

**ICANN  
Transcription  
EPDP on the Temporary Specification for gTLD Registration Data  
F2F Meeting - Day 1  
Wednesday, 16 January 2019 at 15:15 UTC**

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Coordinator: Recording has started.

((Crosstalk))

Gina: Maybe we can just like (unintelligible). I think we need a table. I don't know if this is two, but I think this one. You're going to be tight that way. Let's squeeze over there. We could always talk about it afterwards. Okay, do we have the registrars and registries back? Do we have a spokesperson? Oh, you have your spokesperson? Okay. So I think we can get started.

Woman 2: (Unintelligible).

Gina: They're here, they said and they have a spokesperson. Is there more?

Woman 2: (Unintelligible).

Gina: Yes.

Man 2: (Unintelligible).

Gina: Oh, okay. Sorry. I lose track - I've got to read your (unintelligible). You're just all a sea of individual beautiful people to me. Oh, it looks like there are some good snacks out there. Looks like Benedict has.

((Crosstalk))

Gina: I'll get out there. Okay, who are we missing? Where is everybody? Bruce?

Bruce: (Unintelligible).

Gina: We've got Benedict, (unintelligible), Stephanie. Are you the spokesperson needed? You can be? Okay. So remember we have a high bar. So purpose four, we have proposed updated language from the small team. Is there any group that thinks the concerns expressed in those public comments are not sufficiently addressed by the proposal? Any group?

One. I don't see anyone. I'm going to count to five. Okay, (unintelligible). Are there - does any group have objections to the proposed language? And if you do, we ask that you make a specific concrete suggestion if you have concerns about it. And the first thing we're going to ask was, was that discussed in the small team? Okay, any objection? Margie.

Margie: Sure. It is minor. This is Margie. We did discuss it in the small team, but I thought this language was going to be changed. The unavailability of a registrar or registry except as defined in the agreement, should be as described in because there's no definition for unavailability that I'm aware of. So that's the only change. It's not significant. If it causes concerns for people, you can leave it the way it is, but that's a suggestion.

Gina: The concrete suggestion, raise your hand if you have a concern to change describe - defined to describe. Okay. I'm moving off of purpose four.

((Crosstalk))

Gina: Poor David. Sorry, you got (unintelligible). Okay. Martinis for everyone. Or what?

Man 3: (Unintelligible).

Gina: Okay, Purpose five, same procedure. Is there any group? You can take five minutes in your caucus, five minutes to review the comments, make sure that we've sufficiently addressed them. Objections to the proposed language. Those are your two. And please do a spokesperson.

((Crosstalk))

David: The reason we do this is also - this is David, is to make sure we can say, we really looked at it. Nobody can come back, all right? Let's take five minutes. Oh, yes. 10 minutes. Can you restart the timer for 10 minutes on this one please? Purpose five, take 10 minutes. Okay.

((Crosstalk))

Gina: Is everybody ready? I've got the registrars, the registries (unintelligible).

((Crosstalk))

Gina: Okay. Verification going on over here, then I think (unintelligible).

David: All right guys, let's go. Okay. All right. so we're going to do the same process we did for the previous purpose, right, where our question to ourselves is, is there any group that thinks the concerns expressed in the public comments are not sufficiently addressed in this solution by the small group?

Remember we're hitting a very high bar and if we're going to bring up issues

that are already discussed, we should really defer to what the small group did. But if there are things, let's be very specific about our proposals and see what we're going to do about it.

Okay. So let's ask the question. Is there any group that thinks the concerns from the public comments are not sufficiently addressed in this new approach with the splitting? Yes. Kavouss, why don't you lay those out real quick? What's your concern? Kavouss, go right ahead?

Kavouss Arasteh: Yes. I'm afraid we will not be asking till those number four does it reduce quickly. It takes a little bit of time. Now, the first thing is that - what is the rationale that we have to divide it in two? Why not we should have one, but pick up element which is missing in the existing text. Add something to the existing text which is missing and avoid repetitions. In the two texts proposed, there are repetitions. Number one.

Number two, there are element which is not necessary. For instance, all these activities, are these (unintelligible)? I don't understand what is all these activities. And then there is the part that the servicing and saying that data only as necessity. Who decides that this data is a necessity? Who decides this - on this necessity? If we avoid that, having heard arguments that we need to have two, then we could simplify that. Still I believe that as I mentioned in the chat, we could have one, but putting elements which are missing in the context. Thank you.

David: Great. So the GAC have a little bit of a challenge because folks who have participated in that group aren't here and aren't available to speak. So I think in this case, what we need to do is someone who participated in that small group discussion, who specifically worked on those issues that Kavouss is bringing up, explain - and Kavouss, this is your chance to hear what happened in that small group and why they got to those solutions.

So this is really important. So folks, Mark, you were in that group. Do you want to comment on those specific questions that Kavouss had?

Mark Anderson: Absolutely. This is Mark Anderson for the record. So I was on the small group that discussed this and happy to provide some background and context. I think - so I'll say the genesis for splitting them out is - goes back to LA when we had the compliance group coming and speak to us.

And they talked about how they - you know, we said okay, what do you do? It's like well, we have two different things we do. And the first one is around the enforcement of the contract. And so compliance has responsibility for enforcing the registry and registrar contracts, and they have specific rights under the contracts, including the ability to audit.

So that's a very specific processing activity that they do. They process personal data for the purpose of enforcing contracts, and that includes the contracts rule right to audit registries and registrars.

The second activity is a separate processing activity, and that's responding to complaints. And or - I guess it's not necessarily complaints, but we'll - for our purposes, let's just call it complaints. But compliance may receive complaints from general internet users, registries, registrars, come from anybody. But that's a very different processing activity.

Processing of data that they would do in investigating or troubleshooting a ticket or case that's open with them is very different from the contract rule rights they have with the contract and the ability to enforce their contracts. So the reason they're split up is there are two different processing activities completing the two we thought was confusing things.

David: Great. So, and then there was two other questions that Kavouss has brought up. One was about - talking about data as necessary. I assume there was a reason for putting that in.

Mark Anderson: Data minimization, right. Only - there was - only process the data that's necessary in order to perform that particular service or processing activity I should say.

