bunch – let’s say the International Red Cross wants .disaster. For each global disaster, it wants to establish a page or domain where you’d know it’s official, you’d know it’s from the Red Cross and it’s used for the collection of funds to help in that disaster. In theory, a good argument I think could be made for a closed TLD like that in the public interest.

But again, I will honestly say there are people on both sides of the issue and one of the problems in the whole ICANN model is getting people who are on polar opposites to agree to come together and compromise. So whether we come to a consensus on that I think is highly unlikely. And the rule is that if we don’t come to consensus, we do as what was done in 2012. Which for most issues would be pretty simple because it was in the guidebook and it’s pretty easy to see.

This one’s a little bit more difficult because the Board specifically said it was temporary and only with respect to the 2012 round because it was kicking it out to the policy. So what the Board does where we can’t come to agreement on this particular issue I don’t know, but that’s not for us to worry about. I mean, it’s for us to worry about, but it will be an issue for the board. I saw James, sorry.

JAMES BLADEL:

Yeah, that was what I wanted to talk about and that was exactly my question is if there’s no consensus on this issue, what’s the default? What’s the status quo? Because the 2012 policy was not clear. The GAC weighed in. The Board put in this stopgap thing. Does no consensus mean the stopgap prevails or that the stopgap goes away?

JEFF NEUMAN: Yeah, this is the only one. This is the only issue where I can honestly say I don't know. Every other one, it's pretty clear what the status quo was because there's nothing that said that this is only a one-time thing like this one did, like the Board resolution essentially did. So it's a great question.

We established a small group to see if there's anything that could be done to try to come up with some compromise, but this is one where they're so polar opposite that I'm not sure we'll get to anything, to a recommendation.

JAMES BLADEL: Sorry, just a quick question. Does it make sense to get clarity on that question from either the Board or GDD or somebody prior to – I feel like answering or resolving that question could affect how people participate or if they participate.

JEFF NEUMAN: Yes and no. I think the Board, first of all, won't give us an answer because they haven't considered the issue. And for us to go to try to get a definitive answer on that, they're going to have to do the whole thing that they were going to do anyway if this issue came to them. So they might just hold off and wait. I think it's hard because a group that wants the status quo to control acts very differently than the group that wants a change. In either case, it's not a great way to come to a consensus. So I'm a little torn as to whether that would be a good idea or not. I'd like

to see if the group can reach something and if it can't, to just admit it can't without people relying on what a status quo in that situation would be, if that makes any sense.

JAMES BLADEL: Yeah, it's [shorting] your status quo. I love it.

JEFF NEUMAN: But all the other issues which we'll go through there is a status quo on and so if we can't reach agreement, that's what would control. And in fact, that's what happened in Work Track 5 with most of the issues. That dealt with geographic names at the top level. The governments wanted essentially additional protections that they wanted anything that had any kind of geographic significance to be run by the government or governments to which that could in theory relate.

So any brand or anything that had any kind of name of a town, city, river, mountain, statue, famous person, etc., their initial going in position is that what they wanted to be run by them for their approval. On the other side, you had people that said, no, these are words, these are strings. Nobody should have a right to them and essentially anyone that applies should have it.

You sort of have the 2012 Applicant Guidebook which was somewhere in the middle which said if it was a country, you can't have it. If it was a city and you wanted to use it in its geographic sense, then you would need to get approval from the city. So that was some attempt at a compromise. In the end, the group essentially decided that it could live

with what happened in 2012, and so the final recommendations basically reflect that.

Now you may say, well, that was two years of work to come up with the same recommendation. But I will tell you – and maybe Pam and Michele who are on the council – the fact that we had an innovative process for Work Track 5 meaning we established a group within the GNSO policy development process that had four leaders of that group, one from each of the supporting organizations, even though they came out with at the end of the day a recommendation that it stay the same you will see from the discussions that have been here within the GAC and the ccNSO and even in the GNSO, it's got legitimacy behind it now.

So the thing I've been most happy with and I think like we accomplished something was that they're not happy with the outcome, but they're happy with the process and they feel like they've been heard and they feel like they can live with it. Now that's not to say some of the governments aren't going to complain, but I highly doubt we're going to get GAC advice on geographic names because of the recognition of the legitimacy of that process. And I'll ask Pam.

PAM LITTLE:

Thanks, Jeff. It's interesting you make that point about having four co-chairs for Work Track 5. As the council, we also heard feedback that multiple co-chairs on a working group has created problems. So I guess it would really very much depend on the working group and the composition of the co-chairs, whether they can work together

collaboratively and move the work forward. But I'm really pleased to hear that.

And I agree with you about the legitimacy thing. In other working groups we are faced with these legitimacy challenges or potentially, and the tendency is to have one co-chair representing a particular group. But there is a tension there and maybe unintended consequences as well. But I guess the council would need to determine what's appropriate for a particular working group at the time rather than say we should just by default have four co-chairs or two co-chairs for a particular working group. Thanks.

JEFF NEUMAN:

Yeah, absolutely. This was a unique situation where the issue was so sensitive to governments that if we didn't do it in such a way where they felt like they were instrumental in the process, they would have never joined in the first place. I would never recommend normally having four co-chairs or co-leads, but in this case it was absolutely the right thing to do because of the sensitivities.

And they actually worked really well together, and it was a great experience. So I would certainly not let the number of co-leads – we called them co-leads in this case just to distract from. I mean, they worked really well together, got along. Cheryl and I as the overall co-chairs oversaw it all. Like I said, the groups – the GAC, the ccNSO, and others – are very happy with the way it worked.

UNIDENTIFIED MALE: I just wanted to thank Jeff for that effort, in particular Subgroup 5. I was on council when that kicked off, and that was a very, very touchy subject so thanks for that. Good work.

JEFF NEUMAN: Thanks. I remember it was not the easiest thing to get by in, so I'm glad it was. And I think we need to try innovative things. It worked. It may not have, right?

UNIDENTIFIED MALE: They wanted to make it into a CCWG, if you remember.

JEFF NEUMAN: Right, yes.

UNIDENTIFIED MALE: That was the big push, so getting that redirected through the GNSO PDP process I think was a huge win and then you delivered on it, so thank you.

JEFF NEUMAN: Sure.

MATT SERLIN: You've got more to do? I've got a....

JEFF NEUMAN: Yeah, there are a couple more subsequent procedures issues.

GRAEME BUNTON: You going to wait?

JEFF NEUMAN: I'll keep going. [Sorry.]

GRAEME BUNTON: All right, keep going. No, no, it's fine. But, you know, there are people who want to ask questions, but they can wait until you're done.

JEFF NEUMAN: Oh, no, no. Ask questions. Yeah, I thought you were going on to the next topic. Sorry.

GRAEME BUNTON: Why don't you two just defer to each other for forever. Matt, go ahead.

MATT SERLIN: Keep going, Jeff. You're fine. I thought you were done.

JEFF NEUMAN: I was just going to go into other topics that registrars might find interesting for the new gTLDs.

GRAEME BUNTON: Great.

JEFF NEUMAN: Another topic we're talking about that's generated some controversy is whether we should continue to allow private resolution of contention sets. There is a lot of concern from ICANN Org as well as the Board and others in the community that because there were some registries that made more money in not getting the TLD than they did in actually getting and that this was a substantial amount of money that there were concerns that ICANN would not necessarily look great if in the next round you had a bunch of applicants who sole mission was to essentially milk the process. To intentionally go into the next round applying for a bunch of things and hoping that they would essentially have private auctions and lose in which case they would get a bunch of money.

That is a real concern for the ICANN Board, and so the group has been discussing what can be done about that. There are several proposals. One proposal essentially is to do something called a Vickrey auction which is a sealed bid auction that you do right after everything is revealed and no private resolution. You basically do that. It's a sealed bid. You look at the bid with the highest price, and they would be the first to go through the evaluation process. If they went through the entire evaluation process and got through, then they would be the ones to get it at the second highest bid price.

So it's something different. That is something the group is discussing, and so that's kind of an interesting way. It's gotten some positive

feedback from a number of community members but, as you can imagine, some registries are not very fond of that simply because it limits the ability to do those kinds of deals. We just have to decide as a community what we would rather face.

There's a question. Can I take questions, or do you want to. Okay.

UNIDENTIFIED MALE: Just really quick clarification with proceeds going to?

JEFF NEUMAN: Well, we're being silent on the proceeds because I think there is an auction proceeds working group and we don't want to – essentially what I think the report will say if I were....

UNIDENTIFIED MALE: Sorry, Jeff, just back up one step. I'm assuming by your answer that if there is this type of auction, that the proceeds would be sort of application fee. The resolution proceeds would go to ICANN and then that process kicks off?

JEFF NEUMAN: Right. Instead of going to the applicants, it would go to ICANN. And then what's done with those proceeds, I mean, there's a group talking about that now and this group is not addressing that. Sorry, James?

JAMES BLADEL:

Yeah, thanks, Jeff. This is really interesting because I don't know how ICANN or how policy could be enforceable in this area in terms of preventing private transactions between two applicants for their mergers, acquisitions. I think there was a swap in the 2012 round where there were TLDs that were swapped. I don't think that's legal for ICANN. I think that would be challenged whether or not ICANN can effectively separate into that process.

I kind of personally hope that a lot of companies take that same strategy and [inaudible] up a whole bunch of portfolios and get stuck and get burned when they find out that 100 companies tried to pull the same trick and that it took them two rounds to figure that out.

The problem is, in my opinion, this is all a direct consequence of the artificial scarcity created by ICANN in taking ten years in between each application round. If it were a more predictable process, we wouldn't even be having this conversation.

