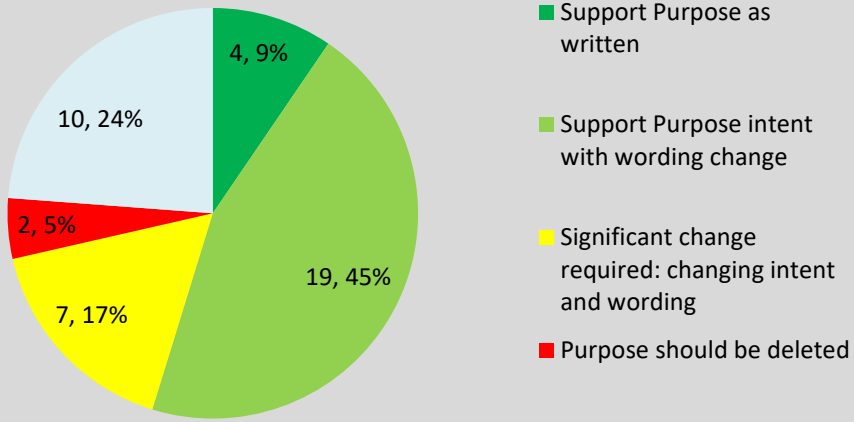
PURPOSE 6

#	Comment	Contributor	EPDP Response / Action Taken
Coordinate, operationalize and facilitate policies for resolution of disputes regarding or relating to the registration of domain names (as opposed to the use of such domain names), namely, the UDRP, URS, PDDRP, RRDRP and future-developed domain name registration-related dispute procedures for which it is established that the processing of personal data is necessary. 			
Support Purpose as written			
1.	No specific comments provided in support of this recommendation	• Sivasubramanian Muthusamy; Internet Society India Chennai • David Martel • Etienne Laurin • Ben Butler; SSAC	Support **EPDP Response:** The EPDP appreciates the support **Action Taken:** none [COMPLETED]

#	Comment	Contributor	EPDP Response / Action Taken
Support Purpose intent with wording change			
2.	Current wording is very broad and unclear. Should be simplified so that it only refers to domain disputes	Michele Neylon; Blacknight Internet Solutions Ltd	Concerns Divergence Support New Idea **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
3.	COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE 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, RRDRP, AND FUTURE DEVELOPED DOMAIN NAME REGISTRATION-RELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY. THIS PURPOSE SHOULD NOT BE READ TO LIMIT ANY OTHER PURPOSE WHERE PROCESSING OF DATA HAS BEEN RECOGNIZED AS LEGITIMATE IN CONNECTION WITH FACILITATING INVESTIGATION AND ACTION CONCERNING ANY OTHER LEGAL ISSUES INVOLVING A DOMAIN NAME, INCLUDING HOW A DOMAIN NAME IS USED. As set forth in the Initial Report, Purpose #6 does not adequately capture that domain name disputes do, in fact, normally involve the use of the domain name. For example, the UDRP sets forth that the complainant must prove that the disputed domain name "has been registered and is being used in bad faith." The suggested edits seek to correct this deficiency and to comply more closely with the GDPR's requirements set forth in Article 6 and Article 13 concerning the lawfulness of processing and the information to be provided where personal data are collected from the data subject.	Dean S. Marks; Coalition for Online Accountability	Concerns Divergence Support New Idea **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
4.	COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE REGISTRATION OF DOMAIN NAMES (AS OPPOSED TO THE USE OF SUCH DOMAIN NAMES), NAMELY, THE UDRP, URS, PDDRP, AND RRDRP FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY Undefined potential future processes should not be included in policy	Tucows Domains Inc.	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
5.	The NCSG requests that the first sentence of Purpose 6 be streamlined by replacing "coordinate, operationalize, and facilitate" with "operationalize". Authoritative data about the registrant, the registration, and contact details can be required for executing ICANN's dispute resolution policies against the registrant itself. As long as disclosure of the private data is restricted to the parties who need it for this defined purpose, the NCSG can support Purpose 6.	Ayden Férdeline; NCSG	Concerns Divergence Support New Idea **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
6.	Coordinate, operationalize, and facilitate policies for resolution of disputes regarding or relating to domain names, namely, the UDRP, URS, PDDRP, RRDRP, and future developed domain name registration-related dispute procedures in accordance with ICANN's Bylaws for which it is established that the processing of personal data is necessary. The language of the recommendation should be changed because it is directly in conflict with the provisions of the UDRP and URS policies themselves, is inconsistent with ICANN's bylaws, and perpetuates an artificial distinction between the act of registration and the use of a domain name in the context of ICANN's general remit. ICANN's bylaws clearly encompass the use of domain names with respect to dispute resolution by expressly including it "where such policies take into account use of domain names" (Section1.1(a)(i)), and it should be included here as well. (Sajda Ouachtouki) The language of the recommendation is problematic as it perpetuates the artificial distinction between the act of registration and the use of a domain name in the context of ICANN's general remit. It also is directly in conflict with the provisions of the UDRP and URS policies themselves. Further, the language of the recommendation as currently written is not a full and accurate quotation from the ICANN Bylaws, which state, in pertinent part: The topics, issues, policies, procedures and principles referenced in Section 1.1(a)(i) with respect to gTLD [registrars/registries] are:…"resolution of disputes regarding the 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)…" (Steve DelBianco)	• Sajda Ouachtouki; The Walt Disney Company • Steve DelBianco; BC	Concerns Divergence Support New Idea **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