David: Okay. Folks, Kavouss, this is particularly important to you. So I'm a little concerned, Kavouss, that you're in the chat right now. I just want to say that straight up because this is a conversation to help address your concerns, all right?

So the small group, one of the participant's in small group just explained how they got to this conclusion, and we should have a super high bar about making changes. So I want to make sure you heard that rationale, and if you have additional questions about it, this is a great time to offer it.

I'll do that and then I'm going to jump over here as well. Great. Alan and Kristina. Okay, thanks. Kavouss, please go ahead.

Kavouss Arasteh: Yes. I have no problem to splitting it in two9.

David: Great.

Kavouss Arasteh: Provided that in the first one, you take out activities after audit. We don't need to say audit activities. Audit is audit. And the second part, the element has some qualification such as exemption data only as necessary. Try to remove these qualifiers because I don't know who decided this is as necessary, unless you reverse to something which already included in the agreement business decisional and ICANN and so on and so forth. If you do have that one, I have no problem with the splitting. Thank you.

David: Okay. Alan, then Kristina.

Alan: Thank you. I wasn't part of the small team. I have no problem with splitting. I don't care what the language is as long as it's really clear and not confusing. There's probably an infinite number of ways we could word the overall thing. The as necessary I believe is an important aspect of it however.

And that - by the way, that goes for whether we say auditor or audit activities. That's semantics and unless it adds confusion, I don't care which it is. And the as necessary, it is conceivable that contracts compliance may have physical access to the entire base of RDS WHOIS data. That doesn't mean they can wander through it and look for interesting things. That's what the as necessary means. Thank you.

David: Great. Okay. Kristina.

Kristina Rosette: Kristina Rosette. Just to note that quite frankly, audit - deleting the activities after audit, narrows it, which I would think would not necessarily be in the interest of the GAC. The other point that I did want to note is that in their public comments, the GAC has no objection or comments on this specific purpose.

So I think that's, you know, certainly helpful information to keep in mind more broadly.

David: Yes. Okay.

Gina: Kristina, can you just say why removing activities narrows it? Just briefly.

Kristina Rosette: Because there are activities. There are steps and actions that ICANN takes in connection with in preparation or in anticipation of an audit that are not technically part of the audit itself. So I think including that audit activities frankly is going to be helpful all the way around.

David: Okay, great. Folks, this is one of these situations where we have a very high bar that we're trying to meet. And if we're talking about changes to text that was agreed in the small group, we've discussed some concerns. There's been Kavouss.

There's been rationale provided about why the language is necessary to have printed to audit activities, which Kristina just described why that's important. And then the as necessary was also described by two people, like that language is important. So in the spirit of having that rationale out here amongst all of us, I would appeal to this very high bar in deference to the small group.

And I wonder if in that spirit, you can live with this as it's been written, particularly because there were no comments by the GAC around this purpose.

Kavouss Arasteh: Yes. I can. (Unintelligible) provided that you shift the word only after processing. By processing only specific data as necessary, not data only as necessary, which is by processing only a specific data as necessary.

David: Everybody take 10 seconds to look at that for a second.

Kavouss Arasteh: Deleting the activity after audit.

David: No. I don't think you were listening to what Kristina was saying why that's a very important thing that actually may be beneficial for the GAC to have that word activity. Kristina was explaining that activity is important because outside of what is formally called the audit, there are activities that are pre-audit, et cetera, that are important to name in this. And that was what Kristina's explanation was, and that may be important for you all as well. Okay?

So just a quick second, 10 seconds on that, shifting the word only so we're actually talking about the data, processing only data as necessary, going against my instinct of editing on the fly. Can we live with that quick shift to say, I think is what everyone is trying to say, we're only processing the data that's necessary, right? Is that okay? Everybody can live with that?

Yes. So the new language is exactly what's on the board, except it says, by processing only specific data as necessary. Yes. Okay, and we can live with the activity, the word activities, and we can live with as necessary, okay? Is there any confusion about what we're doing? Because that's the key thing.

30 seconds? Okay, that's fine. Take 30 seconds.

Gina: On the only.

David: The only. We're just - all we're trying to do is ...

Gina: It's taken me 30 seconds on the only. I'm just letting you know.

((Crosstalk))

Gina: The proposal is by processing only specific data as necessary. Removing only, that's the proposal on the table. I know shifting, yes. Only goes before specific data. Yes. Alan and then Alan.

Alan Woods: So Alan Woods for the record. The problem I'm having with it is that the only should not be referring to the data. It should be processing to the - just for relating to the processing activity. So I don't agree with the change of the only. It's the processing activity is only as necessary, not the data. I hope it makes sense.

Gina: Okay.

David: So on an initial read, it kind of messes it up if you shift it around, right? Okay. Alan.

Alan: Yes. Thank you. Yes. Where it is right now specifies when you can do it, under what conditions you can do it. Moving it to the data specifies what data, but not when. I think the effect of the two are identical, but I believe the current wording is clear.

David: Okay, great. Marge in the queue. Omar, you're up and then we're going to try to close this down quickly. Omar. Oh, he put his hand down. Great. Okay, even better. So folks, I'm just going to check here. Kavouss, there's concern that if you shift it around, it actually changes meaning away from processing specific data only as necessary, right? only as necessary seems to work is a phrase for folks better than shifting to only away from that phrase, okay?

So I just want to - last chance folks. Are we okay living with this only as necessary here just as it's written? Yes, Kavouss?

Kavouss Arasteh: Yes. That's the concern raised by Alan. One by one. If everybody wants to keep the text as it is, I go along with everybody. But I have to hear that everybody wants that, but not one. One to one. Thank you.

David? Okay. So let me just check. Can we all live with the text as it's written on here? Yes? Can we all live with it? Okay. I think that's an everybody. Okay, super. Thanks. Great. I loved that - that worked out really well. Thank you all for that work.

We're going to have these situations where we weren't present in the small group conversation. So we do have to do a quick update. Okay. That's five. We're moving to six or whatever ...

Gina: Right. So we're going to go to purpose six. We need to slightly edit our approach. So for purpose six, this is on coordinating, operationalize and facilitate policies of resolution of disputes. Caitlin from staff wants to frame up a few things out of the small team, which is in the rationale, if you want to follow along.

So what we're going to do is have Caitlin give us a little background, then we'll go to our caucus for you to discuss, and then we'll repeat the same procedure. Caitlin.