So I feel like I don't think it's even – there are more lawyers in the room than ICANN – but I don't know that you can actually legally have ICANN say we're going to be in the position where we block or bless those types of private commercial transactions.

JEFF NEUMAN:

Yeah, thanks. I'll let Elliot. He has his hand raised.

ELLIOT NOSS: Well, yeah, I just think that's – and I think Stephanie was going to say the same thing – that's just dead wrong. It's a private allocation process. They can make whatever rules they want. Those rules can't be things that are illegal per se, but there's nothing wrong with this is a set of rules. They could have done this the first time. They simply didn't contemplate it. And if they were a national government allocating, it might be different. But I don't think they'll have any problem legally here. Whether people will sue them is a different story and whether people will threaten is a different story, but I think that while I in sentiment and emotion agree with everything else you say I think they're doing the smart thing here.

JEFF NEUMAN: Actually, a completely easy way to do it is to say you submit a sealed bid when you submit your application. And on the day after reveal day you tell them, on reveal day you say this is the company that bid the highest and we're moving it forward. You're not preventing anything. You're just saying this is how we're going. So there's lots of ways to do it. I worded it wrong when I said they're preventing private resolution. It's actually by the mechanism that they choose it pretty much supersedes that.

JAMES BLADEL: Yeah, and I don't mean to – but if three of us got together and say let's have an auction for the right to whoever the winner is is going to pay the loser, how do they know about it? How can they stop that? That's what I was pointing at is there can be external....

JEFF NEUMAN: Well, think of it the same way as private auctions of art or private auctions of anything. There are lots of ways. In fact, it would be illegal for the three to collude and defraud an auction. That would be illegal, not the actual auction prohibiting that. So anyway, the point is – just, sorry, before I let you speak – the point is that this is not set. This is a proposal. It’s getting some support. It’s still being debated, and it’s not set in stone. I just wanted to give you a flavor of things that are being discussed. Sorry, before we got too deep.

STEPHANIE DUCHESNEAU: I actually don’t understand how a sealed bid auction on reveal day would even deter speculative applications. The only thing it seems to do is redirect it from the possibility for private resolution into ICANN’s pool.

Separate from that, there’s also a number of different de-contention processes that are actually built into the Applicant Guidebook. So something like the challenge based on trademarks or string similarity, is the [mind] that those processes would go away and we would just be sending it to the highest bidder when the applications are set forth?

JEFF NEUMAN: Without getting into all the details, all those issues have been contemplated. So there are answers to your questions on how everything else would fall into place after that. The thinking is it would deter speculation because if you submit the highest bid, you’re getting

it at that second highest price. So you're getting a TLD. There's no speculation anymore. You've got it.

The speculation is speculating in adopting multiple – either getting a huge amount of TLDs for a low amount and trying to figure out who you can sell it off to or the speculation is how much money can you make in private auctions. That's the behavior that's considered speculation.

If you apply for a TLD and you have the highest bid, you're stuck with it. There you go. That's not speculation. That's a stupid business decision maybe, but you got it.

So anyway, it's one of the proposals that [inaudible] out there and I knew it would be of some interest, so I wanted to mention it.

GRAEME BUNTON: Yeah, thank you, Jeff. That clearly raised some interest. Matt, I still have you in the queue. Was it relevant to this bit?

MATT SERLIN: No. It was just a general comment.

GRAEME BUNTON: All right, well, let's let Jeff finish up and then we can get to the general.

JEFF NEUMAN: Since we're running out of time anyway, I would close this up before Matt's question. The Registrar Stakeholder Group participation in this

PDP has been almost nonexistent. Occasionally at times there are some people that step in. It would be great if we could have more predictable participation.

I know it's a lot of work and I know Graeme was just saying how we've got other positions so we're trying to recruit for that. But this will impact us all as registrars when new TLDs are introduced, and the way this PDP has been running because it has had, with the exception of from the registrars, it's actually had some great participation from all the other stakeholder groups and constituencies, that with the way the PDP has been run and the number of comment periods and everything else, the Board is being armed with enough information to come back at people that come to the process late like they did between 2008 and 2012. The Board is now armed with everything it needs to say, you know what? You've had ten years to participate in the conversations and you didn't, so go away.

That is important, so don't think you can come in after the report gets delivered to the council, the council delivers it to the Board, and say I don't like this. You can still say it because you're free to say anything you want, but the Board now has the ammunition that it didn't have in 2012 to just tell you thank you, you missed your opportunity.

And the last thing is that we're not just talking about the next round. If the recommendations are adopted, it is for a predictable set of rounds in a predictable timeframe. Whether you have one every two years or every year or whether once you've initially evaluated 75% of the TLD applications you then announce that in six months you'll open the next

one, the formula is still being figured out but it's no longer going to be a round followed by an indeterminate amount of review time. That's definitely going to be in the recommendation. So we're deciding rules for a number of rounds. Thanks.

GRAEME BUNTON: Thank you for all of that, Jeff. The participation I think gets me to another place. And I've surveyed the room before on this, and my impression has been that registrars are generally ambivalent on another round. And maybe it's time for another show of hands on that. How many people are enthusiastic about another round of new gTLDs? Hands up.

JEFF NEUMAN: So, sorry, that's not really the right question.

GRAEME BUNTON: So what I'm trying to do is get a sense of registrar interest on this. Because it's an important position that I think we need to hear.

JEFF NEUMAN: Well, can I ask it in a different way?

GRAEME BUNTON: Knowing that there will be another round and that it is coming and that you can't stop it, how many people feel like they should be involved in

helping determine the rules? I think that is a little bit more of a realistic question.

GRAEME BUNTON:

So on mine there was sort of like a 50-50. There was some support. There was not like a super strong showing of hands. But you're right. It is coming. We should be paying attention to those rules because they are going to impact us. Matt, you've been very patient.

MATT SERLIN:

Yeah, I would like that noted for the record, actually, because usually I'm not. Jeff, so a couple things. Thanks for the update. Thanks for carrying the water on this since the late 70s or however long you've been doing it.

But really my question was – and I like the disclaimer you have in there that this is a plausible path forward – clearly there's not a groundswell of participation by registrars in the development of the policy, but what can we as a group or individually do to make sure that this timeline doesn't go from 2022 to 2024?

I do think that there would be an interest to making sure that to the greatest extent possible we can march toward this as a proposed path forward. So do you have any ideas of what we can do to help that come to fruition? Thanks.

JEFF NEUMAN:

Yeah, thanks, Matt. It's a great question. I think there are potential obstacles in the way with some subjects that are either already surfacing in the ICANN world or will bubble up shortly that if we as registrars wanted the next round to go according to this time schedule can push back on or at least treat them as independent items.

For example, the At-Large and the GAC have passed resolutions or advice – whatever it is – that says that you shouldn't have another round until you solve the DNS abuse issue. Now recognizing, and I've tried to have conversations with them. So basically, what you're saying is we're going to punish everyone in the future for the abuse that you believe is going on today from the existing ones. That doesn't necessarily correlate. So that's something that has a potential, that whole DNS abuse, whatever is going to come of it.

I don't know if people will try to use the EPDP in a way to say until we work this out and come up with a universal access model that is implemented, we shouldn't have another round. That may come from certain corners as we get closer to this.

Name collision is resurfacing its ugly head because of all those people that died in the 2012 round and the electric grids that went out and the ventilators that stopped working. And I say that. That was actually published by certain entities that was going to happen if we allowed the last round to go forward.

That has not come to fruition, but the powers that be in the SSAC decided that even though we have not heard of any major issues from name collision, the real problem is that the people who had those

issues really didn't know where to go and that's why we haven't heard of any problems. So they want to know what it is we don't know, and they have now gotten an – I'm not making this up. I wish I were.

There's a name collision analysis project and Study 1 was approved by the Board to just see what's out there and what datasets are out there that we can possibly look for some sort of data that would tell us if there were things that we didn't know.

Study 2 is contingent on the Board saying go ahead with Study 2. And Study 1 should be done, it's okay, it should be done by June of next year. Study 2 which is estimated at taking two to three years is to take all of that data that in theory could be out there and look at that, analyze it, determine if there are any TLDs or strings that are applied for that would present inherent dangers. Or if there is a way to formulate some sort of formula to determine when something is applied for if it would be a risk. Or whether the current mitigation measures actually work even though we have a report that said it did.

But again, this is about finding out what we didn't know because those that had problems didn't know where to report those problems to even though we have this thing called the Internet where you would think if people had problems someone would pick up on it. I know I'm being sarcastic and maybe that's showing my view on this.

But that is, if the Board approves Study 2 and those in the community that are saying the NCAP studies, all three of them, need to be done and implemented, need to be done before next round. That's a potential pitfall.

And then finally, the CCT review team recommendations, the top-down review that came out. The Board has adopted some of those recommendations, not all of them yet. But there are some in the community that say until all of those recommendations are adopted and implemented and we make sure that they are all in place, we can't have another round.

So those are three things that I've seen so far as to something that could delay all of this. Sorry, I know it's a long answer, but it's a good question and it's something we all should be paying attention to.

GRAEME BUNTON:

Thanks, Jeff. Who has got more for Jeff? Other questions on SubPro or another round? Okay, Jeff, thanks for all your hard work in there.

What is up next on our agenda? DNS abuse at 13:15. All right, we're running a little bit behind. James, you want to kick this off?

JAMES BLADEL:

Sure. This is just sort of an introduction and overview of an effort that is not an official ICANN body of work but it is parallel to the work that we do here.