7.	COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE REGISTRATION OF DOMAIN NAMES, NAMELY, THE UDRP, URS, PDDRP, RRDRP, AND FUTURE DEVELOPED DOMAIN NAME REGISTRATION-RELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY. Given the remit of ICANN and the purpose of UDRP and related dispute resolution processes, inserting language specifically omitting the consideration of use is in opposition to those very things. Security and stability of DNS, as well as brand related abuses, by definition contemplate the use of the domain in some if not all cases.	Tim Chen; DomainTools	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
8.	COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE 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, RRDRP, AND ANY FUTURE DEVELOPED DOMAIN NAME REGISTRATION¬-RELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY. THIS PURPOSE SHOULD NOT BE READ TO LIMIT ANY OTHER PURPOSE WHERE PROCESSING OF DATA HAS BEEN RECOGNIZED AS LEGITIMATE IN CONNECTION WITH FACILITATING INVESTIGATION AND ACTION CONCERNING ANY OTHER LEGAL ISSUES INVOLVING A DOMAIN NAME, INCLUDING HOW A DOMAIN NAME IS USED. The language of the recommendation as currently written is not a full and accurate quotation from the ICANN Bylaws, and seems to conflict with the provisions of the UDRP and URS policies. The amended text above rectifies this. We also note that investigations into trademark disputes often detect serious Internet threats. For example, a domain name which mimics a Microsoft trademark may in fact be the endpoint for a phishing attack leading to credential harvesting or malware infection.	Jeremy Dallman, David Ladd – Microsoft Threat Intelligence Center; Amy Hogan-Burney, Richard Boscovich – Digital Crimes Unit; Makalika Naholowaa, Teresa Rodewald, Cam Gatta – Trademark; Mark Svancarek, Ben Wallace, Paul Mitchell – Internet Technology & Governance Policy; Cole Quinn – Domains and Registry; Joanne Charles – Privacy & Regulatory Affairs; Microsoft Corporation	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
9.	The parenthetical phrase “(AS OPPOSED TO THE USE OF SUCH DOMAIN NAMES) effectively nullifies the references the UDRP and the URS since both may use evidence of how a domain is being used. It is also counter to the related ICANN Bylaw provision in Annex G-1 where the wording Is “resolution of disputes regarding the 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)” A possible rewording might be: ”COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE REGISTRATION OF DOMAIN NAMES, NAMELY, THE UDRP, URS, PDDRP, RRDRP, AND FUTURE DEVELOPED DOMAIN NAME REGISTRATIONRELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY. THE USE OF SUCH DOMAIN NAMES MAY NOT BE A CONSIDERATION UNLESS THE POLICY TAKES INTO ACCOUNT USE OF THE DOMAIN NAMES.” The ALAC has no particular interest in Trade Mark issues per se. However, in many cases the intent of trademark abuse is to confuse or defraud an unsuspecting individual Internet user, and THAT is directly in the remit of At-Large and the ALAC. Therefore it is essential that policies and processes such as the URS and UDRP continue unimpeded by the GDPR implementation, to the utmost extent possible. In relation to the URS, one of the reasons for the request for a rapid suspension of a website is offensive website content. According to section 1.2.4 of the URS the content of the complaint may include a copy of the offending portion of the website content. Section 3-IX of the UDRP says" the complaint should describe the grounds on which the complaint is made including in particular why the domain names should be considered as having been registered and being used in bad faith." and section 3-viii of the UDRP also refers to the usage of the domain name.	Evin Erdoğdu; ALAC	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
10.	ESTABLISH, COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE REGISTRATION OF DOMAIN NAMES (AS OPPOSED TO THE USE OF SUCH DOMAIN NAMES), NAMELY, THE UDRP, URS, PDDRP, RRDRP, AND FUTURE DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY	Sara Bockey; GoDaddy	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
11.	Change to: COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE REGISTRATION OF DOMAIN NAMES (AS OPPOSED TO THE USE OF SUCH DOMAIN NAMES), NAMELY, THE UDRP, URS, PDDRP, RRDRP, AND FUTURE DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY. Proposed recommendation is awkward and overly specific without gain.	• Volker Greimann; Key-Systems GmbH • Zoe Bonython; RrSG	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
12.	COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE REGISTRATION OF DOMAIN NAMES (AS OPPOSED TO THE USE OF SUCH DOMAIN NAMES), NAMELY, THE UDRP, URS, PDDRP, RRDRP. Future policies must not be covered by or referenced to in the language of the purpose for a lack of specificity. When new policies are created, these might need to be covered by additional purposes to be added to the documentation.	• Lars Steffen; eco – Association of the Internet Industry • Wolf-Ulrich Knoben; ISPCP Constituency	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
13.	[No wording change or rationale provided]	Domain.com, LLC & affiliates	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