Caitlin Tubergen: Thanks, Gina. This is Caitlin Tubergen from ICANN org. You'll note in the rationale, there are four bullet points and Alan Greenberg has helpfully added those. And I just wanted to clarify what those mean when you discuss. So the team did converge on the proposed update of language, but there were a couple of outstanding things.

The first is, you'll notice in the initial report language, there's a parenthetical, as opposed to the use of such domain names. So there was - yes. So we would either omit the parenthetical or you'll notice a bracketed language in the proposed updated text. So if the parenthetical to be included, the team prefers the addition there.

Number two, the omit the list of dispute processes. So it's either omit the list or add the end, the TDRP to make sure it's a list of comprehensive. And then there were a couple of comments to delete the references to coordinate and facilitate and just have operationalized. Does that ...

Gina: I didn't understand the first one, omit the parenthetical. Can you just say what you mean there again?

Caitlin Tubergen: Well, you'll notice in the - in purpose six the initial report, there was a parenthetical, and some argue for the omission of that parenthetical. However, if we're going to keep the parenthetical, there's a bracketed

addition in the proposed update of language. So if the parenthetical is to state a small team wants the language, including where such policies take into account use of the domain names.

Gina: So it's either drop every - from - as opposed through the domain names, or keep both.

Caitlin Tubergen: Yes.

Gina: Alan, you wanted to add a little more before we go to the bridge?

Alan: Yes. This is a case where the square brackets just confuse it. When we're talking about the parenthetical, we're talking about round brackets, the parenthetical. The square brackets are just noting what we added, but we did add.

So if you look at it without the square brackets, it reads a lot better. So - and I think Caitlin is right. Either we keep the whole parenthetical, including the square brackets, or we drop it and then there's three other orthogonal questions that have to - each of the four questions that we need to answer, because the small group pointed to the plenary on those four questions.

Gina: So Alan, is the recommendation of the small team to have the list of the dispute resolution processes, including in the TDRP? Or was the small team undecided? I'm just not clear.

Alan: We were undecided.

Gina: Okay.

Alan: We decided to rec - as this group, answer those four questions.

Gina: Okay. I think we're ready to caucus. So go to your caucus. I think for this one, if you could try to have one spokesperson, it's probably advisable. And do folks need 10 minutes for this, given that we have like several questions? 10 minutes.

Kavouss Arasteh: But the network is down.

Man 3: 10 minutes.

((Crosstalk))

Gina: 10 minutes? Great. So 10 minutes in your group and we're going to go - oh, because the internet's down?

Kavouss Arasteh: The internet is down, yes.

Gina: Okay. You're fixing the internet. We'll put 10 minutes on our phone. Thank you everybody, and thanks, Alan.

((Crosstalk))

Gina Bartlett: Okay can everybody grab a seat? Whoever's on the agenda could you maybe - up on the Adobe Connect room could you make the proposed language maybe a little bit larger so we can highlight the area that we're talking about?

Okay. (David)? Okay. Yes. Okay. Okay so we're going to come to the large group now if we can. Okay. We're going to - I'm just going to go in the order that was on the rationale here if we could.

Excuse me you guys. So I guess first let me ask is there any group that thinks that the concerns expressed in the pop - public comments have not

been addressed? Did anybody look at that? Have we covered the public comments?

((Crosstalk))

Gina Bartlett: Okay. Okay we'll come back around to that. Okay good. Okay or just go outside. So the first one - if we could highlight the parenthetical in the proposed language.

The question before you is whether to keep or omit the parenthetical. If we keep it matches the ICANN bylaws by the way -- that's where the language comes from -- as opposed to the use of such domain names but including where such policies take into account use of the domain name. So how many people are open to leaving that in?

(David): (Unintelligible).

Gina Bartlett: To leaving in the whole parenthetical? Anyone? Okay who's opposed to keeping the - that in?

(David): Hang on. Just...

Gina Bartlett: Yes.

(David): I want to do a quick check. Yes. I want to make sure we're asking the right question here and I'll just...

Gina Bartlett: Yes.

(David): suddenly for a second. Great because what we're doing - there's many ways that this could go down right. You could leave it in. You could take it out right.

I think we're testing. Are people okay leaving it in? Are people okay leaving it out right? So folks is there anyone who can't live if the decision at the end of the day is to leave it in with that full thing?

Can you guys live with that? It may not be your first choice but can you live with leaving it in the full way? Yes? Yes. So - but can you...

Gina Bartlett: So...

(David): ...live with leaving it in if that's the way every - if that's the way it's going to go down?

Gina Bartlett: Non-Commercial Stakeholder Group, can you live with that?

Ayden Ferdeline: This is Ayden. We'll need to consult with two of our members who aren't physically in the room, but I think it's just sort of the inconsistency and purpose-free.

We want it to be - we wanted a very - a broad test in our specificity at all and now suddenly we're wanting to...

(David): Yes.

Ayden Ferdeline: ...provide a whole list of policies.

(David): But we're talking about the first question only.

Gina Bartlett: Yes.

(David): Parenthetical.

Gina Bartlett: Right. If you could highlight it, as opposed through the domain names. So I understood the proposal from the small team was that if we had as opposed

to the use of such domain names - that if that was going to be included it should say, "But including where such policies take into account use of the domain name."

Is that what you're speaking to Ayden? So you're saying that the Non-Commercial Stakeholder Group needs to consult with its members if that's going to be included? You're not sure you can live with it.

Ayden Ferdeline: Just to consult with the two EPDP members that we have who are not physically in the room.

Gina Bartlett: Okay. And is it possible to access them now?

Ayden Ferdeline: Yes.

Gina Bartlett: In the process? Okay anyone else that can't live with keeping this text in? Yes okay. Okay. Is it on keeping the text in?

Woman: I just want to note that that - this text is exactly what the bylaws said.

Gina Bartlett: Yes. Thank you for that clarification. So while they're consulting with their colleagues can we go to the next item, which is the list of processes, and then we'll come back around to the Non-Commercial Stakeholder Group?

So the question from the small team was that they were unsure whether to omit the list of dispute processes. If they're going to be included they propose that we add and the TDRP.

So I'm going to just start. Is there anyone who can't live with the proposed text that is up there which includes the list? Is there any group that can't live with including the list?