So many folks are aware that recently a group of registries and registrars collaborated on a document to outline a framework for anti-abuse procedures, specifically as it relates to DNS abuse but also some particularly egregious use and content type practices.

This was done with a very small group very quickly with the recognition that we needed to move quickly because it was becoming clear that this topic, DNS abuse, was going to be front and center in Montreal and we wanted to be sure the industry had something to bring to the table. Otherwise, I think it would have looked correctly like we were on our back foot and responding and reacting to everything that was coming out from other directions.

The framework I think should be fairly recognizable to a number of folks in that it defines what DNS abuse is. It makes an effort to define what isn't DNS abuse. And it outlines a common set of principles that the folks who participated can agree on as a baseline threshold for addressing abusive practices.

Now all of the individual companies that contributed to this probably have other practices that go above and beyond this particular framework, so I want folks to think of this as the center of the Venn diagram that is the area of overlapping commonality and not the end all, be all.

I think a couple of criticisms of this have framed this as you didn't include this or you're not doing anything about this. And the answer is that's not correct. It's just something is not in the framework. It doesn't necessarily mean that it isn't part of the anti-abuse stance of some of the companies that contributed to the framework.

Again, this was not a stakeholder group effort. This was not an effort at creating policy or framing policy. It was an effort of putting industry's

best face forward and coming to this meeting in Montreal with some terms defined.

That's how we got here. The reception I think has been fairly positive. There have been some criticisms that it doesn't go far enough. There have been some notes that perhaps it was even too expansive for an infrastructure industry to limit itself that way. So trying to navigate between those two extremes of criticism is probably an indication that we're sailing in the right waters by staying off of either one of those ends of the spectrum.

A lot of folks have asked, what can I do? Can I get involved? How can I join this alliance, coalition, what are you calling it? It doesn't have a name. It's not formal, so that should be your first indication that there is really no club forming around this thing.

But the answer to that is that's coming after Montreal. I think there's some examination of how we expand that and have other folks. But there's really nothing preventing any company from taking that paper and saying this is now something that we support, that we agree on, that we're going to blog about, that we're going to champion in the industry and in the world and also that we're going to fly this flag essentially from our flagpole just as well. So it's not a really formal process of joining as a signatory to this document.

I think that's it. There were a lot of questions on the last policy call of where this came from and where does it go from here and why does it exist. So happy to address those. Hopefully, those questions were

addressed in that call, or we can table them now. But I think that's where we landed on this.

I know Graeme was involved. I know some other folks around the room were involved. I know some of the vertically integrated folks were involved. [Katherine], you were not personally there but Name/Donuts was there. So anyone who wants to maybe discuss this or has any questions, we can table them now or we can talk about them afterwards. I think Jeff has a question right now.

JEFF NEUMAN:

Yeah, thanks, James. What's the reaction been? I would love to hear how people have responded.

JAMES BLADEL:

There have been two formats or venues for reaction. I think there were some response papers and blog articles that came out in the run up to Montreal between the time the paper was released and the meeting. I think that there have been some criticisms that it didn't include, for example, pirated content or infringement. Does that mean that you guys don't care about that? It doesn't include anything about spam. Does that mean you guys don't believe you should be doing anything about spam?

Again, the answer is, no, it's not that. It's that there were divergent views on what to do and how much to do and what the right response is on those things. And so each individual company has fielded their own practices on those situations.

I think there have been some other reactions since we've come to Montreal, and there was a session that Graeme was on a panel. What day was that? They all run together. It was [inaudible] day. One of the weekend sessions where the ALAC had a number of questions.

The only one that is really memorable to me was a question that I had to – I tried not to be frustrated – but it was a question about whether or not it was even economically or commercially viable for registries and registrars to do anything about abuse or were abusive practices a part of our business model. I felt like that one in particular needed to be squashed. I don't know, Graeme, if you remember any other. Anything else jumped out at you from that particular session.

But those have been the two types of feedback. I think that we have seen general support. And I think we've seen, for example, a number of country code registries that probably were omitted from that come out and say we'd like to take this. We'd like to jump onboard on this and even add to it. So I think overall, it has been fairly good.

GRAEME BUNTON: I've got Elliot in the queue.

ELLIOT NOSS: Yeah, I think that there's one other element to this document, James, that I want to add in this room. And it's one that certainly made me most comfortable supporting our folks' efforts in it. Which is that I'm well into my second decade of good registrar/bad registrar and am tired of it. So I think that this was an opportunity to start to draw a line – not

a line in the sand – but to start to draw lines around behaviors and to isolate bad behaviors.

I think it's very important, James, you scoffed – and I understand why you did – at that question from the ALAC. But I think we should all recognize because we all have to look in the mirror as a group that it is part of people's business models. That we all know, and there's great data not just supposition but data, around particular registries and particular promotions and [tend] to go through particular registrars that are rife with abuse. That's a business model. We had on our mailing list this week a clear email that was as big a flag for weird shit going on as I've ever seen.

So, look, I think this highlights hugely why if we want to be able to deal with the unreasonable demands that people who want us to police the DNS make, we need to be able to have cleaner hands than we do right now, and I think everybody in this room needs to explicitly recognize it. So, James, it may not be part of your business model, but this is the registrars' constituency and it is in some level part of ours.

JAMES BLADEL:

Thanks, Elliot. I should clarify. This particular commenter specifically said it is GoDaddy's business model. But you're absolutely correct. I think the generous way to say is that some – of course none of the folks who take the time and effort and money to come to ICANN meetings on a regular basis – but we have some registrars who are at best negligent in policing abuse and maybe don't want to take the time and effort and

make the investment and may even be complicit, as Elliot points out. Having said all that, and while I completely agree....

ELLIOT NOSS: Oh, I said we're complicit. I didn't say some registrars may be complicit. I said if we're going to ignore that, then we're complicit.

JAMES BLADEL: Right. I also want to say, and I'm prepared for Elliot to point out that I'm now talking out of both sides of my mouth, that anyone who was not a part of that effort is not being accused by omission as being one of those bad registrars. I've had a couple of folks reach out to me on that point and say you know what it looks like when you're drawing that line, and you didn't allow me the chance to step on the right side of the line. So for that, I also want to emphasize that we know who the bad guys are and they're not in this room.

GRAEME BUNTON: Thanks, James, Elliot. I've got Caroline, then Reg, then Jeff in the queue.

CAROLINE GREER: Thanks. We like this document and we would broadly support it and probably sign on, if that's the correct terminology for this. We can definitely think of one or two things that are maybe missing from the technical abuse category. Equally on the website content abuse paragraph, opioids was maybe not one that we would necessarily punch up but, okay. No objection to it.

I'm just wondering, if one signs on to this document, will it evolve over time? Do you see this changing? Is there a risk of that if that's maybe a fear I could express?

JAMES BLADEL:

TBD. Still figuring out exactly where it goes from here and how it evolves and how the list of contributors expand. I think that there's an acknowledgement that perhaps it should expand to have a more global footprint that it originally started off with. It was piggybacked on top of a separate meeting that existed in Washington, DC, so naturally it has this sort of North American/European flair to it where it needs to expand.

It also was specific to certain kinds of business models. It probably needs to look at how abuse can be, particularly abuse or anti-abuse practices in different types of business models. So I think that needs to be addressed.

But I think we're still – and when I say we, I mean there's an informal back channel of folks like this is how it's being received. This is what I'm hearing. Now where do we go from here. I think that to me means that there's a need for a follow-up meeting to map out exactly where this goes from here following Montreal. Right now Montreal is more of a what do you think of this type thing and then collecting that type of response.

REG LEVY:

One of the responses, many of the responses that I've gotten from the publication of this document and the fact that we've signed it is purported trusted verifiers have been crawling out of the woodwork at me. And IPC and BC members have been reaching out to me personally saying how great this is, how wonderful it is, and how they really want to get on our list. So generally speaking, the people who it was kind of aimed at have been pleased by it.

JEFF NEUMAN:

All that sounds really good and I think I would look forward to hearing about the next steps and how others could sign on to it and all that kind of stuff because I do think the community is going to expect a response from all of us. It's to this issue of DNS abuse in general.

There are certainly more discussions going on this week I'm sure here, right? There's I don't remember if the high-interest one. Did that happen already? Maybe that's the one you're talking about.

Göran has already said that he wants to sit down with the contracted parties to help try to come up with the definition of abuse and to try to see if we can do best practices. And it's not an issue we can ignore. I think, Elliot, you said it right. It's almost like the good ones are almost being complicit because we know that there is some bad stuff going on out there.

Now we don't want additional contractual requirements. That's obvious. But we don't want these other players and these practices to go on. So I guess the question is, what if anything can we do, should we

do? Because if we do recognize that there may be an issue with certain players, are they already armed? Is ICANN Compliance already armed with the tools to go after them? Or should we be making a statement that we don't condone those types of things?

I'm just throwing it out there because I think the community only looks at the bad players and if the good players don't also try to influence the bad players, then we get lumped in with that.

GRAEME BUNTON: Was that a direct response to Jeff? Okay.

ELLIOT NOSS: Yeah, Jeff, shoot with live bullets because I feel like you said I heard you, that's great, now here's what we need. This is the response. So here it is. If in substance you want to dig into that specific frame and amend it or suggest more or less or whatever it might be, that is the response. So when you're in talks about convening something to define DNS abuse, that was what a group of well-intended parties in the industry got together and did. So that's a done.

And I think that it's important – what's clear to me, and this is not criticism. This is observation and it's important. Was that you didn't take it as that. Right? You thought, okay, great. Here's a first step and now there's something more. This is a response. So did I have you wrong there? Because I did earlier, and it was to my shame.

