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JULIE HEDLUND: Wonderful. We'll plan on that. I'll check back. Thank you, Kathy.

KATHY KLEIMAN: Thanks, Julie.

TERRI AGNEW: Once again, welcome to everyone who's joined. It's Terri from staff. We're about three minutes after scheduled start time. We are just giving folks about one more minute before we begin. Thank you for standing by. This is for the RPM Working Group.

All right, Kathy. It's Terri just checking back in. We're now four minutes after scheduled start time. Would you like me to go ahead and kick off the recordings and start with the introduction?

KATHY KLEIMAN: I think that's a great idea.

JULIE HEDLUND: [Laramie] or Thomas, our tech, if you could please kick off the recordings. Thank you.

Good morning, good afternoon, and good evening and welcome to the Review of All Rights Protection Mechanisms (RPMs) Working Group taking place on the 10<sup>th</sup> of March 2020. Today's meeting is being recorded. Please remember to state your name before speaking and please keep your phones and microphones on mute when not

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speaking to avoid any background noise. With this, I'll turn it back over to our co-chair, Kathy Kleiman. Please begin.

KATHY KLEIMAN:

Great. Thanks so much, Julie. Welcome everyone. This is the second meeting of the RPM working group in our virtual ICANN 67 environment. I'm Kathy Kleiman and there are three co-chairs of the RPM Working Group, of which I'm one, and Brian Beckham and Phil Corwin are the other two. For anyone who's just joining us for the first time, and I see names I don't recognize, we're wrapping up Phase 1 of our four year deep dive into the new gTLD Rights Protection Mechanisms, RPMs. And we're preparing ... We're in the final legs of preparing our initial report.

Yesterday Brian Beckham and staff walked us through a large amount of information for the initial report. And we really covered a lot of ground and we can really now see the shape, the framework, the details of what we'll be putting out for the public comments. We had worked through our recommendations. Now we're working through the background and descriptive material that puts it in further context.

Today, and possibly tomorrow, we're doing something else, though. We're going back to ... Do you love the banging in the background here? We're going back to a little bit of substantive material. But actually, first let me review the agenda and the first thing is updates to statement of interests. Do we have any updates to statement of

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interests? Any hands raised? Okay, no update to statement of interests.

Anything for AOB, any other business, at the end of the meeting? Okay, seeing no hands, then we will go into a substantive matter. We are finishing up substantive matters today and possibly tomorrow. We have two substantive matters to go back to and that's going to be kind of fun because once again we get to dive into the history, the background, the requests, because these requests are coming from outside, and some preliminary recommendation material. Today we're going to be going back to the EPDP, which everyone should probably know is the Expedited PDP that's looking the GDPR and changes that might need to be done within the ICANN community.

We'll be looking at the EPDP and requests they made of the GNSO Council to us on handling of WHOIS, redacted WHOIS RDDS information with regards to the URS and the UDRP. But of course, today we'll be looking at the URS.

Staff, do you want to take us to the background material? And I'm going to close my door so you don't hear as much of the banging.

Can we go to the beginning of the section, please? So, for anyone who's trying to follow us we're in Background. And we are beginning ... We're looking at the section ... We're inside the section, Related Work after the Initiation of this EPDP. We're going to skip past the Competition, Consumer Trust and Consumer Choice Review Team materials—for the moment, page 13—and go to the top of page 15 of the document.

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Terrific. So, it is my understanding this is our agenda. We're going to look at the background and then we're going to look at the recommendations, really still very much draft recommendations, that we'll be making for the URS.

So, let's see. Staff, do you want to kind of read us through what's here? Because I think it would be worth one of us reading some background on what brings us here and what we were asked to look at by the EPDP and the GNSO Council.

MARY WONG: Kathy?

KATHY KLEIMAN: Sure.

MARY WONG: Hi, everybody. It's quite a long section. So, perhaps what we can do is to briefly describe what you see on screen right now and then read the new text that we inserted a day or so ago. And, as you say, this is all the background that will feed into what a potential recommendation coming out of this working group might be.

So, here you see basically just the timeline for the board's adoption of the Temporary Specification and the EPDP that was launched as a necessary consequence of having a Temp Spec. Then, what you see on the next page, which is page 15, if Ariel would be so kind, is really, I believe, is three recommendations out of the 29 from the EPDP. These

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three are the ones that are most pertinent to our work in this PDP, which is a review of RPMs.

And in particular, I want to highlight recommendation 21 which you see at the top of the screen because this particular recommendation was specifically referred to our working group by the GNSO Council, I believe at the end of July. So, I will just pause here for people to read it.

Essentially the recommendation from the EPDP team is twofold. It's a recommendation to the Council, of course, but to ask the Council to instruct our working group to consider whether there's a need to update existing requirements, such that when a complainant is filing its initial complaint under the URS file purposes in this Phase 1, all the complainant needs to do at that point is insert what's publicly available in the Registration Data Directory for the complaint.

Then, secondly ... Again, this is still part of recommendation 21 that was referred to us. The recommendation from the EPDP Team is for our working group to consider whether once that complainant receives any updated registration data—and this pertains to what's in the Temporary Specification that I can explain in a moment—but in the event that after filing the initial complaint the complainant then subsequently receives updated RDDS data from the provider, whether that complainant should be given the opportunity to follow an amended complaint with the updated information.

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And, as we said yesterday, it is the substance of this recommendation, particularly the part that I've just summarized, that we updated this group's URS recommendation 1.

KATHY KLEIMAN: Mary, let me interrupt and ask a question. So, really the recommendations are really requests—requests of the EPDP and the GNSO Council for us to do a deeper dive into something. Two things. One is the complaint itself because, initially, you had to file a full complaint with all the information about the registrant. But you can't do that if the data's redacted through the GDPR. So, that's kind of the first query, right?

MARY WONG: That's right.

KATHY KLEIMAN: And the second query, then is it appropriate to update the complaint with the redacted data?

MARY WONG: That's correct. There are two parts to this, Kathy. And because any PDP team can't directly instruct another PDP team, they can only recommend to the GNSO Council. And this was adopted by the GNSO Council and both parts of this recommendation 21 were referred to our group by the Council.

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And, as you said, in relation to the two parts, the first is really a question of clarifying that under the existing rules that apply to, in our case, the URS, that the complainant doesn't need to do anything more than put in what's publicly available. But secondly, if there is updated information, that we, in our group, should consider if there should then be an opportunity for the complainant to file an updated complaint.

And the background to this is, first of all, that in the Temporary Specification itself, there are two appendices. One pertains to the URS, one to the UDRP. And I'll just mention the one for the URS for this purpose. That's Appendix D which talks about ... Well, actually it obligates Contracted Parties to provide to the URS provider the registration data information.