Okay. Are we going to move on? All right. So the next proposal is to change the verbs. So we start out with coordinate, operationalize and facilitate. The proposal is - the question from the small team is, "Should coordinate be in there?"

Is there anyone who - oh well how should I phrase this one? Is the proposal to take it out? I think there's...

((Crosstalk))

(David): There are people who want to remove words from there and keep just operationalize and so let's give a few - a minute or two. For anyone who is very strongly in favor of removing coordinate and/or facilitate, here's your quick chance to put that out there one more time and then this is time to make a decision.

So either we leave it in - if you want to get rid of those words now is your moment to make a case why those words don't belong in here. And I know that some people come up to me and said that; Kavouss for instance.

This is your case. This is your moment to make those case to remove those words. And Amr's in the queue. Let's go straight to Amr then. Amr.

Amr Elsadr: Thanks (David). This is Amr.

((Crosstalk))

Amr Elsadr: Sorry. Excuse me.

(David): Yes we don't here you very loudly. Can we turn up volume somehow or...?

Gina Bartlett: And speak up Amr.

Amr Elsadr: Okay. Can you hear - is this any better?

Gina Bartlett: Yes we can hear you. So we're on the verbs.

Amr Elsadr: Okay.

((Crosstalk))

Gina Bartlett: Did you want to explain your proposal or what - your rationale?

Amr Elsadr: Yes sure. This isn't something new. I've brought this up on a number of occasions. Others have as well. I think operationalize is a verb that is probably the ideal verb to have in there, because like we need to be aware that we're talking about processing gTLD registration data.

We're not talking about anything else. We're talking about in the - and, I mean, we're talking about, you know, processing this data to achieve a specific purpose, which we've got up in front of us.

Operationalizing the DRPs, which are listed later in the purpose, is fine. You need to process gTLD registration data to do that at different points throughout the processes, but coordinating and facilitating policies is where I get a little lost.

To me something like coordinate, you know, the word coordinate is used in describing ICANN's role in - for example in coordinating policy developments.

Facilitate, like, address the same issue but it's got nothing to do with the actual operationalizing of the DRPs. When you talk about coordinating and facilitating again it's suggesting the policy development, but I can't think of a single scenario in which processing of this data would be required in the context of, you know, coordinating the policies or facilitating them for example again during their developments by a group such as this one.

So I think the burden to keep these verbs in there should be on folks who believe or have a constructive reason why they should be there. If someone could point out a plausible explanation why they should then I'd be happy to listen.

I don't think I've heard one so far and I think we should get rid of them.  
Thank you.

Gina Bartlett: Thanks Amr. I'm going to go to Alan and then we'll check in where we're at on this one. Alan? I've got Alan, Stephanie, Kavouss and then we're going to check in. Go ahead Alan.

Alan Greenberg: Thank you and just to be clear I'm speaking on behalf of the ALAC not personally. (Unintelligible) don't care about because I don't know what it means so I can live with it.

I don't think it's going to hurt. I can live with it not being there. Facilitate I believe is necessary. There are times during these dispute processes where if information is not revealed properly the dispute processor can go to ICANN compliance and ask for their intervention.

That I believe falls under the term of facilitating the execution of the policies, so I believe facilitate is necessary. I can live either way with coordinate.

Gina Bartlett: Thank you.

Alan Greenberg: I don't know. I don't object to it being there but I don't think I need it either.

Gina Bartlett: Okay thank you. Stephanie. And as - concrete suggestions for everyone like that is helpful. Go ahead.

Stephanie Perrin: I hate to disagree with Alan on this because I'm confident he understands these dispute processes much better than I, but I'm looking at this -  
Stephanie Perrin for the record belatedly.

But I'm looking at this strictly from the small P processing perspective of data protection law. ICANN, despite the fact that we still don't know whether it's the controller or not, is not controlling this data.

Any role they play in facilitating the execution of policies that they have developed should not involve their control of the data. It should involve their policy and contractual control of the processes slash co-controllers of the data right?

So I think one of our problems that befuddles us all the time is ICANN's control of its contracts and its control of its policy development processes as opposed to its control of the data.

Doesn't mean they're not a data controller because they control the policy development and the contract, but it does mean that they're not actually touching the data. Thank you.

Gina Bartlett: Thanks Stephanie. Alan wanted to respond?

Alan Greenberg: Yes. In the case I'm talking about they may well be touching the data. ICANN - the dispute processor has no club to hit a registrar or a registry with its truce - should not be agreeable and cooperative. ICANN does have that club and ICANN can get involved in getting the data.

Stephanie Perrin: But...

((Crosstalk))

Stephanie Perrin: And that is not a routine processing...

Gina Bartlett: No.

Stephanie Perrin: ...activity. That is an extraordinary processing. It's almost an investigative activity wherein they're acting the same way a law enforcement agent or a cyber-crime investigator would be, except that they have got power. They are a third party in that. They are not controlling...

((Crosstalk))

Stephanie Perrin: ...the data in the sense of holding it.

Alan Greenberg: No but they do facilitate the execution of the policy, which is all we're saying here.

Gina Bartlett: Okay. Amr did you want to respond to anything as far as any new information or any change on your point of view based on the conversation just briefly?

Amr Elsadr: Thanks Gina. This is Amr. Yes I thought something Alan said was interesting. I think if you, you know, sort of qualify facilitating policies with facilitating the execution of the policies then that sort of to me sounds more like what operationalizing is supposed to be referring to so that sounds okay to me.

But in the absence of that clarification I would still propose just the - dumping facilitate and coordinate and sticking with operationalizing, which I believe covers all the points that even Alan probably has referred to. Thank you.

Gina Bartlett: Thanks. So I've got Kavouss, Mark and then I see (Giorgio). We're trying to have each group speak where you can. Kavouss?

Kavouss Arasteh: Yes. The keyword here is policy and policies and three actions are there.

You coordinate policy yes. No problem. You can coordinate policies.

Operationalize policy yes but I have difficulty facilitate policy.

Either facilitate policy execution or something else but not facilitate policy.

But I was in favor at the beginning to delete coordination and delete facilitate, but if everybody wants to retain them everyone gets it.

I'm coming here to agree with everybody if we could have the consensus. I join the others but the first thing is that this problem is that you cannot facilitate policy.