JEFF NEUMAN: I do think there's a next step. Not on the documents, but I think it's a great step for all of us and if we could all sign on or do something similar and come up with a similar response. The next question though is, is there anything that we can do to disincentivize the bad stuff that goes on with other players? So if we know that these bad – like you said, there's strange shit going on on the list. That on email, I looked at it to.

ELLIOT NOSS: Yeah, so then that's great. Both examples that I gave in my earlier comment when I was responding to James had to do with registry incentive programs. Should we as a registrar constituency bring that issue to the registries and then into the GNSO? But you were talking specifically about DNS abuse, so I wanted to make those comments. But I think it's important that in this room we all understand it as that and love as much participation and sign-on as possible.

GRAEME BUNTON: Thanks, guys. The people, including myself, who worked on this will try and figure out maybe even before we leave Montreal how to get what that next step is. See if we can have that conversation. I've got Michele and then Steph.

MICHELE NEYLON: Thanks. I think the feedback we've had generally so far this week and even before we came to Montreal has been mostly positive. As others have noted, there have been people asking why certain things weren't included. But this is a floor, not a ceiling. There are some companies

that are comfortable doing a hell of a lot more, and there are others who are perfectly comfortable doing what's laid out in that document and maybe not as comfortable going further. And that's fine. Each company has its own business models. Each company has its own risk matrix or whatever you want to call it. And if you want to endorse the document, you can do so. Whether we end up going down the route of having some kind of formal signing on or anything else is another discussion that I'm sure people are happy to have.

Saying that the people in the room or the people who turn up to ICANN meetings are not involved in abuse is bullshit. I'm sorry. It is absolute bullshit. There are people walking the halls of this conference center who are knowingly enabling and turning a blind eye. And I am sick to my teeth of having to spend hours and days fighting from a corner about the abuses and the issues being cause by others.

If you look back at the 2013 RAA, if you look back at the negotiations around that, at the bulk of things that were pushed on us via the 2013 RAA came from law enforcement, came from the PSWG because many of the people who come to ICANN have been sticking their heads in the sand and totally ignoring basic stuff.

If we as businesses want to be able to flourish, we need people to have trust in the Internet as a whole. If there's no trust, there's no business and we all end up having to go into some other line of work completely. That's what we're talking about here.

Now I don't want to have to spend the next ten years as I get balder and balder having to fight the same fights over and over again. I'm much

more interested in having new fights. They shouldn't be these same ones. The frustrations we hear from the IPC, the BC, law enforcement, and things like that, a lot of it is down just to basic things where people don't even bother responding. So I just think it's time that people stepped up because otherwise we're going to be stepped on. Thanks.

GRAEME BUNTON: Impassioned from Michele. Thank you.

UNIDENTIFIED MALE: So just to respond, and do what? If they're roaming the halls, if they're sitting right at this table, do it now. What are we're going to do? I mean, I hear you and I don't necessarily disagree with you, but what is the remedy? We know these people. We know who they are. We know what they're doing. Can we tell Compliance? Is that a competitive issue? Maybe we should tell Compliance. Can we get one of our customers to tell Compliance?

UNIDENTIFIED MALE: We could help Compliance. I'm sorry.

UNIDENTIFIED MALE: No, I just....

GRAEME BUNTON: All right, wait. This is going to explode, but it's fun. I think it's good conversation. Let's get to Stephanie, and then we're going to run out of

time on this topic because EPDP Phase 2 is next and that's also important.

UNIDENTIFIED MALE: We can totally spend EPDP time on this if people...

GRAEME BUNTON: But we do have 15 minutes allocated for AOB and I already used our AOB, or I used some of our AOB time. So I've got Stephanie in the queue, and then I've got Jeff, and then I've got Matt, and then we'll see how much time we need to steal from other things.

STEPHANIE DUCHESNEAU: Two things. We actually had some concerns with the letter I think in terms of the paradigm that it describes for what registries and registrars should look at taking action on. Like Caroline said, there's some sort of discrepancies, but mostly fine.

Where I had a really hard time is in the definition of what constitutes DNS abuse. I feel like DNS abuse is still distinct from security threats. And saying it's generally best practice for registries and registrars to take action on it is different from saying that this is within scope for DNS abuse.

In doing that I'm worried that we pulled this category into the picket fence. Even a lot of phishing pages, malware pages, those are still referring to the content of a website. And while I think we should maybe be taking action on them, I don't think we want it in scope.

I've seen responses on the CSG side that are looking positively at the letter not just because it's saying registries and registrars are now acknowledging responsibility, are being good actors, but they're saying, look. They finally admit they are responsible for content. I think we've lost our ability to draw that line clearly, and I'm pretty worried about that.

Secondarily, and maybe going back to – and I brought this point up in the registries as well this morning – one idea that is interesting to me and gets at thinking about who the bad guys are and being able to actually take action is moving away from a paradigm where we're thinking about abuse primarily as what's being done for individually reported instances of abuse. I think that's really hard and we're not going to get very far in that conversation.

But if we zoom out and look at abuse thresholds and use a tool like the DAAR, like I'm not comfortable with DAAR being used to identify what action I should have taken on a particular domain name because I agree there are discrepancies in terms of policies and what you might flag. But I am comfortable with something like DAAR being used to if who has policies, procedures, whether it's pricing structures that are systemically permissive of abuse and using something like that and creating an incentive-based system where maybe fees should be higher for registries that have high fractions of abuse.

I think if we zoom out and start talking about what we think is an acceptable outcome in terms of volume, we might be more successful

than thinking about abuse in terms of how individual cases are handled.

GRAEME BUNTON: Thanks, Stephanie. Who so I have in the queue? Jeff, then Matt.

JEFF NEUMAN: I'll defer to Matt.

MATT SERLIN: Wow, thanks, Jeff. Great discussion. You know, Michele, your “we need to step up or we get stepped on” I think was a perfect summary of where we are.

May I suggest potentially, Graeme, that it feels to me like we need to take out a subgroup – sorry, I don't mean to use that word – but a small group of registrars in the stakeholder group that can get together and talk about what we could do moving forward and what steps we could take as a stakeholder group on two fronts. On an actual policy or contractual front but also, frankly, from a PR standpoint as well. And talk about some of the things that members are doing and things like that.

It feels to me like that's really going to be the best way that we can look at moving this forward be I think without doing something like that, to Michele's point, we're just going to get run over. Thanks.

GRAEME BUNTON: Thanks, Matt. It occurred to me at some point, and I haven't had the chance yet to do more thinking on it, that there is probably room for like we have a compliance sub team and a policy sub team that there's maybe a whether we want to call it security threats or DNS abuse, something like that, team where we get together and share like some best practices about how we deal with these things. And maybe that becomes the basis for something more where we have a place and structure for those conversations. I think that might be effective.

MATT SERLIN: Yeah, and since I brought it up, I suppose I just volunteered myself.

GRAEME BUNTON: All that spare time you've got. Thanks. Jeff, and then Jothan.

JEFF NEUMAN: Yeah, so Matt's comments were a lot like mine. GoDaddy used to have, a long time ago, there was this best practices group that got together of legal and policy. It was a summit that they did. And I know it became expensive because they hosted it all the time. But I think that type of environment where it was only the registries and registrars and only the appropriate people at those registries and registrars that dealt with those issues got together and hammered that stuff out.

I think I don't know that would happen or the logistics, but I do think that this smaller group, it would be a good idea to get something

together to discuss those kinds of best practices and get some good publicity out of that.

You could always count on Facebook a week before the ICANN meeting finding one of the – how do I put this in a nice way? Well, a registrar that doesn't necessarily do everything it should to combat abuse and making it a poster child for their discussions in that next relevant ICANN meeting. And this meeting was no different where they filed a lawsuit against a registrar with God knows how many names that were Facebook where the registrar itself looked it was the registrant.

So you have a positive statement like the framework come out from a group of registries and registrars and we're feeling the high of, okay, good. There are some registrars doing the right thing. And then, sure enough, you get that press release of the one registrar that's not doing what it should do and everyone else just kind of goes, oh, crap. We're going to get stepped on for that. So I think it's good if we get some good publicity out of it.

GRAEME BUNTON:

Great, okay. I have quite a smattering of people over there, and I'm not sure I got everyone. I have Jothan next, and then Tom, and I saw Volker, and I think I saw Elliot. All right, so let's try and keep these short, otherwise we're going to be on this topic for literally forever. But this feels important and good to sort this out.

UNIDENTIFIED MALE: Can I just throw out to Jeff that we're not going to bring back those summits, but maybe this is something that could breathe some life into the GDD.

GRAEME BUNTON: Yeah. I mean, there's tons of room inside of GDD for exactly this. It would be a great use of that time. We're going to use it for SG strategic planning and DNS abuse. It's going to be great.

UNIDENTIFIED MALE: I think the point was not to have ICANN involved in those discussions. If we have them, it's just the registries/registrar, no outside influence.

GRAEME BUNTON: Yeah, totally get it. Jothan?

JOTHAN FRAKES: Thank you. My registrar, I don't have these problems. I know eyeball-to-eyeball my members. I'm small. I don't have these scaling issues. What really bothers me about this is that it paints our industry poorly. So I appreciate the hard work of everybody who is here doing the things that they can.

I think there are kind of a few different ways to categorize the things that are going on. There are those who – and we saw an example of it this week – who can see the rules, figure out how to navigate the white space in the rules and do some gray things. There are some people who

have customers that might be doing activities that they don't necessarily detect until it's reported to them. And there are folks who may not have the rules and everything in place that they understand to actually police these.