So, essentially, recommendation 21 picks up from that obligation. And then, with respect to the filing of an amended complaint, I believe the current URS doesn't seem to permit that. And hence, we get this recommendation 21 for our phase 1, when we talk about URS, whether we, as the RPM working group, would like to then go further than just updating existing requirements and further make a recommendation that the URS itself should be updated and modified to allow an amended complaint to be filed.

KATHY KLEIMAN:

And, Mary, could you just remind us when these questions initially came in to us? Because Brian Beckham said a few times yesterday that they came in and we were pretty—that these questions came in and

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we were pretty buried in other things, which is my recollection as well. But when in our timeline did we kind of initially look at this, please?

MARY WONG:

Sure, Kathy. And I think it's a good question to just remind us of all the work that went into where we are now with this initial report. The Council leadership referred this specific recommendation 21 to the co-chairs at the end of July. And while we did not give a response to the Council, neither as the leadership team, as you know, nor as the working group, Brian, in his capacity as WIPO, did provide a WIPO view to the Council. But this has not been widely discussed in our working group. There were several planning calls between the chairs and staff where this was on the agenda.

But that's basically the timeline, that we received the referral the end of July. And given that the Temp Spec, as well as this recommendation and a number of others, do deal with some of the Phase 1 work that we're doing. It seemed complete to at least have a preliminary recommendation, or even a question, in our initial report so that we could have the benefit of community comment when we finalize our recommendations.

KATHY KLEIMAN:

Terrific. Thanks for the background, Mary, and for the [inaudible] of this. So really what we're looking at is not what we've been looking at for the last few weeks, not these finalized recommendations. This is

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still kind of a work in progress but work that we shouldn't advance past Phase 1 without looking at—without finishing up.

So, this is the last of our works in progress for Phase 1. So, thanks Mary. Did you say there was some new text that we should look at? And before we get there, could you tell people what a BERO is? A B-E-R-O. I know what an EBERO is but maybe we should define what that is in recommendation 23, number one.

MARY WONG:

Thanks, Kathy. And yeah. Because we put the quote in here, that term does appear in the recommendation. I believe it simply refers to the Back-End Registry Operator but I can double check.

KATHY KLEIMAN:

I think so too. But I think it would be great to ... No one can possibly know all the acronyms in ICANN. Thanks. And thanks, Maxim. Oh, Emergency Back-End Registry Operator. Interesting. Right. But this isn't an EBERO, Maxim. It looks like it's a BERO. Anyway, a tangent. We will figure out what exactly it is.

And I guess we should move on to some of the ... So now we've gotten through the recommendations, really—the requests coming from the EPDP and the GNSO Council. We have a little bit of new text here on the background and then we'll move to a different document that has kind of draft recommendation language and context. Back to you, Mary.

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MARY WONG: Thank you, Kathy. And, yes, this is the text. Kathy, I see Maxim has his hand up. I don't know if you'd like me to continue or take his question first?

KATHY KLEIMAN: Maxim, I didn't see your hand. Go ahead, please.

MAXIM ALZOBA: Two items. First, [inaudible] are not formalized because formally, on the Registry Contract, nothing prevents the same organization to fulfill all those functions itself.

The second thing is about our discussions about URS. I really would recommend to go to the next item in agenda because in ten minutes most Registries will leave Right Protection Mechanisms PDP for the Constituency Meeting, which is quite important. And to avoid a situation where the work group will make some decisions without full knowledge of the technical operational issues from the Registries side on URS, because URS is mostly between trademark owner, then registrant, URS provider and registry. So, discussing that without Registries doesn't make any good. Thanks.

KATHY KLEIMAN: Maxim, could you stay on the line, please. You said you still have ten minutes? Maxim?

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MAXIM ALZOBA: Yes, Registries Constituency Call starts at the top of the hour.

KATHY KLEIMAN: At the top of the hour? Since we've announced that this is what we're doing today, I think this is what we have to do. But maybe we can move to the recommendation text and, unless there's any objection, allow you and anyone else who is going to be leaving the call at the top of the hour to have—even if we haven't gotten to the full material, to say anything you'd like to say and provide any background you'd like to provide. Would that make sense?

MAXIM ALZOBA: We will actually miss the whole discussion.

KATHY KLEIMAN: That is true but you can ... We've had part of this discussion before. Anyway, let's move forward and see. And as soon as you raise your hand, we will call on you and hopefully get the benefit of your insight, or anything you'd like to share as we start this discussion, before you leave.

Okay. So, now we're looking at something that you can see is very edited text. This is very much a work in progress, everybody. So, this was not set in stone initially but let's read it. URS recommendation number one, "The working group recommends URS rule 3B, and where necessary a URS provider's supplemental rules, be amended to

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clarify that a complainant must only be required to insert a publicly available WHOIS Registration Data Directory Service, the RDDS data, for the domain names or names at issue in its initial complaint.” Okay. So, that’s something similar to what we’ve been discussing for a while.

The second part of this recommendation, “Furthermore, the working recommends that to the extent that it is operationally feasible, legally compliant, and consistent with the final Phase 1 recommendations from the Expedited Policy Development Process, the EPDP, on the Temporary Specification for gTLD registration data, URS Procedure paragraph 3.3 be amended to allow the complainant to update the complaint within two to three calendar days after the URS provider provides updated registration data related to the disputed domain name or domain names.”

And then finally, “The working group also recommends that the URS rule 15, and where necessary a URS provider’s supplemental rules, be amended to clarify that a registrant will be given an opportunity to request that its registration data, including any personal data, be redacted from publication as part of the URS determination that URS providers are required to publish pursuant to URS rule 15.”

Again, Maxim, and any registries, please feel free to raise your hand now as we go into the context. Phil, go ahead, please. Because I think we’re just starting, really, this discussion and questioning these recommendations and then the context language. Again, Phil, go ahead, please. Phil, you may be muted. Or double muted. Could someone—

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PHIL CORWIN: Can you hear me now?

KATHY KLEIMAN: Yes, I can.

PHIL CORWIN: Yeah. I was on unmuted on my end but not at your end. But I am now. In regard to the last paragraph, as we know, most URS cases are default cases. The registrant never shows up in any way. So we're saying the registrant will be given an opportunity to request that the registration data be redacted, but that ... I'm just raising the question. Are we satisfied with that? Or, since that doesn't cover the majority of URS cases, do we want the default to be that once provided the registrant information becomes publicly available?

I don't have an opinion on it. I thought the question should be raised. And I'm not sure whether we're the group that should decide that or whether that's for the EPDP or for the implementation group for Phase 1. But I did want to raise the issue. Thank you.

KATHY KLEIMAN: It's a good question. The question's about paragraph 3. Rebecca Tushnet, you are next in line. If you're speaking ... Go ahead.