You facilitate policy adoption, you facilitate the policy execution but you cannot facilitate policy. Policy is policy right so this is the first thing. Thank you.

(David): Thanks. Let me just - before we jump to the next thing I want to test something real quick and see if the cards go down real quick, which is what's being proposed, get rid of the word coordinate because we're not really sure why it's there, start with the word operationalize and then go straight to facilitate the execution of policy.

So you are operationalizing and facilitating the execution of policy okay, which it doesn't yet but it will. That's what Amr said. That's what Kavouss is saying.

It's what Alan has said in his words even though it's not on the paper here okay. So I want to just test that for a second and see if cards go back down. It's essentially on this issue of the three verbs. The solution - you guys having flashbacks? Okay.

Great. But why don't we put them to bed right now okay? And the way you put them to bed right now is by saying operationalize and facilitate, or one way you could is operationalize and facilitate the execution of policies okay.

So I want a quick test. For those who have their cards up did that solve your problem on these three verbs and...?

Gina Bartlett: We got Farzi on the phone.

(David): Farzi's on the phone. Great. Well let me jump to Farza - Farzaneh quickly and then we'll come back to the cards that are in the room. But again Farzaneh go ahead.

Farzaneh if you're trying to talk you're on mute. Oh there you go. It's working. Farzaneh? Okay we'll come back to you Farzaneh after we've sorted out those - audio problem. Let me just real quick...

Farzaneh Badii: Oh no, no. I'm here. I'm here.

(David): Okay good. Go ahead please.

Farzaneh Badii: All right, so I just wanted to tell you why coordinate? Simply we - when you wanted to come up with the language of the group in batch in, you know, when LA meeting was I thought that we should use the language of the bylaws and to make it easier for it to agree on.

And then it was actually more to make the development and implementation of policies concerning the registration of setting the road - domain name. So it was that broad and that was why they were then - now like people are raising questions about why coordinate is there?

It's because I thought that is a matter of - and I have said this multiple times. I thought that it's a mad coordination of - the development of policy actually means like - kind of like telling the registries and registrars what to do.

And it's kind of like an act of processing with the data because in the policy, I mean, this resolution policy - we tell the registries and registrars what to do with the data and how to get access and stuff like that.

So that is why I thought that coordination of development of policies also and part of the processing activity - I am obviously - well I don't know, a majority disagreed with me so let's get rid of coordinate.

Facilitate was added. I believe it was. I am not sure. Well maybe I should not just say it. I think someone added that language later on and - to this paragraph and added facilitate.

Oh at the moment this purpose is not really similar to the bylaws language but it is close. That's it. Thank you.

(David): Folks, in the spirit of not getting totally hung up on three words let's see if it - you've got an option at the top of the page there and you've got an option in the chat about two ways of dealing with those words. Mark, Alan, bring us home. Let us put this to bed.

Mark Anderson: Thanks. This is Mark. You know, I think, you know, from the registries and registrars too I don't think we're particularly concerned over the exact wording here.

I'm a little sympathetic to the case Amr's making for just operationalize, you know, and, you know, the distinction about facilitate the implementation of policies - I think that's what operationalize is.

So it's maybe a question for Alan. You know, what is, you know, if we just did operationalize what is it - you're concerned that can't be done. And also when you were talking earlier sort of the use case you brought up I think is covered by Purpose 5.

I think maybe you're, you know, maybe your concern there is addressed in 5. It doesn't need to be done here but I just, you know, from a registry/registrar perspective I don't think...

((Crosstalk))

Mark Anderson: ...that we're particularly hung up on language. My...

(David): Wonderful.

Mark Anderson: ...intention was to maybe try and help other people get there.

(David): Wonderful. Alan bring us home here.

Alan Greenberg: Okay. The small group did separate the discussion on coordinate and facilitate and you merged them together. I think separating them does make it clearer because they are different discussions.

In - with - I was the one who was adamant on keeping facilitate, the reference to Purpose 5 and the complaint handling there I believe does address it so I'm willing to cede on the facilitate.

(David): Great. Okay. So...

Alan Greenberg: But it...

((Crosstalk))

Alan Greenberg: The reason I put my hand up originally...

(David): Yes.

Alan Greenberg: ...and keeping facilitate and make it facilitate the execute - no - execution.  
We have to make sure the grammar's right because the operationalize...

(David): Right.

Alan Greenberg: ...is not necessarily that.

(David): So what we're hearing though is the person who would most - arguing for  
keeping facilitation which was Alan is now saying he's willing to walk so - on  
that.

So I'd say in that spirit why don't we have operationalize and ditch the other  
two verbs right? So let's just do a quick check on the three verbs. Can  
everyone live with leaving just operationalize okay?

Yes? Everyone? Okay great. So we got the hands going on so we're down  
to one verb, operationalize, and we feel good about that and we - yes.

Gina Bartlett: Okay and we need to go back to the Non-Commercial Stakeholder Group.  
Was your group okay with leaving this language in?

Ayden Ferdeline: We can live with that if it's just operationalize (unintelligible).

Gina Bartlett: Okay. So just to recap then we operationalize policies for the resolution of  
disputes regarding or relating to registration of domain names as opposed to  
the use of such domain names but including where such policies take into  
account use of the domain names, namely the UDRP, URS, PDDRP, RR,  
blah blah blah and the TDRP.

(David): Okay.

Gina Bartlett: I would not say economy of scale. I'm the worst but you definitely have success okay. That's where we're going.

(David): Yes.

Gina Bartlett: Okay we will note that and that's going to move into the final report.

(David): Yes.

Gina Bartlett: Oh.

(David): Amr's on the line. Okay Amr.

Amr Elsadr: Yes.

(David): Can you live...

Amr Elsadr: Yes thanks.

(David): ...with what is on the screen right now?

Amr Elsadr: Thanks (David). This is Amr. I thought we were just talking about the three verbs. I didn't realize we were talking about the entire purpose.

((Crosstalk))

Amr Elsadr: The language between the parentheses, specifically the bolded language but including where such policies take into account use of domain names and then going on to describe all the DRPs - the different ones - I just wanted to point out that - and I hope I'm not mistaken on this.

But I don't think that we - when we were developing the workbooks that are associated with each of these purposes that we actually went through all the processing activities required for a number of these DRPs.