I think we probably need to be sensitive to the fact that the majority of the outliers are probably in that first category that I mentioned. And then we should be doing things to help and not necessarily paint in a negative light those who are in those other two categories I mentioned. We should be sensitive to our brethren about these things. Thank you.

GRAEME BUNTON:

Thanks, Jothan. [inaudible] reminded me in the back channel that especially as we get animated about a thing we're caring about, we forget to say our names and speak a little bit slower. So let's try and remember to do that while also keeping this tight and constrained so we can wrap this up. Tom, Elliot, Volker.

TOM KELLER:

Thank you. The one thing I'm wondering if I see this, we have a long history of actually coming up with papers and frameworks and all that kind of stuff. The one thing we never really do is follow through with that, whether the people who signed up to it are actually living that framework or not.

So this is where I believe we have the issue that we never really spend any time figuring out whether there needs to be some kind of an internal compliance [regime] about that. Not necessarily saying that

has to be done by ICANN, but maybe it should be done by the few what they consider good actors that they have a self-audit or whatever that keeps them true to their promises.

Because what I can see totally happening, and I see that in other industries as well, is that as soon as it comes to self-policing they set up a framework and all the people sign up to it and then they don't follow the rules. So if we do this, we have a lack of trust. The problem is how can we establish trust?

Because I don't think that it is our job to track down bad players. That is up to ICANN or anyone else, a police force, whoever. But if we want to be the good actors, we have to have a reliable framework that keeps us true to what we promise to the general public. I think this is a bit what Matt was saying. Setting up a group that's thinking about how that could look like. I think we would be very happy to be part of that group.

GRAEME BUNTON:

Great. Thanks, Tom. You're right. This is something we've talked about a bit inside the group. We don't want to have our own internal compliance. We can't really do that. But how do we ensure that people are upholding that commitment is an interesting problem. Volker, then Elliot, actually.

VOLKER GREIMANN:

Yes, thank you, Graeme. I think we have to draw a very important line here. This is a voluntary effort. This is parties committing voluntarily to a certain course of action because they believe that's the right way to

go about doing their business. Many of us, our registrars included, probably do more than what's on that list. We have stricter anti-abuse guidelines. We include more stuff where we take action but on a voluntary basis.

I would hate to be in a position where ICANN can tell me that I have to do certain things in certain ways because of community efforts. I prefer to do that on a voluntary basis because I feel that's the right thing, because my national laws require me to do certain things in a certain way. I don't want to be regulated on that. I do not want to have content drawn into the picket fence, as Stephanie earlier said. I don't want content to be a matter that can be regulated by ICANN.

I think by showing that we are voluntarily adopting such a framework but at the same time stating that this will remain a voluntary effort and no one can force us to do that unless we are actually violating laws, we are showing good faith and we might be preventing any regulation on that effort. But if someone tries to use that to force us to abide by some regulation, then we should fight that tooth and nail.

GRAEME BUNTON:

Yep, agreed. And I think what we're trying to do here is avoid regulation and avoid bringing stuff inside by dealing with it ourselves. Elliot, I think you've got the last word on this.

ELLIOT NOSS:

Yeah, so I'm glad, Volker, you raised that point because I wanted to address it, and Stephanie left. And I was just actually guiltily emailing

her saying I'm about to contradict you and you've left the room, so I want to apologize. So great, yes, thank you.

I think that ship has sailed. I don't believe today we have a choice anymore as to whether there is some level of content that we will be responsible for. No, more importantly, should be responsible for. Then you're just talking about a tactic. Wait, because I want to unpack that a bit.

That is not because registrars should naturally be responsible for content in the DNS. That is because the governments of the world have failed for 20 years to do anything about it. They are no closer today than they were in the 90s at the birth of the Internet, and that will simply not happen.

So we are left in the case of domain names doing this. I think that you see now elevated responsibilities for companies like Google and Facebook and Amazon in all kinds of different policy areas. We live in a world where a global Internet has outstripped nation states' ability to deal with it. We are just tiny players in a much larger story. But we have to recognize that's the story we're in.

So this would have been 20 years ago, 10 years ago, probably 5 years, wow, am I jumping up on the tables resisting that. Today, I feel it's my responsibility as the CEO of a large registrar to pick up some of that.

So now we're just into tactics if we agree on that. Now we're just into tactics. Are we better to clearly define what DNS abuse registrars should be responsible for, or are we better to say they should be responsible

formally for none but a lot of us are good guys and gals and we're going to do the right thing otherwise?

To me, it's a tactic. We can debate that. But I clearly think we have the pen and we carry the agenda when we're the ones that define what abuse in the DNS these particular companies at this particular level of the stack should be responsible for. So for me, that sucks and it beats the alternative. So I want to be explicit on that point.

GRAEME BUNTON: I think I really want to end it on there because I think that was really good to wrap it up. Go ahead.

UNIDENTIFIED MALE: So on that note, Elliot, I totally agree and I think we should move fast because the SSAC just announced yesterday that they're creating a working group and their first order of business is defining DNS abuse.

ELLIOT NOSS: They have less stick than we do. They issue these arm-waving reports every six months so they can keep their [funding].

GRAEME BUNTON: That was great. Guys, thank you for that. I thought that was a really good discussion. I think we've got some action items out of that too. There is going to be a DNS abuse panel tomorrow. I'm on that. Brian Cimolic from PIR, Jeff Bedser from iThreat something-something,

Farzaneh. Anyway, show up to that. It might be interesting. It is an ICANN plenary, so those are real hit-and-miss.

What's next on the agenda? EPDP Phase 2, all right. Which one of our poor suckers is taking this one? Is it James or is it Matt or is it Sarah?

UNIDENTIFIED MALE: Are [inaudible] [EPDP] now?

UNIDENTIFIED MALE: We can't really do anything without Sarah or Zoe. I think the rest of us are just mouthpieces for their thoughts and words.

UNIDENTIFIED MALE: That's exactly right.

JAMES BLADEL: Yeah, so the EPDP, as you might imagine, is also front and center here at ICANN Montreal. It is taking up a lot of time. All day Saturday, several hours yesterday, several hours on Sunday, tomorrow, Thursday. You get the idea.

A couple of things. I think there's been a – do we want to speak to just the overview? This is in parallel with IRT implementation of Phase 1, which I think we have a different [folk] who is going to give an update on that. But this is about providing the standardized system of access for nonpublic registration data.

There was a community panel yesterday where a lot of questions were fielded by the community on this issue. Certainly hope that registrars have thoughts on this because, as Graeme indicated, I think the six of us feel like we could really use some feedback, particularly if you have concerns about the direction this is going.

The group has been focused on a number of what we're calling building blocks, which are individual component level problems. Taking the big problem of SSAD and breaking it up into about 13 manageable bite-sized problems that we can all wrestle with.

A couple of those have been, for example, accreditation. What it means to be accredited, who is handling the accreditation, what it means to lose that accreditation. What happens if, for example, an identity provider fails and needs to be de-accredited, and what happens to the outstanding credentials that they may have issued? So wrestling with that.

We spent a lot of time talking about abusive behaviors and how that can get you kicked out of SSAD. I feel like we spent too much time on that because I think that abusive practices on a globally shared system should be something that I think everyone understands or there is enough prior [inaudible] that we could copy from. But unfortunately, there's a lot of back and forth about whether or not someone could legitimately and accidentally stumble upon some of these practices and get labeled as an abusive user of SSAD.

We have also spent quite a bit of time on some of the legal questions associated with operating this system, particularly in light of a

comment that was made yesterday during the public session where a member of the European Commission made I don't know if he felt it was an off-handed comment but it shook the EPDP to its core. He said that just because you have a centralized authority making decisions on whether or not a request is legitimate doesn't take away any of the liability from registries and registrars. Thank you. Have a nice day.

After just leaving that hand grenade in the middle of the room, he walked out. And we've been struggling with, obviously, he doesn't speak for the European Data Protection Board, so it wasn't definitive. But it was a pretty important authority weighing in on a very fundamental assumption of this whole system and really chipping away at the bedrock that we built this thing on. So that's a concern, whether or not it was specific to the data going back to the requestor through the central system or whether it was going directly to the requestor from the contracted party.

We have, as you know, issued some letters to the Board and to ICANN Org asking them some very specific questions about ICANN's interaction with the Strawberry Team and whether or not they are willing to take on an operational role that perhaps could buy them a bunch of liability that they don't currently have today. Clearly, the ICANN Board you could see in the strictest definition of a board fiduciary would say I don't have that liability today. I would have that liability if I sign off on this, so why would I ever sign off on this?

So these are very, very tricky waters that we're all navigating. I think that as far as anything that's front and center that we need feedback

on, I think what are you hearing in terms of – one of the things that we continue to hear is that the biggest problem is that the temporary spec is not working. That folks who believe they have a legitimate need to access nonpublic data are not getting it.

And by the way, they define legitimate as any request that they make and illegitimate as requests that other people make. I mean, if you really step back and look, it really is that in some ways the value of the data determines the legitimacy of the data, not the legality. I think that we need to push on that.

I know that some hands are going up while I'm just giving this overview here, Graeme. But the point being that this is a very complicated piece of work made even more complicated by some of the interventions from the European Commission yesterday. And I'm concerned that we have not made significant progress toward that.

And to that end, I think there is now talk across various stakeholder groups, not just registries and registrars, of whether or not the target for an initial report is realistic and whether we should start laying the groundwork now for pushing that target back into 2020. And by the way, I don't mean April. I mean from December to January, and what we would be working on in the interim.