REBECCA TUSHNET: Okay. Great. Sorry. I was unmuted at my end. So, I agree with Phil. If you look at the data, more than half of the complaints that are

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rejected by the provider, because they didn't satisfy the policy, are as a result of default, which means, pretty much by definition, that there's no public interest in disclosing the information of someone who, at least under the URS, hasn't been proved to do anything wrong.

So, a couple of things about this. First, at an absolute minimum, it shouldn't be published if they haven't done anything wrong according to the policy. If there's some other procedures that reveals their identity, then we it can do it according to those terms. But I think that change is a minimum.

Also, it is true. They're mostly defaulting. So, giving them the option won't really be realistic. I think, at the least, if they request it, and the ones who do respond, we should instruct the providers to honor that. But I also have questions about the operationally feasible, legally compliant, and consistent with the final Phase 1 recommendations. In particular I'm interested in legally compliant.

KATHY KLEIMAN: Now you're on paragraph two, right, Rebecca?

REBECCA TUSHNET: Yeah. Sorry.

KATHY KLEIMAN: We're moving from paragraph three to paragraph two. Thanks.

REBECCA TUSHNET:

So, who decides what's legally compliant? And I'm interested in whether we think there's going to be an ICANN policy that decides, yes, it is compliant with GDPR to disclose this under these circumstances—to put it in the public record. Or do we think that each provider is going to get a GDPR opinion about whether it's okay to do this? Are we going to defer to them? I just think this is not clear enough, even on who the decision maker is, to really let us understand what's going to happen. Thank you.

KATHY KLEIMAN:

Thanks, Rebecca. I do see two people in the queue, Susan and Mary, but let's take this ... I think to best organize it, let's take it one paragraph at a time.

So, we're on the second ... Just arbitrarily, we're on the second paragraph now, where we're looking at this proposal that we had to amend the complaint. Mary will tell us that we have kind of agreed to it but I think we had agreed to it pending further information about whether it was legal.

Rebecca raises this question of publication of registrant data that may not be published—a registrant that may not have been found guilty of bad faith. The registrant may have won the URS. And paragraph two like paragraph three, appears to require that publication.

So, I think we've got a lot to talk about. Susan, you're next in the queue.

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SUSAN PAYNE: Thanks, Kathy, but I don't have my hand up for paragraph two, so I will wait until you get to paragraph three.

KATHY KLEIMAN: Okay. Thank you very much, Mary, go ahead, please. And, Susan, if there's a way to raise your volume that would be great. Thanks.

MARY WONG: Thanks, Kathy. So, I'll confine my comments for now to paragraph two. And I'm happy to elaborate more on paragraph three with respect to Phil's, Rebecca's, and subsequently Susan's comments because that really is a new section and that's really just text that the staff has put in as a starting point for exactly this kind of discussion that the group is starting to have today.

But on paragraph two, the phrase that you see highlighted ... And I think that David McAuley had a comment about that in the document. It reflects some of the concerns that people have raised, both within the EPDP context and in our group as well, including by the co-chairs when this was raised with them.

And given that we have not had the benefit of interactions with, say, the providers who will be the ones getting the data from the Registries, or the Registrars, and then providing it back to the complainants, nor will we have had the benefit of hearing from them yet, perhaps we can, during the public comment phase—of whether

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our original recommendation of two to three days in this light is actually feasible. So, for that reason, our staff thought that we would put a couple of caveats in. And this relates to the operationally feasible part of this paragraph, which is new.

With respect to legally compliant, the staff understanding is that this is an issue which, in a broader but slightly different context, the EPDP Team is also wrestling with as part of its Phase 2 deliberations. And coupled with the fact that it is not within our PDP’s agreement to either dissect the GDPR or, indeed, to analyze it for whatever requirements it might have, it seemed to staff in the time that we had available that we should at least reflect the need for any new requirement, particularly if it is going to be a policy requirement, to be legally compliant, which would include with the GDPR and any other relevant laws.

Rebecca raises a good point as to who decides. Again, I think this is something that the EPDP is talking about. And my understanding is that the plan, such as there is one—and it makes sense that the plan would be consistent as between the EPDP work and ours—that this is something that needs to be further discussed as part of implementation. Because what is legally compliant for implementing, say, the SSAD under the EPDP’s recommendations, if it comes to pass, or to implement what smaller piece of it that we have here, it makes sense that it should be the same type of determination.

So, lastly, we put in “consistent with the EPDP’s recommendations” for the same reason. So, hopefully this explains the language. As I said,

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this is a starting point for the working group to discuss. But the staff do believe that it's important that whatever we recommend is not just feasible from the provider's perspective—and I see the question to Renee there—but secondly and as importantly, is also consistent with some of the challenges being faced by the EPDP Team.

KATHY KLEIMAN:

And there are a lot of challenges being faced by the EPDP Team. David McAuley and then Renee Fossen. David, go ahead, please.

DAVID MCAULEY:

Thanks, Kathy. And I raised my hand and wanted to speak just because I had put a comment in this document. And it was just to reflect that I thought that the language around legally compliant was not as crisp. It didn't resonate with me the first time I read it. So, I offered an alternative, which would be to the extent that this is operationally feasible, compliant with applicable law, and consistent with the Phase 1 recommendations, etc., my thinking is much like Mary just said. And I think the phrase "applicable law" would be useful here because GDPR does not apply everywhere, but there are other laws that may apply in different places.

It did occur to me, what Rebecca was asking about It's a very, very good question. But like Mary, I thought that this would be something worked out in implementation because I think the EPDP is not done with this yet. So, anyway I just wanted to explain on the phone the reason I put that comment in there. Thanks. Thanks, Kathy.

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KATHY KLEIMAN:

Thanks, David. And I'll just raise the question. Don't we want it to be consistent with more than the Phase 1 recommendations of the EPDP, but with the final recommendation? But that's a different story.

Renee, could you tell us a little bit about how ... And I know you did this a number of months ago, so thank you for sharing again. Can you share with us what the Forum is doing today when it encounters redacted data in the complaint and then gets the un-redacted data from a registry or registrar? Thank you.

RENEE FOSSEN:

Sure. So, you may recall when we discussed this early on that the Forum has this process of automatically generating the complaint. So, the complainant will go through our portal and fill in the electronic complaint form, basically. So, once they type in the domain name, the WHOIS information will populate automatically into the complaint. And as we know most of the time that information is redacted or scaled back.

So, that's how its commenced, I guess you could say, in the complaint. It's redacted limited information. We, however, do contact the registry, and in some instances the registrar, to obtain the full contact information and serve the respondents at all of the addresses that we've been able to retain from the sources.

When it comes to the amendment of the complaint, right now it's not allowed under the rules so we obviously don't allow an amendment.

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So, when the decision is issued it very often contains the redacted Who Is information.

As far as the two to three calendar day window for filing an amended complaint, with the UDRP we actually require it and that's a five-day window. We do have some issue with compliance from the parties on that—not often, but sometimes. So, I think it's a short window.