I think that would be necessary for us to do this correctly. We did for the UDRP. We did for the URS. The other ones I believe we sent questions to ICANN Org but because these DRPs have never been used I'm not sure we got much concrete information on that.

So in the absence of, you know, pointing out what the - explicitly pointing out what the processing activities are involving these DRPs and what data elements would be required to be used, we might want to revisit those at some point.

Gina Bartlett: So we...

((Crosstalk))

Amr Elsadr: But I don't know if you want to...

Gina Bartlett: And Berry's going to speak to that Amr. Amr let's - Berry...

Amr Elsadr: Okay thanks.

Gina Bartlett: ...will speak to that.

Berry Cobb: Berry Cobb for the record and I - in essence I'd agree with - oh it's very loud. I agree with what Amr's stating. There's still some tidying up to do for this workbook especially around the processing activities of transferring the data as well as disclosure, you know, with the other DRPs, not UDRP or URS.

I believe there is still a little bit more exploration about what those might entail, mainly because I don't think we've used them much and it was a -

ICANN Org that also identified that we had omitted TDRP, which we didn't even discuss as well.

So it might be - I don't know how it would ultimately affect this purpose statement but I do believe that there's some more work to do in that area.  
Thanks.

(David): So it sounds to me that what could happen here is that all of you here agree to move forward with what's on the screen with the caveat that the work needs to be done in the workbooks.

And if that work flags up some issue that you haven't even considered yet, then we recognize we're going to have to quickly go back and take a look at this okay.

Gina Bartlett: Okay.

(David): Can folks...

Gina Bartlett: Mark is your...

(David): Yes.

Gina Bartlett: ...card up?

(David): Can we...?

Gina Bartlett: So I think that's passed.

(David): Yes. I think we should - and Farzaneh you're in the queue and I just want to make sure -- I'm watching the chat -- that you can live with this. And we're kind of out of time to have comments around it.

Farzaneh can you live with going forward with what's on the screen and recognizing that after doing the workbooks, if that shows some other problem we haven't even imagined we'll come back to this? Farzaneh can you live with that? It's like a drum roll with her taking it. Yes.

Gina Bartlett: You know, so I think online we did go through the TDRP and maybe you weren't able to hear. Maybe we were offline but I'm just seeing that Farzaneh said we didn't go through the TDRP. We actually did go through it. Yes. Okay.

Farzaneh Badii: Oh I'm sorry. No I'm sorry. I just got the mic. No we...

Gina Bartlett: Okay.

Farzaneh Badii: ...did not go through TDRP workbook. We did not go through the data elements and say which data is needed for what dispute resolution. We did not do that.

We need to do a complete work on that and okay I understand you want to move on and I do not - I just want to record my personal objection to the parenthetical with the bolded but including where such policies take into account blah blah blah.

I think that parenthetical should all - should be removed but anyway I'm just one person here. I will not die over anything. Bye.

(David): Okay.

Gina Bartlett: Sorry Farzaneh. I misunderstood that - your comment in the queue. So I'm just going to say do you - is it this - the high bar is up. We have support for moving the language forward. We recognize that there is processing activities that need to be looked at that may trigger us coming back to this.

(George) is there something that you need to speak to?

(George): A very quick suggestion and this is what had made in the small group. It was to remove the whole thing because this will save us all this debate that we have now. So put the (unintelligible) registration domain names.

This I think gives all the time that we need about deciding whether those policies have to be taken into account or not. It does include all this that we have to take into account because we don't exclude anything.

If you want to be more specific then you can say operationalize ICANN policies and then put the full stop there and (unintelligible) later on get us (unintelligible) everything is (unintelligible).

(Gina): So (George) I am a little bit concerned because we have already gone through all of these and (unintelligible).

(George): I can live with that. But my life would be much easier if I put a full stop there.

(Gina): Go ahead Alan.

Alan Greenberg: I will give the calendar argument why we should not do that. The reason that parenthetical was added all together is because of a relatively strict rule within ICANN saying we don't look at the use of domain names.

This is an exception and that is why it was called out. And so if we omit everything after the first domain names, one could construe that that includes all things related to use and therefore would exclude the (unintelligible) processes and we start this whole discussion all over again. Does anyone really want to do that?

(Gina): Okay I see (George) is saying okay. So he is going to take a deep sigh and we thank you (George) for your flexibility.

All right so we are going to move on. Welcome (Milton). We are going to move onto the next agenda. Do folks need a break? Are we going to - we have lunch at 12:30. Should we just power through to lunch? Okay.

Alan Greenberg: I have a process suggestion that we can test which is the next bunch of issues which are recommendations, not purposes, recommendations. If you look at your agenda for the 11:30 time slot.

There are four recommendations here in which the small groups reviewed the comments from common period and decided no change was needed. Okay? These four recommendations, the small group looked at them. They looked at the comments coming in and they said, you know what? Thanks for the comments but honestly we think it is best left as is.

So in doing our process now why don't we pull back from the table in our groups, in our caucuses. Look at all four together right? And say, is this small group decide widely in saying no changes are needed here. But let's do all four at the same time. It is a chance for us to do this before lunch.

Now if you don't have the agenda it is up on the screen right now. But it is also - these are recommendations now right? Recommendation 16, 19, 20 and 21. I feel like I am playing Bingo.

All right 16, 19, 20 and 21. So the next four things on that yes. Yes 16, 19, 20 and 21. It is on your agenda in the 11:30 time slot. Okay?

So the process suggestion barring (Gina) unless you think is a terrible idea.

(Gina): Let's try it.

Alan Greenberg: Let's try it okay. The process is let's look at all four. The small group said, I looked at the comment. Let's not make any changes. All right?

So again in the spirit of very high bar let's see if those small groups did a good job or whether we need to do some fixing all right. So let's pull back from the table and let's absolutely designate a spokesperson from your group to make the feedback particularly if you need any kind of changes on that.

(Cavoose) is this about the process we are about to do?

(Cavoose): Yes thank you. Two things. What we have already agreed at this meeting I think we need not to come back to that unless the majority wants to come back to that. So we don't want to open it again.

However, you are very quick on 11. There is one word that disturbs me and that is (unintelligible). The first line.

Alan Greenberg: Where are we? Sorry I don't even know. Where are we?