We had a face-to-face meeting in September. We're meeting now. We're meeting in a face-to-face in January. And the hell of the EPDP goes on. So anyway, that said, the colleagues on there, fantastic. Can't say enough great things. We don't operate as members and alternates. We are a six-person team plus Zoe who keeps us all on target. And I can't

say enough good things about everyone who has really dedicated massive chunks of their lives to raising this child that no one asked for.

GRAEME BUNTON:

Thanks, James. Yeah, I echo that. I see how hard these people work, and I'm terrified by it. It is a monster ask. All these people have other jobs in theory that they should do. It's crazy. So, guys, thank you so much. Zoe, thank you for helping out.

We are, maybe the registries too, but we are the only group that has ever gotten every thing due for that whole thing done on time. We are killing it in that space. And any time you hear someone say registrars are slowing it down, they're not acting in good faith, you tell them to fuck off because it's horseshit. We're just killing it. Sorry for the profanity. Not sorry.

I think I had Jeff in the queue, and then I don't know if I saw any other hands.

JEFF NEUMAN:

Yeah, great work. You guys are just in there doing that, and I don't know how you do it. It's incredible.

Just a little feedback from the GAC meeting this morning. I was in there just to prepare for the SubPro presentation after, and [Loreen] from the Federal Trade Commission, Giovanni (I forgot where he's from), and some others, and someone from the public safety working group were presenting. And essentially at the end of the day, they were going over

the fact that this was not going as fast as they wanted. That they wanted the GAC again to advise to go quicker.

But they did also realize that there are outstanding items that are almost gating items that the European Data Protection Board needs to weigh in on that may push work out. But the ask that I think might be in their communique would be basically for Compliance to, in their words, “step it up.” That even a temp spec, which they’re calling a consensus policy now, requires as you were saying reasonable access to legitimate requestors.

So I think that was the tone of their conversation. It was a realization that this is going to take much longer. But now the pressure is to be put in ICANN Compliance to go after registrars that are not providing the data. That’s just what they’re saying.

MATT SERLIN:

So as James alluded to, we had a conversation about does it make sense to carry on and put out an interim report that would essentially read like a choose your own adventure book? So you have a bunch of different options depending on what the feedback is. If you select A, jump to Page 7. I think everyone recognizes that’s really not the best path forward.

But we are sensitive to what you heard in the GAC meeting. And so I think where we’re possibly going to end up is in addition to the language that we’re currently living under in the temp spec, there’s this Recommendation 18 – thank you, Sarah – Recommendation 18 out of

the Phase 1 EPDP which is in implement now. Which essentially lays out, I think for the most part, what were the – what do we call? The guidelines for – yeah, whatever the stakeholder group published for registrars to try to strive to obtain under the temp spec was basically what we put in Recommendation 18.

So what we want to try to do is move that specific recommendation forward so it goes out of the IRT and it gets to become policy so that then Compliance actually has something much more tangible to enforce. Because to the extent that we're living under the temp spec today, if I could implore everyone who is either in this room or listening to at least respond to requests that you're getting for disclosure requests, that would help us in the EPDP group immensely.

Because we continue to hear, and I believe there is a certain amount of truth to it for sure, we continue to hear that we are requesting data disclosures and we don't even get a response. So I'm certainly not asking you to disclose data that you don't feel comfortable disclosing. But to the extent that you can respond to every request that comes in to take that argument away would be extremely helpful for us going forward.

But I think ultimately, we will probably end up not hitting the planned interim report date. I think that will get pushed out. But I think Recommendation 18 hopefully can become policy which then can again give Compliance and maybe some of those groups that we're hearing that from a little bit more comfort in where we are today before we get to whatever standardized system we get to.

JAMES BLADEL:

Yeah, thanks, Matt. That was actually a big part of our discussion yesterday is recognizing how bad the EPDP is dragging out, can we take a look at this Rec 18 and maybe accelerate its implementation? We've already signed off on it. It's not new policy. It's policy that just hasn't been implemented yet. And Rec 18 is not standardized and it's not centralized, but it is essentially each contracted party it has some guidelines on what each contracted party has to do in terms of publication of their process, publication of what they're looking for in terms of a standardized request and so on, and what the different evaluations are.

I just wanted to bring up one more thing, Jeff, that you mentioned about waiting for the European Data Protection Board (EDPB). Whatever. I keep messing it up. You can't say [EDPB] and EPDP. You can't say both of those. They cannot exist in the same head, both acronyms.

But I wanted to point out that I think we should start now setting the expectation that they are not going to descend from some mountain in Brussels with clear, actionable guidance and advice. They're going to tell us, well, some days it might be like this and some days it might be like this. There are going to be so many shades of gray and open to interpretation because if they respond at all, to me, it's going to be very hypothetical and abstract because that's what ICANN is feeding them – hypothetical and abstract type of questions about what the model might look like.

So my concern is that we're waiting for something that's never going to come which is this aha moment where we have very clear yes or no, black or white, left or right type answers. I don't think we're going to get that.

And I think the clearest indication is when we got our Bird & Bird legal memo. This is a very highly regarded legal advisor that we hired at great expense, spent a lot of time working on the legal memos, and the legal advice that we received in response which was very, very good and certainly worth what was paid for has not resolved these differences on the EPDP.

In fact, we now have folks putting the legal advice under a microscope. And a lot of folks are throwing up our hands saying do we want to do this again? Do we want to fire our lawyers? What do we want to do? I'm afraid that we're setting ourselves up with the expectation that the EPDP is going to come in like a referee after watching instant replay and tell us what the answer is. They're not going to do that. So we're going to have to either figure out how to muddle through in this area of ambiguity and gray or recognize that individual contracted parties are going to have to make their own individual assessment of what their risks are, and nobody likes either of those answers.

GRAEME BUNTON:

Oh, boy. Thanks, James. What a fun time. I think that's an important point that the likelihood of getting clear, substantive, definitive guidance back is pretty low. I think that's going to put us all in a fun spot.

I think this whole thing, the idea of a centralized system fails in more ways than it succeeds. And then going back to Matt's point about please respond to those requests as you're getting them because I think the likelihood is that's not changing any time soon and that we're going to have to collectively get good and better at that because that's the reality. Potential, likely, probable, maybe reality going forward.

Rob Hall, welcome to the meeting. I haven't seen you in a while. Anybody else have questions or comments or more stuff on the EPDP? Jacques, and then Michele?

JACQUES BLANC:

Yeah, one quick comment to be with you, James. We must realize that [seen] from Europe and particularly France which has been living under private laws for years and years with the [inaudible] and so on, domain names business is a complete collateral damage as far as GDPR is concerned. We were not targeted by this policy. We were not. So they won't give us more attention [than what] you give to a collateral damage. So we're all alone on this topic. We've got to be sure about that.

GRAEME BUNTON:

Thanks, Jacques. Michele?

MICHELE NEYLON:

Thanks. Two things. First off, we should all genuflect deeply before any members of the EPDP group because the hours they've been putting in

are just monumental. You can listen to some of the calls, and they are excruciating.

I think just more in practical terms, I think this thing about responding to requests again cannot be stressed enough. It's the same with abuse stuff as well. I lived through the negotiations around that language involving the IPC and others, and it was painful.

Tucows have put out some very, very good data about their requests. If others are collecting the data, that would be useful. Because one of the fears I have is that there's going to be this big push to create an overengineered and incredibly expensive system, and we're going to end up footing the bill. Yet there's no actual demand for it. Of course, they're going to say that there is a demand.

But the point is that there are already consultants coming into ICANN meetings with proposals for really complex systems to solve this. So I think I'm seeing a kind of a solution for a nonexistent problem, and it's going to be an expensive one.

MATT SERLIN:

Yeah, thanks, Graeme. Yeah, Michele, just to pick up on your point of the financial model, we have all been very clear in the discussions that contracted parties should not and will not foot the bill for building this Frankenstein system regardless of what it ends up being. And rest assured, we will continue to make that point.

And James likes to say, and he's right, the benefactors of the system should absorb the costs for building and maintaining the system. So we'll continue to carry on with that.

GRAEME BUNTON: Great.

UNIDENTIFIED MALE: Just to expand even more on what Matt's saying, we've also said this cannot fall on the backs of the data subjects, the registrants, the costs of operating this thing. Which means you can't charge the contracted parties because they'll likely pass that cost along. Also, you can't charge ICANN because they're going to pass that along to us and then we'll pass it along. So really, the costs have to stay with the benefits.

I just wanted to add one more point to Michele or maybe it was, I'm sorry. Sitting next to Jeff. I didn't catch your name. Jacques, yeah. Is that someone else raised the point what about Brazil? What about India? What about Canada? What about [the] California?

[This is not GDPR] privacy, the ground is shifting underneath us and the tide is coming in, and we're trying to fix GDPR which is several years old now. I think we are also basing all of this work on the assumption that if we fix for GDPR, we kind of fix for everything. But is that true?

And you don't have to thank or genuflect or anything. They give us a sandwich. We're fine.

GRAEME BUNTON: Great. Thanks for that discussion, guys. And just my last point, if you meet a heretic who says EE-PEE, DEE-PEE instead of EPDP, just correct them.

Okay, that I think is it for EPDP. Last call. Everyone feels up to speed on this thing? Awesome. Okay, we are, despite that pretty long, substantive conversation on DNS abuse, ahead of sched.

UNIDENTIFIED FEMALE: No we're not.

GRAEME BUNTON: No, we're not? 14:45. Are we – what?

UNIDENTIFIED FEMALE: [inaudible] IRT still.

GRAEME BUNTON: Oh, God. Right, okay, we're not done. Sorry, guys. Recognition data IRT. Who is on this one? Ah, Sarah Wyld, please.