But on the other hand, we've got to balance that with how we want the URS to be. We want it to remain true to its name and be something that's fast. So, two to three seems reasonable. But honestly, I'm not sure that we've had many complaints, if any, as to the complainant not being able to state their case in the complaint without that information. Thank you.

KATHY KLEIMAN:

Okay. Thank you, Renee. Much appreciated. So, currently the complaint is not changed. I want to add one more thing that I remember from our discussions a number of months ago on this—I guess, over the summer—which is the rationale for amending the complaint, if I remember correctly, and I'm hoping people remember better, had to do with repeat offenders and wanting to find those with a pattern of cybersquatting conduct.

But when I brought this ... But does this language ... Is it narrowly tailored just to publish the registrant data of those who are repeat offenders? Or is it effectively publishing all registrant data? And is that allowed under the GDPR? I think we should be discussing some of the

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broader issues here, because I don't think we've gotten to some of them yet.

Susan, it looks like your hand is now up for this paragraph. Go ahead, please.

SUSAN PAYNE: Thanks, Kathy. I tried to change my microphone. I hope it's worked. If it hasn't, I'm afraid I have no idea how to do it.

KATHY KLEIMAN: Your volume just went up. Thank you.

SUSAN PAYNE: Perfect. Thank you. So, I'm just really confused as to why we're even having this conversation and why these amendments are being made. I know that we had something referred to us from the GNSO Council regarding being able to get the details of the registrant for the purposes of a URS action but we already had made a recommendation that addressed this. And it seems to me that it perfectly, reasonably addressed it, certainly for the purposes of putting it out to public comment.

If others could see a problem with this, then during that public comment period, they could suggest improvements to what we were recommending, or why this wouldn't work, or why it was conflicting with the EPDP, which I don't think it is. But we had a perfectly valid recommendation already. And now we seem to be re-opening a

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debate we had years ago and it's not clear to me why we're re-opening it. And also, why are we opening it very much on the fly with no real notice, and then at a meeting, on a day's notice, where all of us thought we were going to be talking about something else.

This makes no sense to me. I don't understand what the problem was with our original language. We recognized in our working group, and in the sub-team before it came to the full working group, that there was an issue with you having to commence a URS when you don't know who the registrant is. And therefore, the URS provider would have to go to the registrar, get the details of the registrant, and that currently the rules didn't have a provision to allow the complaint to then be amended to main the registrant. So, we fixed that, and I don't see why we're talking about this.

KATHY KLEIMAN:

I think we might be talking about it because we didn't do a whole lot of outreach on the GDPR issues. And I don't think we knew as much months ago as you said about the GDPR issues. And there may be issues about publishing registrants' data without further evaluation. We'll see if anyone wants to speak to that. Mary, I think your hand is still ... Renee, your hand is still raised. Is that a new hand? And, Mary, it looks like you're next in the queue and then Susan. Go ahead, please.

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MARY WONG:

Thank you, Kathy, and I'll try to address at least some of Susan's concerns. And I'll do that by saying that from the staff perspective paras one and two really are not anything that change the working group's recommendations, whether with respect to the two- to three-day period or anything else. The amended language for paras 1 and 2 were put in as we went back through the rest of the report, and particularly as we were discussing the EPDP and CCT recommendations with the co-chairs. And it struck us that, first of all for completeness, and second of all for consistency, that we should probably make it clear that these two paragraphs do take into account and consideration what the EPDP Team has recommended and what was referred to us.

And you see some more of that detail in the context. I do see Griffin's comment in the chat about substantively changing the meaning of the paragraph, and perhaps we can go there, Kathy. But just to address Susan's concerns about these first two paragraphs, we really had not intended to do anything than to make it very clear that this is something that's related to us—referred to us—by the EPDP. And from the staff perspective, when we put these thoughts in, we really did not intend there to be any substantive change to anything the working group had discussed or agreed to about what was there before.

That's probably not the case for paragraph three. But again, as I said, for paragraph three, that was put into address a concern that had been raised about whether there would be GDPR or other privacy implications by publishing a registrant's information along with a determination.

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And in that regard, the background here is this. If we go with paragraph two, whether in its amended form, or its earlier form, if a complainant is permitted to amend its complaint after receiving updated details, and if we don't have a further change to the existing requirement that a provider has to publish a determination on its website ... If we don't at least clarify the latter requirement to say whether it should or should not include the updated registration details, that seemed to be something that required a closing of the loop on.

So, while we recognize Susan's concerns, and it may be that the working group will decide that it's too preliminary and we're just going to put out what we put out for now, solicit comments and circle back to this during the review of public comments, that's entirely the group's decision to make, but we're just trying to be complete and consistent here.

KATHY KLEIMAN:

And Mary, of course, the third possibility that we may want to further modify because, as Brian Beckham said later, this came to us in the middle of many other things we were working on. And we know a lot more about the GDPR. Susan, then Phil. Susan, go ahead, please.

SUSAN PAYNE:

Thank you. And thanks for the explanation, Mary. Then, I still maintain that we should keep what we had, which had addressed the issue and was adequate, certainly for the purposes of eliciting public comment.

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And I think we we'll start talking about para three. I do strongly object to paragraph four. Sorry, not paragraph ... Sorry, I think we were talking about para two, I strongly object to paragraph three, which I don't know if we've come on to talk about yet, but you mentioned it so I'm going to.

We haven't discussed this at all. And I'm sorry but the group that is looking at the addressing the impact of GDPR is the EPDP. And so this is where considerations as to publication of registrant information in a decision should be handling this. Separately, of course, the providers can take their own views on whether, in a particular circumstance, they should redact because they feel they need to.

But we haven't talked about this. And I don't think we should get—on the basis of five minutes' notice we should have a whole new amendment to our recommendation which we've never discussed.

KATHY KLEIMAN:

It is hard to do this in real time, but ultimately I do think we have to put out something that is consistent with law. And it's interesting. It's hard, Susan. I understand that you're saying that we should ask the EPDP and they're asking us. Maybe Phil has a way out of this quandary. Phil, go ahead, please.

PHIL CORWIN:

Yeah, hi. I don't know if I have the breadcrumbs that will lead us back out of this.

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KATHY KLEIMAN: I hope you do.

PHIL CORWIN: But here's what I would suggest. I think staff is correct that we need to close the loop in some way and cross-reference the EPDP—I don't know why I keep tripping over that phrase—and the implementation of its Phase 1 recommendations. As I understand, Phase 2 is talking about a uniform access model for rights holders. So, I doubt that there'll be anything in Phase 2 that impacts upon the issues we're dealing with, with URS.

But yeah. I'm sensitive to the concerns that there's some language here that may be substantive, that we're seeing at the last minute as we're about to close out discussion of an initial report. What I would suggest is that maybe ... I don't think there's any objections to the new language in paragraph one, referencing supplemental rules. That's just filling in a gap.