(Cavoose): (Unintelligible) what is herein?

Alan Greenberg: No we haven't got to 11 yet. We are not 11. It is not even on our list for right now. That is for later. We are jumping. We are jumping to 16. We are jumping to these four things right here, 16, 19, 20 and 21. But I don't want to do 11 yet.

((Crosstalk))

Alan Greenberg: Yes 10 minutes to go through these four, 16, 20 and 21 thanks.

((Crosstalk)) until 09:50:8

Woman: We have about four and a half minutes left.

((Crosstalk)) until 13:27:5

Woman: Okay one minute everybody.

((Crosstalk)) until 15:38:2

(Gina): Can we come back together? Can we come back together?

((Crosstalk))

(Gina): Okay is everybody - oh there is (James), (Milton), Mark, Alan, oh there they all are. All my missing chairs. Okay so we are on recommendation Number 16. We are on Recommendation 16. The small team did not recommend any changes.

So question Number 1 for you. Is there any group that thinks the concerns expressed in the public comments were not sufficiently addressed? No further record? No one is speaking up. So we are moving to the second question.

Which is, is there any group that can't live with the language as is given what we heard in the public comment? We are on Recommendation 16.

Okay we are going to move on. That Recommendation 16 language is approved and will move forward into the final report which is in the initial report so it doesn't change.

Okay please turn to Recommendation Number 19 on the transfer policy. On Recommendation Number 19, the small team recommends no changes. So the same language. So the first question is, is there any group that thinks the concerns expressed in the public comments were not sufficiently addressed?

Okay here we go. We have got (Benedict) and then Alan. (Benedict)?

(Benedict): Thanks so much. That is good. So we have weakened the transfer policy by removing Form of Authorization. FOA. I am sorry. The (unintelligible) weakens the transfer policy from a security perspective by removing the Form of Authorization. It would be good to note the exact position that we should not just rely on a single factor of an (unintelligible) going forward.

So happy with recommendation but could we mention that new policy should include some thinking about security?

(Gina): So I am sorry, you feel that the proposed initial report language does not effectively address the security. And so when you say a new policy are you - I am not sure what you are recommending as a proposal. (Marika)?

(Marika): And this is (Marika) that was supporting the small team that was looking at this. One of the things they noted that a review of the IRC or the transfer policy has already commenced.

So it is important for those group having specific suggestions or ideas to direct that to either directly to the GNSO Council who will be looking at that next. Or they may have already done so because there was an open public comment period.

So anyone in the small team correct me if I am wrong but I think the sentiment was that it was better directed there as that review will specifically be looking at a transfer policy and deliberating on what improvements need to be made then addressing it here. And I think that was the...

(Benedict): In that case what I propose is that we as a team explicitly say to the IRTP review team. Hey, we have noticed that the (unintelligible) weakens the security of transfers and we suggest that you look into this as part of your deliberations. Is that okay? Is that something we feel comfortable doing as a team?

(Gina): I see nodding heads. (James) has a comment on this. Do you mind Alan if I go to (James) on this and then I will come to you? Thank you.

(James): Completely agree that with the substance of (Benedict) is saying. I don't know how prescriptive we want to be. I think we are saying you should look at this because we are creating new vulnerabilities.

But I think where - are you saying we should modify language? Because I think the language between this one and 20 I think we believe that that is covered. It is not prescriptive perhaps as you would like (Benedict).

But believe me our tech folks and the tech ops and the tech study group are all over this because we definitely see the vulnerabilities associated with the (unintelligible) and transfers.

(Gina): So (Benedict) are you - can you clarify. I understood you to say that you were - the (unintelligible) send a message to the IRTP to flag the issue not to change their language? Is that is accurate?

(Benedict): That is fine.

(Gina): Okay. (Marika) and then I am coming back to Alan had another suggestion.

(Marika): Yes thanks (Gina). This is (Marika) for the record. Just to know that I believe the issue of GDPR and the impact on the transfer policy has already been recognized in the staff report that was published.

And just note as well, there is no review team in place yet. What will happen next is that once (unintelligible) I think public comment has closed so staff will be reviewing the input received.

Kind of bundling that up and handing that to the GNSO Council to say, now you need to determine what the next steps are. You know review overall policy, identify specific issues, do nothing.

So I think again a comment at this stage is probably best directed directly to the GNSO Council and maybe even from the SSAC if that is indeed the specific issues that you have identified.

So that the council is aware of these concerns and make sure that, you know, if it decides to kick off a review and form either a PDP working group or some other kind of group to look at this. That they have the information and are aware of the specific issue.

(Gina): Okay so it sounds like an action item out of here is the SSAC would send a note to the GNSO Council to flag this issue so it gets covered in the review.

Alan, suggestions or from you?

Alan: Yes. Thank you very much. (Alan Greenberg). Very much in the same context of what (Benedict) is saying. There was one suggestion that came in on comments through a specific thing. I do not feel comfortable with us acting on it so I support the small teams' suggestion.

However, simply talking this over into what could be a PDP which would take three years from now to the time it is implemented I don't believe is acceptable.

So I would like to see the wording of the recommendation changed slightly to indicate to the GNSO Council that this is a matter of great urgency. I will not use the word expedited.

But I do believe that a message needs to be sent. This is not something to put in your long laundry list of things to be done in a leisurely manner. This really needs to be addressed quickly. Thank you.

(Gina): So do you have a specific word you are recommending be added?

Alan Greenberg: What I just said if we can get it out of the transcript I think is exactly that to be addressed with great urgency or something like very close to that. (Unintelligible) would be the right word other than the fact that it has certain meanings now.

(Gina): Okay. I have got Mark, (Milton), (Cavoose).

Mark Anderson: Thank you Mark Anderson. I want to say I think Alan and (Benedict) interventions are really more appropriate for Recommendation 20. So Recommendation 20 is also about the transfer policy but it is our recommendation to the GNSO Council on what happens with the transfer policy.

Recommendation 19 is actually basically saying, confirming language in the - is basically a recommendation to confirm a portion of the temporary specification.

So Recommendation 19 is actually, you know, very simply what we are saying is, you know, we confirm the language in the temporary specification as it relates to the transfer policy. That is a pretty straightforward recommendation as far as this working goes.