UNIDENTIFIED MALE: The incomparable Sarah Wyld.

SARAH WYLD: I will talk a little bit about what is going on in the IRT. This is not new. We are looking at the Phase 1 final report and implementing that into

policy now. So what I'd like to do is highlight some of the things that this team has been working on.

The way it works is for each recommendation in the report the IRT team reviewed it to determine if work is needed and who should do that work. So is it an IRT thing, or should it be referred to another working group, or maybe there's no action that needs to come out of it?

We started, for each recommendation, with an analysis that was provided by ICANN's implementation planning team which then the IRT members confirmed or made other suggestions and argued about. Some areas were more controversial than others.

So, for example, the tech contact is now optional. Should we allow that tech contact person to consent to the publication of their data just like how the domain owner can do? That's a question. Other sections were easier to come to agreement on. So the scope and definitions we didn't really have a lot of controversial bits.

There are also some recommendations that were not adopted by the Board. Those are being held until we have a better sense of what they'll do and how we should proceed. So Rec 12, for example, this is how we handled the organization field. In the recommendation it says that the data if not confirmed by the domain owner can be either redacted or deleted. But the Board had a concern about that deletion. So we're waiting to have a better sense of where that will go before we figure out how to implement it.

Another really big recommendation is Number 27. This is the one that says all other impacted policies also need to be updated. There's been some discussion and, at least for me, some confusion about how to go about doing that.

So for the transfer policy updates, for example, it's affected by Rec 27 that says we should update policies. Also, there is Recommendation 24 which says specifically changes for the transfer policy. So should the new IRT policy include that, or should it be deferred to the transfer policy development team? That does not yet exist, but we talked earlier today about how they're scoping that work.

It's in the recommendation, so we have to implement it. But if there's a PDP anyway, wouldn't it make more sense for that PDP team to deal with it? So I'm not super clear on how that's going to shake out, but it's very interesting to me.

So that's a good overview of what we're doing in the IRT right now. Next up is Eric.

ERIC ROKOBAUER:

Thank you, Sarah. I'm going to talk about some changes from the work the IRT has done looking at the recommendations. I should say a caveat – changes, findings, analysis that we've gone through with the work.

First one, big one, Recommendation 28, the effective date. If you all recall, it was listed as February 29, 2020. We are not going to meet that. Specifically a big reason, obviously, needing the six-month

implementation time period. We have passed that deadline at this point.

So IRT sent, we had our council liaison Rubens Kuhl sent to the GNSO Council a letter stating that we weren't going to meet that deadline. And when prompted to provide a new date estimate, until we finish the analysis of all the recommendations, we wouldn't be able to provide that. So once we do the work, finish through that and actually see the entire policy language, that will hopefully get us to figuring out what that date could be.

Another item that was discovered is in regard to Recommendation 10. A slight error was found where for registrars to publish it was going to be a requirement to publish the registry expiration date and optional for the registrar registration expiration date.

So you're probably shaking your heads there and a little confused. That obviously is not something the registrars have done before in regards to the registry expiration date. In fact, Recommendation 5 as far as what registrars must collect and generate, the registry expiry date is not even an element that was listed. So we don't collect it. We can't publish it.

So we went back to the EPDP team to just clarify, and it was determined that was just an error and not meant to be something that would be changed. So we're going to call that out in the public comment when the report is published, the language to be reviewed.

Finally, it's coyly called the Anderson Proposal within the IRT. Marc Anderson [of the] registry group noticed that some of the language that was going to be used for the proposed policy in regards to Recommendations 10, 11, 12, 13, and 6, a lot of the language was being very "WHOIS centric." So we wanted to avoid that and make it more technology agnostic, especially now that we have RDAP being required. So language has been proposed, and so you'll be able to see that when the public comment goes out.

Any questions?

SARAH WYLD:

I have a couple specific areas where we're looking for input on how to steer our work. We have some notes, but I'm not going to talk about exactly those sections.

We spoke a few minutes ago about Recommendation 18, and this is for disclosure of data [and requests]. Here's a question for the group. If law enforcement has an urgent request, what is a reasonable turnaround time for a substantive response?

When it's a normal request, we have said that probably two business days for acknowledgement of the request, and we haven't set a timeframe for when the response should come back with whatever data it is appropriate to disclose.

But law enforcement can have urgent requests where they need that data quickly. So what timeframe would be reasonable? Some groups

have proposed 24 hours for a substantive response. To me, that seems really quick. But I'm interested in what everybody else thinks.

I have three specific questions for input. Would it be helpful to ask all three?

GRAEME BUNTON: Let's maybe do one at a time. I can't hold three things in my head at this point in the day.

SARAH WYLD: Absolutely.

GRAEME BUNTON: Has the IRT looked at what privacy and proxy did on this issue? Because I believe it came up in the privacy and proxy either policy or IRT.

SARAH WYLD: I feel like it's been discussed, but I also don't have it in my head. So that might be a good thing for us to go back to, yeah.

GRAEME BUNTON: So we have around the room the people who do this. What do we think is a reasonable timeframe for substantive urgent law enforcement response? What could you guys live with? This is where we get to decide.

UNIDENTIFIED FEMALE: Just a clarifying question, Sarah. Are we talking about in-country law enforcement or cross-border law enforcement?

SARAH WYLD: That is not defined as I read this document. I'm going to paste in the chat the relevant section.

UNIDENTIFIED FEMALE: Because it's going to make a huge difference.

SARAH WYLD: That is a very good point. So maybe what we need to do is go back and say we would modify the response depending on the jurisdiction of the law enforcement requesting it.

GRAEME BUNTON: I think for the purposes of this question, let's assume in your jurisdiction. Because out of jurisdiction may not have any....

UNIDENTIFIED FEMALE: Then instant.

GRAEME BUNTON: Then it's instant, right. That might be different for your registrar than ours, but okay. I feel like Neal sat beside me not because he likes me so much as he wanted to say something. And then I've got Volker, and then Vlad, and then Rob, and then James.

NEAL MCPHERSON: I guess my question would be is there any kind of similar SLAs in the offline world that law enforcement can use or reference to? That would be one question. I guess my comment would be directly to your question is 24 hours is pretty short and I need lawyers on call 24/7 which is going to result in increased cost to my registrants, right?

SARAH WYLD: Yes, thank you. I think we have already made the point in the IRT team that sometimes if we need to involve a lawyer to evaluate the request, it can be very difficult to do that within such a short timeframe.

GRAEME BUNTON: Especially because most registrars I don't think have in-house counsel. Most of us are not giant companies, as seen by the chart earlier. Volker?

VOLKER GREIMANN: Yes, I would say that normally two business days, maybe three business days would be a reasonable time for expecting a response from a registrar in the same jurisdiction as the law enforcement agency. And with regard to law enforcement agencies abroad, when we get to their ticket in the queue.

SARAH WYLD: Sorry?

VOLKER GREIMANN: Law enforcement agencies from abroad should expect a response when we get to their ticket in the queue.

GRAEME BUNTON: I mean, you should be responding to everyone, not necessarily acquiescing. Everyone should get something, right? Yeah, good, okay. I think Vlad, Rob, and then Amy. Vlad, Rob, James, Amy.

VLAD DINCULESCU: My question comes back to what Volker was mentioning was the business day concept. You're looking at 24-hour response times or 3 business days. That's 24 hours as well because it's business hours, 8 presumably. What happens on your weekends? What happens after hours and so forth? Let's clarify that, otherwise you're going to have some law enforcement come down to you on a Saturday evening at 10:00 or whatever and say, well, this is urgent. And you go, well, okay I might need legal counsel. Do I need legal counsel on a Sunday? Do I have to make an emergency call or [something else like that]? So define these scopes of when this is possible.

ROB VILLENEUVE: I'm a little concerned that we're trying to agree to a timeframe for every possible jurisdiction and every possible registrar in the world. And I'm not sure we shouldn't be pushing back on that.

I get that people want that, but the other keyword here is substantive response. So I have no problem, and I do agree it should be on business

days because that changes in every country. You hit us here in Canada on a Friday night on a long weekend, I'm not even looking at it necessarily until Tuesday.

But that said, police show up in person with a warrant, you deal with it differently and that may be more immediate. So there are different levels that we all deal with, and every jurisdiction is a little different. So trying to proscribe one thing for everybody doesn't seem to make sense to me.

And I sure want to be careful with whatever the word substantive and how they define substantive as well. Because for the international ones we're going to have a boilerplate that [goes back] and says I'm sorry. You're not in our jurisdiction. Whether we process it in a queue or whether we send that back immediately or whether it goes back as the autoresponder saying if you're not in our jurisdiction, here's what you do. Here's the conduct for our jurisdiction. But many may consider that not a substantive response. So I think we have a couple landmines we need to be careful here on.

But my vote would be we shouldn't be defining this. We should have to receive it and acknowledge receipt of it [in] maybe a certain SLA, but getting a substantive response, our outside lawyers may say we need to research this. This will take a week.

It depends on what the issue is, and we shouldn't be trying to be pigeonholed to something ICANN can whack us with and say I'm sorry. You're now in breach of your contract because you got a really

complicated matter and your outside counsel is dealing with it. As long as we're using best efforts to deal with it, we should be fine.

SARAH WYLD: I definitely agree with a lot of what you said. I will clarify the reason why we're setting a timeframe here is because it was specifically in the recommendation that we are now implementing. It says the timeframe will be finalized during the implementation phase. So we are now apparently required to finalize that timeframe.

ROB VILLENEUVE: Yes, but we immediately jumped to hours as opposed to what someone suggested.