I think the new language in ... I'd suggest, given the concerns about paragraph three, that we think about striking it, and also thinking about striking most of the new language in paragraph two, and then have a ... This is going to go out to comment and we don't have to decide the final recommendation until the final report.

So, I would think we need a new paragraph at the end which simply says that we recognize that this recommendation is going to affect not just the URS rules and the supplemental rules, but also the issue of

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whether—also rule 15 of the URS and also it’s going to affect whether, once the registrant’s data is known, it continues to be shielded by default or is made public by default, perhaps with an exception if the registrant has participated and requested it continue to be shielded.

But that really says we’re ... The final decision on all of this is really ... We can make recommendations, but really the final decision maker on all of this is the Implementation Team for EPDP Phase 1. So, we need something that cross-references their work—that puts everyone on notice that it may be more than the URS rules, maybe the provider’s supplemental rules and other things which need to be considered here. And we want the community’s input, and we’ll share that input with the Implementation Team for EPDP Phase 1.

But basically, put in that placeholder. Get the proper cross references so that the issues are preserved and invite community comment on how this should be handled and what the final resolution should be. And then, we can come back to it and deal with the substance and the final report.

KATHY KLEIMAN:

Hold on a second, though. Hold on. So you’re saying that basically we take paragraphs two and three and move them into kind of context or a new section we might create, questions for the public?

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PHIL CORWIN:

Again, I don't have any objections to the language inserted in paragraph one. The language in paragraph two, there's concern that it gets to be substantive, and all of paragraph three.

I think, basically, my ... On the fly here I'm recommending that we strike it but insert a new paragraph three which doesn't recommend anything—which simply says that the working group recognizes that other things may be implicated by the final resolution of compliance with privacy law, GDPR and other privacy laws and that we share responsibility with the Implementation Team for EPDP phase 1—that they really have the lead on this. They have more of the expertise and the ins and out of the GDPR. So, we're going to share what we have with them but they're the ultimate decision maker but we want to get on the record that these other things have to be considered.

And we want the community to comment on whether we need to—also whether supplemental rules and URS rule 15 need to be amended, depending on final decisions, and whether or not once the registrant ID is known, whether revelation is going to be the automatic default or whether continuing to shield it, if that seems more consistent with the relevant privacy law, is going to be the default.

I'm sorry. I hope I'm being as clear as possible. But I think what we want to do is get this stuff out of recommendations and have a third recognition paragraph, where we're not making a recommendation yet. We're raising the issues. We're recognizing issues. We're inviting community comment on the issues. And leave it at that for this stage of our work. That's what I would suggest.

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KATHY KLEIMAN: Thank you, Phil. And—

PHIL CORWIN: But many others have comments and I’ve talked too long. Thank you.

KATHY KLEIMAN: Thank you for helping guide us through. And this issue of revelation through shielding of the registrant data and what’s consistent with law is implicated both by paragraph three and paragraph two. And so, maybe we move both into some general language out to the public. But let’s see what other people have to say. Greg, then Michael. Greg, go ahead, please.

GREG SHATAN: Thanks. What I would suggest .... First, I object to paragraph three entirely, both in terms of timing and in terms of substance. This is not a recommendation. And if it is, it needs to have the broad support of the working group. So, I think that should be moved out. As to paragraph two, I would delete the new language that’s inserted there, to the extent through registration data. I think the remaining language is unremarkable.

But I think, first off, all of our recommendations, and indeed all of our report, is subject to applicable law. So, I don’t think we need to say it here in this one place—certainly not within the recommendation. And in terms of what we know or didn’t know about GDPR at any given

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point in time, I think this third paragraph is very much, at best, an open question—certainly has no place in the recommendation.

And what’s in the second one, I think, here, goes way overboard. I think that additional language could be taken out and brought into some other place. But perhaps we should just generally ask for comments about applicable law throughout our requests and not just for one paragraph of one recommendation. Thank you.

KATHY KLEIMAN:

Okay. Phil, I think that’s an old hand. Greg, your hand is still up. Michael, then Brian. I see Brian putting a lot of information into the chat room which I hope you’ll lead us through. Michael, go ahead, please.

MICHAEL KARANICOLAS:

Yeah. I’m still trying to sort of get my head around this. But I do want to urge you at a caution ... I do think it’s important to bear in mind that the recommendations that we put out there do need to be compliant with applicable law, including the GDPR.

So, if there is confusion here I think it would be beneficial to reach out to folks, particularly in the EPDP, to make sure we’re not—or other folks that have specialized expertise in this area—to make sure that we’re not straying into problematic territory, particularly with regard to publishing registrant data based purely on accusations. If this turns into sort of an easy way to backdoor any information that people want to dig up, that’s potentially problematic insofar in compliance with

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this. So, I think that rather than just reverting, we should take the time to carefully consider the implications of this. Thanks.

KATHY KLEIMAN: Thank you, Michael. So, ramification. Brian, help us out. What's happening with the UDRP and GDPR?

BRIAN BECKHAM: Just checking you can hear me.

KATHY KLEIMAN: You're very low. Is there a way to raise the volume?

BRIAN BECKHAM: Is this any better?

KATHY KLEIMAN: Say a few more words. It sounds like it.

BRIAN BECKHAM: Any better now?

KATHY KLEIMAN: Yes, much better. Thank you.

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BRIAN BECKHAM: I’m sorry. I’m trying to multitask with my mobile phone on the Board’s CSG call and the laptop on here. Apologies.

KATHY KLEIMAN: Oh, my goodness. Okay.

BRIAN BECKHAM: So, I just put into the chat ... We had prepared and FHU on the impact of GDPR and data regulations on UDRP cases some time back. I don’t want to go into the details of that. The long and short of it is that, at least for the UDRP, there’s an opportunity to amend a complaint. Then, of course, the panel would deal with requests to redact data.

What I wanted to say was, for present purposes, it seems relatively clear to me that paragraph three should simply be put out for public comment and that there’s not support that that be a recommendation. And apologies. This is a big duplicative to some things I’ve been putting into the chat but I know it’s getting bogged down.

Just a suggested way forward for recommendation two—sorry, for the paragraph two of the recommendation on screen—is to take that language that’s highlighted in yellow presently. We could somehow carve that out and say, “The recommendation was x as to matters such as operational feasibility, legal compliance, etc. There was a range of views,” and again, flag that for public comment. So, just a suggestion as a possible way forward here. Thanks.

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KATHY KLEIMAN: Brian, could you say that again? Sorry to bring you back on. Could you say that again, what you'd do for paragraph two?

BRIAN BECKHAM: Yeah. So, for paragraph two, take the text that's highlighted in yellow. Currently it says, "To the extent this is operationally feasible, legally compliant, and consistent with the final Phase 1 recommendations ..." I suppose it probably should go on to the rest of the pink text or red text there.