Recommendation 20 on the other hand, I think is where we get to the point. (Benedict) has given a thumbs up and (unintelligible) over there as well. That is where we get to okay, we have this Band-Aid and we are confirming the Band-Aid but we recognize there are problems that needs to be looked at and needs to be addressed.

So I think these two go hand in hand.

(Gina): Alan go ahead.

Alan Greenberg: This is the second time today I cede to Mark's wisdom. Don't expect it too often.

(Gina): Okay it sounds like Alan's recommendation for 19 is withdrawn and he sees the wisdom of Mark.

Alan Greenberg: I will repeat it in full on 20 of course.

(Gina): Okay. (Cavoose) any concrete suggestions on the public comment?

(Cavoose): Yes (unintelligible) concrete suggestion. I don't want to change the recommendation. But in order to address the concerns of Alan and others that does not take three years or five years or ten years.

We could introduce one word into the tech (unintelligible) saying that the duly undertaken. That means in appropriate time not leave it open. Duly. D-U-L-Y.

(Gina): I think that we are...

(Cavoose): Or any other equivalent word to emphasize that we don't expect that it will be taken after 5 years or 10 years and so on so forth. But not changing the recommendation. This is something we agreed already.

Alan Greenberg: So let me just double check we are all on the same page here. It seems like with great urgency language that is being talked about we would like it more in Recommendation 20 than in 19. Correct?

Woman: Yes.

Alan Greenberg: So whether we use the word duly or with great urgency we want to use one of those words or phrases in Recommendation 20.

Man: I think (Cavoose) is suggesting duly be added to 19 as the (unintelligible).

Alan Greenberg: But he is only reacting to (Benedict).

(Gina): Alan.

Alan Greenberg: I am just testing. The concern here from (Benedict) and everybody else was that the issues that are really more in Recommendation 20 needs the urgency. In 19 we can leave as is. That is okay? Yes great.

Okay so to be clear with 19 we are okay the way it is. (Benedict) is your thing up for - great. Nineteen we can say goodbye to 19 right? We are okay? Goodbye 19.

So now we are in 20 and we know for our starting place with 20 we want to have with great urgency or some equivalent phrase to signal the importance and so it doesn't get put on the back shelf.

Okay so I will turn it back to (Gina). Yes? So is there anything else with 20 that people can't live with knowing that we are making this minor modification to 20 to add a phrase of with great urgency.

Is there anything else people can't live with, with the way 20 is written. Great. So let's put that to bed and that brings us to 21 right?

(Gina): (Unintelligible).

(Benedict): Urgently and specifically would be after that comment.

Alan Greenberg: Sorry I didn't hear what you said.

(Benedict): So the proposal was with great urgency.

Alan Greenberg: Yes. Yes that is the proposal.

(Benedict): My counter suggestion is with great - is urgently and specifically.

Alan Greenberg: Can we just leave it simple as possible? Okay let's just try to leave it simple and say with great urgency okay? All right we have put that to bed. Last chance? Great.

So now we are onto 21 folks. Can anybody not live with the way that 21 addresses the public comment being unchanged? Any groups excuse me? Can any group not live with 21? Recommendation 21 is it on the screen? Yes.

Okay all right. So why don't we - you need a specific change?  
(Unintelligible).

Woman: (Unintelligible) for the record. I just want to note the clarification that was sent by ICANN I think on the 14th with regard to the - our reference to the joint controller agreement in the initial report.

And they were actually referring to independent controller agreements and here we are referring to joint controller agreements and data processing agreements which is the (unintelligible) agreement.

And we have no reference to independent controller agreement. Anyway, I do recognize that we say such as. And saying such as gives...

Alan Greenberg: Good. So you recognize it is an issue. You recognize that issue is addressed by saying such as. Right?

Woman: Yes.

Alan Greenberg: Got it? Okay. There is a whole another one about contracted parties?? Okay that is fine okay great.

So given that (Cavoose) can you live with this as written?

(Cavoose): Yes I can because we don't go to the (unintelligible).

Alan Greenberg: Awesome.

(Cavoose): (Unintelligible) perfection. I think this is the case.

Alan Greenberg: Okay (Stephanie) can you live with this as written?

(Stephanie): (Stephanie) for the record. Absolutely I can live with this. I just wanted to note here that we could perhaps keep a note that (unintelligible) question relates to a term that we understand when capitalize means, you know, non-contracted parties, contracted parties. We need a glossary here that explains the terms we are using throughout the text.

Alan Greenberg: Awesome. That is a great idea okay. All right with that Recommendation 21 is written stays as written okay. And unless I am mistaken so I just want to note in a place where it wasn't quite sure how we are going to work together.

We managed to just go through four issues and we found a sort of rhythm of working through them and that was wonderful. And we are 10 minutes early. Go team okay.

So go team. Well done. It doesn't mean it is all going to work swimmingly coming forward. So we can say that we know how to do this and we are going to keep doing it okay. Great folks.

All right so lunch is back in the same restaurant where we had breakfast. You can either go on the inside route up and down and around or you can go straight across outside and then up the stairs into the restaurant. Okay?

When are we coming back or (Kurt) you want to say something about that?

(Kurt): So I just want to mention that the legal team is going to stay here and lunch will be brought from that room down to our room so we don't have to make the 20 minute round trip walk.

Alan Greenberg: To be super clear.

(Kurt): And the legal team is meeting through those sliding doors.

Alan Greenberg: So everybody hear that? If you are already on the legal team you will be meeting through the sliding doors with (Ruth) I assume. And the rest of us will head over to the restaurant and we will all circle back here by 1:30. Okay?

So there is always a danger walking away to the restaurant. Try to be back on time folks so we can keep cooking along. We are doing great. (Kurt) please.

(Kurt): Before you go I just want to put on the record that even though we went through those in very short order and I congratulate the team for doing that.

And my small teams may and I am (unintelligible) teams did take care to read all the comments. The comments by those that aren't represented in this

room were discussed with some specificity. So I just wanted to make that comment for the record.

Alan Greenberg: And we presume this room is secure and leave our computers here.

(Gina): Yes. (Terry) says yes.

(Kurt): (Terry) says yes.

Alan Greenberg: (Terry) is going to skip lunch and watch over our computers. Thank you (Terry). Thank you (Terry).

((Crosstalk))

END