SARAH WYLD: Sure. So maybe it doesn't have to be.

ROB VILLENEUVE: Which is even wording about typical in that jurisdiction.

SARAH WYLD: A couple days.

ROB VILLENEUVE: Or depending on the complexity. Like it can't be a defined you must do this in 24 hours because the things we get thrown are always different.

GRAEME BUNTON: Thanks, Rob. James?

JAMES BLADEL: I would ask just to be very, very careful here because we have already signed up to some things in the 2013 RAA that are very similar and that we've been operating under for six years. For example, we are supposed to have a 24/7 point of contact for illegal activity. And that person is supposed to be capable or competent or whatever the word is to making decisions and taking necessary actions.

So if that's a lawyer that you have to have on call of a CEO that can't take a three-day vacation without their cell phone. I don't know what it is, but we've already agreed to it. We agreed to it years ago. So saying now that we're looking for business days or something like that to me feels like that from a law enforcement perspective, I would say you're already operating under this. Why am I getting slower treatment when in the RAA you've been doing this for six years?

I thought we said that it was in jurisdiction and it was urgent. So this was not a normal request and it was in jurisdiction. So to me, that seems like it would fall under the provisions that already exist in the RAA. So then the question is why are we building something separate? Can't we just refer back to that? And then we haven't signed anything new.

ROB VILLENEUVE: But, James, the RAA as you may recall is we will take the contact 24/7 and respond. It's not a substantive response. So they've added more

distinction here. We have to take the response and we have to be able to deal with it and decide. But if it's a call that comes in at 3:00 AM on a holiday weekend just for some information that isn't urgent, we don't have to respond to that other than we'll get back to you on Tuesday.

JAMES BLADEL: Okay, I thought we already discussed that it was urgent. I mean, you're right.

ROB VILLENEUVE: No, no, but we get to make the distinction. And under the contract, all we have to do is respond and say we got it. We don't have to deal with it necessarily. That's our choice.

JAMES BLADEL: But the argument that I can't be expected to have people on call or have a lawyer or a CEO or whoever reachable is not valid because we've already agreed.

ROB VILLENEUVE: It is. No, we've agreed to take the call 7/24 and respond to it. We haven't agreed to give the final response or the substantive response or deal with it completely in that same 24-hour period. And maybe that's a fine distinction, but that's our choice then. Do I wake up a lawyer on a Sunday and try to get them involved because someone's life is in danger? Or this is a standard WHOIS request from a law enforcement. We'll deal with it on Tuesday when I can get more [inaudible].

JAMES BLADEL: So that's not our reading or our interpretation of that provision at all.

ROB VILLENEUVE: Okay.

JAMES BLADEL: It says essentially that a person who is qualified to respond, review, evaluate, act.

ROB VILLENEUVE: Yes, but the evaluation may be this can wait until Tuesday.

JAMES BLADEL: Ah, right.

ROB VILLENEUVE: It's on us, not ICANN.

UNIDENTIFIED MALE: We've already agreed to a lot of this, so be prepared for [inaudible].

GRAEME BUNTON: I don't know that we need to sort that exact piece out right now. Do you have some input?

UNIDENTIFIED FEMALE: I think I have....

GRAEME BUNTON: I was so happy we were running super far ahead. We have until 3:00, so another 20 minutes. And you have a couple more questions, right?

SARAH WYLD: I had a couple more points. I want to thank everybody for all of this input. This has been very helpful, and I have a bunch of stuff to research now and look at. So that has been really, really great.

GRAEME BUNTON: Great. Before you, sorry, before you move on, I still had I think it's Amy and then – ah, man. We met last night, and it's Tony?

UNIDENTIFIED MALE: Tom.

GRAEME BUNTON: Tom? I was close. There were beers involved. Please.

UNIDENTIFIED FEMALE: I just have a question as to who decides what's urgent and what's a standard response. Because it then decides who we call, what procedures we start to kick in for our individual businesses.

SARAH WYLD: Right, that is a great question. I don't think it's defined. It's something that came to my mind as we were discussing it now also. Who does decide what's urgent? So that's something that we will need to get into, absolutely. Any thoughts on that would be great. I think we should decide if it's urgent. I expect law enforcement will say they must decide that.

GRAEME BUNTON: All those non-urgent law enforcement requests we get. Tom, please?

UNIDENTIFIED MALE: Tom [inaudible] from Cloudflare. As one that often has to generate the responsive information, I think that 24 hours is very doable as long as the follow-up from law enforcement, we get the proper paperwork. Once the issue is resolved, I don't see an issue with a 24-hour timeframe.

GRAEME BUNTON: Okay, thanks. You want to hit us with your other questions?

SARAH WYLD: Thank you, yes. The other ones are more comments rather than questions. They may not generate as much discussion, but just a couple things to put in everyone's heads.

We have worked to make this so that it is law agnostic. We're trying not to mention the GDPR specifically, not to make it compliant with PIPIDA

particularly but more general applicable to any different data privacy regime. But it does remain based on the GDPR. So I would highly encourage members to take a look through the recommendations that we're implementing and, as soon as it's available, the new policy and just let us know if there is something not compatible with local law that you are very familiar with. I'm not super familiar with all of the laws from around the world, so that's an area where we need help. If anyone has anything in mind now that they'd like to comment on, that would be great.

MICHELE NEYLON:

Thanks. The only one that springs to mind is that in most European countries we can't transfer data or do anything that might involve somebody ending up being killed. So we have issues transferring certain things involving the U.S. because you have a death sentence. So the referral would have to go through Irish law enforcement sometimes. But that's the only one. That's a bit of an outlier anyway.

SARAH WYLD:

Thank you. Yes, that has come up a few times.

UNIDENTIFIED MALE:

What I notice is we've got some subjectivity here. And it seems like that's either really flexible to our benefit or it seems like it's open to wide interpretation. But it seems beneficial. It sounds like on the one hand I heard an interpretation by James that we need to immediately, urgently give a substantive response. Where I heard otherwise that we

can respond, but it may not be the whole of the response depending on that. And I think that leaves us enough flexibility to deal with matters. So I don't know, do we want to get really, really finite in text or do we want to get behind? Do we want to leave it flexible? Thank you.

UNIDENTIFIED MALE: Is there not an argument that if you take James' read of the contract, that this is already in our contracts. Why do we need another provision?

SARAH WYLD: Yeah, that's something I'm going to look at.

UNIDENTIFIED MALE: Great. This is a recommendation. We've already covered it in our last RAA. It's already in our contract, so let's move on.

SARAH WYLD: My memory of the RAA section is a little bit different from James' and it's something I'm going to look at later on today.

JAMES BLADEL: Just that the RAA at the time was, because WHOIS was up and running and you could buy your own copy for \$99, at the time it was focused on notice and takedown and suspension of things for illegal activity and abuse. So if it needs to be referenced and that this also applies to disclosure or nonpublic data or something, that's a potential.

GRAEME BUNTON: The crowd next door loved that intervention, James. Okay, anything more?

SARAH WYLD: I've got one more thing I just wanted to flag for everybody. We do have a requirement now that if the domain owner wants to publish their data, we must let them do that. If you have not yet developed that capacity in your own platform, that is something to start working on because it might be complicated. So there you go.

GRAEME BUNTON: Right. That's a good point. The ability to turn back on public stuff if people decide that's a thing they absolutely must do. Okay, anything else from the EPDP IRT? Great. Uh oh, Zoe looks at me confusedly. That's a disaster. What's – I think we just have 15 minutes for AOB, correct? Right? Okay.

So, guys, this is a long haul, this stretch of not getting up and stretching your legs. So I get that people are probably anxious for a coffee, although I don't think that shows up for 15 minutes. Nonetheless, let's see if anybody has anything they want to add to AOB.

So maybe make sure everybody knows what's up next is coffee break starts at 15:00. There will be coffee outside as there usually is. Then I think we go to the registries. Is that right? They're coming here? Nice. We don't have to move. So registries join us here from 3:15-4:45. Then

we take another break to then go have our meeting with the Board from 5:00-6:30. So that's the rest of the afternoon.

I see a lot of tired people. We've covered a lot so far. So I suspect we can have a little bit of an extra break right now, but I want to make sure that we have room right now for AOB. Have we missed anything that people wanted to talk about? Do people have lingering questions about something we've talked about already? Is there anything people just want to make us aware of? Now is the chance. Vlad?

VLAD DINCULESCU:

These Timbits, you mentioned there was a specific place you got them from. Is it close by here? Do you have an address? Can I get that from you?

GRAEME BUNTON:

There is one just downstairs. If you go down the escalator and down the other escalator into the main lobby of this place and you go left, there is a Tim Hortons right there.

Their coffee is I think by any standard terrible. If you're being super Canadian, you order a medium double double, which would be two creams, two sugars. It becomes something akin to a coffee-flavored beverage at that point. And they have donuts as well as Timbits. And it's a Canadian institution named after a hockey player who started the chain.

UNIDENTIFIED FEMALE: You could have just said a Canadian institution. They're all named after a hockey player.

GRAEME BUNTON: Okay, any other important questions? Everybody feels up to speed on everything so far? We've covered a ton of ground today. I want to make sure everybody knows what's up. Anybody have any suggestions? I'm really pleased with this not live translation but the live transcription. It sounds like that's going to be a real help. And then an abuse sub team sounds like it could be really effective and good for us.

Going once, going – everybody just wants to be able to run around and stretch their legs for a bit. I get it. Okay, thank you all so much. That's a long, hard day. We'll see you back here at 3:15 for a joint meeting with the registries. Go get 'em.

[END OF TRANSCRIPTION]