But the idea was, just to break us out of this log jam here, where clearly some people are not happy with that additional text, to take that text out of the actual recommendation and flag that, with respect to these particular aspects, [inaudible] range of views in the working group. And so, we're specifically—as we had done with the URS individual proposals—that we're specifically calling this out for public comment to get that in front of the—

KATHY KLEIMAN: So, we're calling out for public comment whether we should be publishing registrant data or not on the request of the complainant, or whether there should be more? Is that the question? I'm not sure original language was legal because it's just requiring registrant publication without anything further.

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**BRIAN BECKHAM:** I'm sorry Kathy. That is actually paragraph three. And I think there it's clear there's no agreement here on this call, so we just asked for public comment on that. I think that could actually help us. And then, what I was referring to was the middle of paragraph two on the screen there, with respect to the new text in red in the middle, that obviously we're struggling with breaking through that on this call. So, rather than try to agree on texts—I'm also mindful of the time constraints we're under—to specifically flag that portion for public comment purposes.

**KATHY KLEIMAN:** Thank you, Brian. Susan, go ahead, please, and then Mary, and there may be others in the queue.

**SUSAN PAYNE:** Thanks, Kathy. I think we've got to this point in what Brian has just been saying. But I just put my hand up because I became very concerned that you were suggesting moving the whole of paragraph two text into some requests for comment, whereas we had perfectly good language in paragraph two as part of our recommendation and I am loath to lose that. I think we've now reached a point where we're not losing it and we're retaining it as it was. And provided that's the case, then I'm fine. But I'm very much objecting if we lose paragraph two in its original form.

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KATHY KLEIMAN:

Actually, Susan, you are hearing me accurately. I think paragraph two in its original form—personal, not co-chair. I’m taking off my co-chair’s hat—is not legal. I don’t think the complainant, on their own accord ... What Renee is telling us is that, given the expediting processing of the URS, if I understand correctly, that if the complainant’s allowed to amend the complaint, then all of that registrant data, including personal data, will be published. Last time when I went to my EPDP representatives ... They were busy with other things when we were doing this over the summer but this time they hit the roof.

They said, “Wait a second. Has the registrant been found guilty?” and they said, “What’s the purpose? What’s the rationale for publishing the redacted data?” And I said, “Well, the rationale had to do with repeat offense.” And they said, “Well, is there a finding of that?” I said, “No.” They said, “Wait a second. You’re going to have problems.”

So, I’m hoping that other people have talked to their EPDP representatives as well. So, I’m much more comfortable with the amended language but still not completely comfortable for a number of the reasons that others have mentioned that there’s a concern here. But let’s see. But you’re still on, Susan, so go ahead, please.

SUSAN PAYNE:

Yeah. I don’t understand where you’re coming from here. We’re talking here about the complaint being amended so the complainant, who is bringing the complaint, knows who they’re bringing their complaint against and so that the panelists knows who’s the complaint’s being brought against, some of this being relevant information for the

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purposes of making a determination on whether the complaint is successful or not.

KATHY KLEIMAN:

Wait! Susan, I understand from Renee—and she handles more of these than anyone—that the complainant does know the redacted information, and that the panelists know the redacted information—that it’s a matter of whether the public knows the redacted information. And that’s the default that we’re changing here because of the nature of the systems that we understand the Forum and others might have.

Mary, go ahead, please, and then we have in queue with Julie and Greg.

MARY WONG:

Thanks, Kathy. And some folks have already said what the staff have said, so we won’t repeat it. But again, we do feel it’s worth saying that paragraph two, in its original form without any of the red or pink language, depending on the color on your screen, was approved by the working group. And to the extent that the wording, as approved, meaning just the black text, at this point might create some concerns over what the EPDP is doing, these will likely come out in the public comments, especially if, for paragraph three, what we’re hearing people say on this call is that it cannot at this point be a working group recommendation.

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It can, and perhaps should, be a question that we put out for community input, drawing attention to the fact that there is work underway elsewhere and so there's a question of consistency.

And, in addition, I think I heard Michael say something about consulting the EPDP Team. That was a suggestion that the staff had made separately from the document—said it in an email to the group. And that is something that this group, through the co-chairs, can do at any time. You can write to the EPDP Team, drawing their attention to these preliminary recommendations and the new open question, and asking if they have a view, or whether they believe this is consistent of what they had in mind. Thank you.

KATHY KLEIMAN:

Thanks, Mary. I don't remember these particular recommendations being as set-in-stone as others, but let's see. Greg, and then Brian. I think we were still trying to understand the GDPR at the time. Greg, and then Brian. Greg.

GREG SHATAN:

Thanks. First, to point out what's being said in chat, which is that complaints do not get published for the URS. So, the concern, Kathy, I think you were expressing is not one.

Secondly, in terms of ... All the recommendations were essentially set. I think it's clear that the third paragraph is not a recommendation so it should get out. And in terms of the second paragraph, again, my understanding of GDPR, and also of what can be agreed to with

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registrants, and of the particular disclosure that we’re actually discussing, is different from yours, Kathy. And I don’t think we should get into the nuances of legal interpretation in this case.

As I think Mary said, if there are concerns about this from a point of view of, you know, of GDPR, which of course is not the law of the world, they’ll come out in the comments. And whether there are ways to implement this that are appropriate and legally compliant, as with everything else, will come out here in comments and in implementation. So, I think we should go back to where we were.

Again, the last few sentences about calendar days and “provides updated ...” Those last few changes, I would support keeping in. I think they just make it more readable. Thank you.

KATHY KLEIMAN:

Thank you, Greg, Brian, and then I’ll add myself to the queue.

BRIAN BECKHAM:

Yeah, thanks. I just wanted to make a comment. Kathy, you were sort of taking us into interpreting the GDPR territory. And I just wanted to say I’ll happily put some information on the working group email list but I think there are different interpretations as to the publication and utility of such data. There’s case law, in fact, supporting that.

But that’s a little bit of a divergence. I just wanted to say, listening to the call ... And I don’t mean to step on your toes, Kathy. You’re chairing the call. But it seems to me we have a path forward for

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purposes of the report. And so, I just wanted to try to steer us back to there and not get too bogged down into looking at the EPDP and the GDPR. Thanks.

KATHY KLEIMAN:

Okay. Thank you. Thank you, Brian. So, yeah. I've added myself to the queue because I think we are—not as a co-chair, but as a commenter—because I think what we're doing is requiring that registrant data, redacted data, be published as part of the decision—that's my understanding of what Renee said—and that on the complainant's choice—not on any finding, on a complainant's choice—we're going to create the processes that allow this redacted information to be published in the decision, even if the registrant is found not to be operating in bad faith, not to lose the URS proceeding.

I think we should be careful about that. I don't think we'll be viewed well for putting something like that out there. I would recommend we put out more like what we're thinking in terms of questions for paragraph three. I recommend we put out paragraph two as a set of questions, especially in light of what we know about the automated nature of the URS systems because of the rapid processing, that what will be put in by the complainant will come out in the decision.

I think we should put paragraph two and three out for public comment and not as a recommendation or go back to the EPDP with questions. Okay, Julie. Go ahead, please.

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JULIE HEDLUND:

Well, thanks very much, Kathy. So, in staff we've been carefully taking notes in this call and noting also the current discussion in the chat. And as near as we can tell there seems to be strong support to revert to the original language in paragraph two with minor edits, which really are just corrections, in the last part of the paragraph. But that was agreed to when a working group initially discussed these preliminary recommendations. And I'm not seeing anybody else here on this call that is suggesting that we remove paragraph two as a recommendation.

So, I guess I would just like to ask if anybody else here is suggesting that we do so because otherwise, based on our notes, it seems that we've come to a resolution to maintain paragraph one with the minor clarification changes, to maintain paragraph two with the minor corrections, and to remove paragraph three, and put paragraph 3 out for public comment as a question.

I'm not hearing any sound right now so I don't know if that's just me.

KATHY KLEIMAN:

I think we should come back to the working group with whatever the recommendation is by tomorrow so that we can see ... As people are saying, a lot of stuff is in movement. Let's go through the context. And, Julie, maybe you can take us through that context because we haven't ... We jumped into the recommendations without the context, which has a lot of new language as well. May I recommend that you start with the existing language so that the new language falls into context?

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JULIE HEDLUND: Thank you. So, I'm wondering ... And I guess I'm going to rely a little bit on Mary here. To the extent that the context is reflecting the additional language to paragraphs two and three that we now don't want to include, I'm wondering if we are then planning on changing how we reflect that language. So, maybe I can ask Mary's thoughts on that.

KATHY KLEIMAN: I'm going to recommend that we actually read this rather than summarize it so that we can see what's here. Mary, you can do it, or I can do it.

JULIE HEDLUND: I wasn't suggesting not reading, or not summarizing it. I'm just asking that if we are agreed to remove the new language in two and paragraph three, then I'm wondering whether or not it's still accurate to keep this new language in the context or if we need to otherwise characterize it. And I guess that, for me, is a question to Mary. And actually, Ariel has her hand up. And Mary has her hand up too.

KATHY KLEIMAN: Mary and Ariel, go ahead, please.

MARY WONG: Ariel, please go ahead.

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KATHY KLEIMAN: Ariel, if you're speaking—

ARIEL LIANG: Thanks. I was being double muted. And I think the additional language in the context is that basically providing some additional information on the three EPDP recommendations. It's mainly to explain what they are and how they come into this recommendation and it's not really talking about the working groups' deliberation on these recommendations, per se. It's mainly just to explain additional details with regard to these EPDP recommendations.

And then, we also haven't referenced these recommendations in the other parts of the contextual language for this recommendation. So, it's mainly just to make things clearer by providing additional history and background. So, that's my understanding but I'll defer to Mary to provide additional details.

KATHY KLEIMAN: Okay, Mary. Go ahead, please.

MARY WONG: I just agreed with Ariel in the chat, Kathy, but thank you.

KATHY KLEIMAN: Okay. So, let's take a look at this new language. "In May 2018, the ICANN Board approved the Temporary Specification as an interim

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measure to bring existing WHOIS obligations in-line with the requirements of the GDPR, in relation to the URS section 5.6 of the Temporary Specification. It obligates ICANN’s Contracted Parties to comply with Appendix D of the Temporary Specification.

“Appendix D confirms that a registry operator ‘must provide the URS provider with the full registration data for each of the specified domain names’ upon the URS provider notifying the registry operator or appointed BERO,” which hopefully we’re going to define in this document as well, “of the existence of a complaint or participate in another mechanism to provide the full registration data to the provider as specified by ICANN.” In the case where the domain name resides on a thin registry, it’s the registrar who must provide the data. Here, I’m summarizing.

“In addition, complainant’s complaint will not be deemed effective for failure to provide the name of the respondent and other relevant contact information required by section 3 of the URS Rules if such contact information of the respondent is not available in registration data publicly available in the RDDS or not otherwise known to complainant. In such event, complainant may file a Doe complaint and the examiner shall provide the relevant contact date details of the registered name holder after being presented with a Doe complaint.” And I think that’s our paragraph one above.

“The EPDP Phase 1 recommendations that were approved by the GNSO Council and adopted by the ICANN Board in 2019 included the recommendation 21 that suggested the RPM review consider the topic

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that is the subject of URS recommendation one. The EPDP work also included recommendations 23 and 27 that suggested updates be made to existing procedures and rules impacted by the GDPR. The working group believes that its recommendations is consistent with the EPDP Phase 1 recommendations 21, 23 and 27.”

Is there any changes further below? I think it’s just adding the words. I think the only thing added to the rest of the context is “during the working group’s deliberations.” And then there’s the suggestion of the time for modification of the URS complaint. So, that’s the context and that’s the new context language. It looks like there’s been some deletions of footnotes.

Roger, go ahead, please.

ROGER CARNEY:

Hi, Kathy. Thanks. Just back on the recommendation 21, I think, from Phase 1, the IRT language that’s currently in draft from the Phase 1 tries to avoid saying “thin registration” or “thin registry.” I don’t know why it wants to do that but it does, I think, just to get away from it. But what it says is that the URS should get the data from the registry and if it’s not complete, then ask the registrar.

So, I don’t know. And I don’t know if we have to make this match that. Again, neither one of these are finalized yet. So, I just wanted the group to know that that group has put some language in that they’re going to attach to the URS as a note, a footnote. I don’t even know what the staff called it, but saying basically, “Hey. URS and UDRP

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people should go to the registry, get as much data as they can, and if it's not enough then go to the registrar." Thanks.

KATHY KLEIMAN: Okay. So, Roger, before you get off, would you change the language here? Because I thought it was saying that, but you're saying maybe we should put in a reference to a new document?

ROGER CARNEY: Well, I think the issue—and I think the IRTs are trying to work through the same thing—is the obligation from Phase 1 was the first responsible party is the registry always. And then, if that data is not there the second is the registrar. And this language here says, basically, if the URS knows it then they shouldn't go to the registry. But the recommendation actually states that they should go to the registry first and then follow up with the registrar.

KATHY KLEIMAN: That was my understanding as well. Let's go to Mary. Thank you, Roger. Let's go to Mary and see if can put those changes in. Mary, go ahead, please.

MARY WONG: Thanks, Kathy, and thank you for that, Roger. And since this language is in the context section—it is not actually language for the potential or preliminary recommendation itself—the staff suggestion here is that we simply quote from Appendix D of the Temp Spec. What we tried to

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do in this paragraph was to combine quotes and paraphrase and so that's why you see the appearance of words like a thin registry. But if it will make it clearer and easier, given the purpose of this text, we can just quote verbatim from Appendix D.

KATHY KLEIMAN:

Sounds like a plan. Okay, does that wrap us up on this section, subject to coming back with revisions? Is there anything else we should see on the EPDP? And if not should we begin our preview of the CCTRT? It's a question to staff. Okay. Julie says that wraps up this section, which will, of course, come back with its revisions. And let's go on to the CCTRT.

So, this is, again, another section that came to us midway in our processes—midway in the working group. It was related work after initiation of the PDP and it goes back to the Competition, Consumer Trust and Consumer Choice Review Team. And let me turn this back to Mary again to go through, in this case, what were recommendations through the CCTRT and how we handled them. Over to you, Mary.

MARY WONG:

Thanks, Kathy. And I do apologize if I seem like the ghost of Christmas past to people because of this work that was done by other community groups some time ago. But I'll try and keep this brief because there actually isn't a new recommendation here for the group to consider. Hopefully that's good news. And what you see here on the screen is what you already saw previously, which was circulated

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previously. It's basically a summary of the relevant recommendations from the CCT Review Team that relates to RPMs. So, Ariel, if you can just scroll further down to where we actually have the text. Yes. Right there.

So, in a prior version of this document you would have seen the yellow highlighted placeholder language. And what we did, again, in an attempt to wrap up essentially all the outstanding bits for Phase 1 was to put in the language that you now see in turquoise, or bluish green. And we just want to confirm with the working group that the staff recollections for these three CCT recommendations accurately captures your agreements and your recollections as well.

So, for example, for CCT recommendation 9, which is about looking at pricing, you may recall that early on in the Sunrise and Trademark Claims Review, it was clear that matters of pricing, costs, and so forth are outside the scope of the work of this PDP.

And, secondly, for recommendation number 27, the CCT Review Team had commented that it was suffering from a lack of data. And it noted that our group at the time seemed to be suffering from the same thing. And we did engage in an extensive discussion of how we could overcome that "deficit." So, this paragraph basically acknowledges that and directs readers to the URS deliberation section, where we have our preliminary recommendations and where we talk about what we did with the data that we did collect, including the surveys and including Professor Tushnet's analyses.

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Finally, in relation to recommendation 28 from the CCT Team, that is about the TMCH. And again, here, what we say is we did get some additional information, for example, from the analysis group and their report from interaction with Deloitte and so forth. We do specify that we have not, and do not have the ability, to do a full-on cost-benefit analysis of the TMCH, as reclamation 28 seemed to want to be done, whether it's done by us or by ICANN.org.

So, that's where we are. This is how we think the working group's deliberations on those topics that are relevant to the CCT were handled and would be happy to make any corrections if we've made any errors. Thank you, Kathy.

KATHY KLEIMAN:

Thanks, Mary. So, let me ask you. Do we flip over? I think I know the answer but are there any recommendations? There were certainly actions flowing from this but are there any recommendations in any of our documents flowing from our work or responses to the CCTRT recommendations?

MARY WONG:

So, one of the things I'll say, Kathy ... I think there are some recommendations variously throughout the work of this group, whether it be on the TMCH or Sunrise and Claims, particularly with respect to why and how we collected the data and how we analyzed the data in order then to come up with preliminary recommendations.

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But without going into those details, because that would involve pointing at all the different sections which we probably would need some more time to do than we have, I think one potentially useful thing to remember here is that unlike the EPDP Team, the CCT recommendations came out of the review team. So it's not a policy development process, number one.

Number two, it is not binding for any group to follow. Number three, there was not necessarily a specific recommendation that our working group should do x in any particular way. So, for those purposes, this group did consider all the CCT recommendations in the course of its work, and so I don't believe that even those recommendations we have that address the topics that the CCT raised, I don't believe that we do, or we necessarily need to go back and change the text to say here is where we address the CCT's recommendation, if that helps.

KATHY KLEIMAN:

I don't think we need to either but I just thought I'd check and let people know why we're not moving to other documents. So, the CCTRT's requests and guidance is reflected in our general work. Does anyone have any comments? We are in the background section here. Any changes? Any edits to this section? I'll look for hands. In that case I think it is approved. And we might've done a good bit of what was on the agenda for tomorrow.

So, let me ask staff. I believe we've done our agenda for today and part of our agenda for tomorrow. It's ten minutes to the hour. Can you tell

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us if there's anything from the agenda for tomorrow that we could be working on now and if not what we'll be looking at tomorrow?

JULIE HEDLUND:

Thank you, Kathy. This is Julie Hedlund from staff. We have actually addressed one of the agenda items that was set for tomorrow and that is the CCTRT section here of the background section of the initial report.

Otherwise, we were going to circle back to the action items from the various boilerplate sections of the initial report that were captured from yesterday's call—so, for instance, the actions relating to the charter questions. That is an area that can be revisited. And then, there were, I think, a few other minor actions that we can touch on as well. But the charter question actions actually require changes in a couple of different places in the initial report.

So, we can move to that item. And we can then also come back to the revised text for the URS recommendation with respect to the discussion on EPDP reflecting the changes that were agreed to today. So, we can revisit those as well.

KATHY KLEIMAN:

Okay, so you'll be circulating all of that for our review for our meeting tomorrow.

JULIE HEDLUND:

Yes.

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KATHY KLEIMAN: Okay. And can you tell us what time that meeting is tomorrow?

JULIE HEDLUND: Yes. That meeting tomorrow is at ... Local Cancun time it's 12:00 but in UTC that's 5:00 or 17:00 UTC. And for those on the east coast it will be ... Oh, I'm sorry.

KATHY KLEIMAN: I think it's 10:45 AM.

JULIE HEDLUND: Yeah. Actually, I take it back. I have it actually as ... I think Cancun time it's 11:00 AM. it's 12:00 Eastern Standard Time, which makes it 16:00 UTC. But we will, of course, recirculate after this call the agenda as well as the time slots and the lengths to the wiki so that we'll make sure that's all accurate for you.

KATHY KLEIMAN: Yeah, thanks, Julie. A quick note. It looks like it's 10:45 AM, at least on one of the calendars that was circulated—one of the schedules that was circulated—local time. So, hopefully there aren't different schedules circulating. Right. I have the same time. So, thank you.

Is there anything else people would like to say on this call? It's unfortunate we're not in person. It's much more fun when we're in person. But hopefully we're all a lot safer from the coronavirus. Any

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final comments? Then I think we get to adjourn early. Thank you so much. Take care and the meeting is adjourned.

MARY WONG: Thank you, every one. [Laramie]—

**[END OF TRANSCRIPTION]**