14.	COORDINATE, OPERATIONALIZE, AND FACILITATE THE UDRP, URS, PDDRP, RRDRP, AND FUTURE DEVELOPED DOMAIN NAME REGISTRATION-RELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY. The prior language is ambiguous and overly broad. Please also see our rationale under Purpose #5 about the importance of clear, specific language and intent.	Monica Sanders; i2Coalition	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
15.	The RySG recommends the following edit to Purpose #6: "COORDINATE, OPERATIONALIZE, AND FACILITATE THE IMPLEMENTATION OF CONSENSUS POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE REGISTRATION OF DOMAIN NAMES (AS OPPOSED TO THE USE OF SUCH DOMAIN NAMES), NAMELY, THE UDRP, URS, PDDRP, AND RRDRP." The Article 29 Working Party advised ICANN of the importance of "explicitly defining legitimate purposes" and cautioned that "use of the word 'include' suggests that not all purposes are made explicit, which would also be incompatible with article 5(1)b GDPR." The inclusion of "future developed domain name registration dispute procedures" should not be included in this purpose under the same rationale. Undefined future procedures are by definition not explicitly defined and should be omitted from this purpose. The Article 29 Working Party and EDPB have stated on several occasions that purposes can not be speculative and must apply to an existing processing purpose. We recognize that there is a legitimate interest in attempting to "future-proof" this policy, but implementation of a new dispute resolution procedure would undoubtedly require policy amendments and additional notice for registrants, such that the inclusion of this language here likely does not save the community from future requirements to update this policy. To that end, referencing "consensus policy" may keep the scope of the purpose limited but also allow reasonable inclusion of any dispute resolution processes that are developed as consensus policies in the future.	Wim Degezelle ; RySG	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
16.	COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES AND ASSOCIATED RULES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE REGISTRATION OF DOMAIN NAMES (AS OPPOSED TO THE USE OF SUCH DOMAIN NAMES), SUCH AS, THE UDRP, URS, PDDRP, RRDRP, AND FUTURE DEVELOPED DOMAIN NAME REGISTRATIONRELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY. Minor language tweaks for sake of clarity and being more explicit. For domain name disputes resolution, there are policies as well as associated rules e.g. UDRP policy and UDRP rules.	DR. JAIDEEP KUMAR MISHRA ; DIRECTOR MINISTRY OF ELECTRONICS AND INFORMATION TECHNOLOGY, GOVERNMENT OF INDIA	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
17.	"but including where such policies take into account use of the domain names" We suggest adding the above text to mirror the ICANN Bylaws.	Brian Beckham; Head, Internet Dispute Resolution Section, WIPO	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
Significant change required: changing intent and wording			
18.	Addition of PDDRP and PRDRP are unnecessary. access to personal information of domain name registrants is not needed for the complainant, refer to the ICANN complaint form: https://forms.icann.org/en/resources/compliance/rrdrp/form And refer to the PDDRP policy: https://newgtlds.icann.org/en/program-status/pddrp In case of ICANN compliance need to have access, then it can be justified as an ICANN compliance purpose. (and specifically mentioned). PDDRP and PRDRP are different from UDRP and URS. They are disputes resolution policies against registries and not the registrants. The disputes also are not about domain name registration about the operation of registries. If the registries require processing personal information of domain name registrants to settle these disputes, they should justify their need in a more specific manner by referencing to specific policy clauses and practices.	Farzaneh Badii; Internet Governance Project	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
19.	COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE 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, RRDRP, AND ANY FUTURE DEVELOPED DOMAIN NAME REGISTRATION-RELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY. THIS PURPOSE SHOULD NOT BE READ TO LIMIT ANY OTHER PURPOSE WHERE PROCESSING OF DATA HAS BEEN RECOGNIZED AS LEGITIMATE IN CONNECTION WITH FACILITATING INVESTIGATION AND ACTION CONCERNING ANY OTHER LEGAL ISSUES INVOLVING A DOMAIN NAME, INCLUDING HOW A DOMAIN NAME IS USED. The distinction between “registration” and “use” is inconsistent with the intent and substance of existing procedures for resolution of domain name disputes, including specifically the procedures which are mentioned in the purpose statement itself. For example, to prevail in a domain name dispute under the UDRP, the complainant must prove that the disputed domain name "has been registered and is being used in bad faith. Limiting this purpose to disputes related to registration and specifically excluding “use” would result in a purpose which is narrower than the policies to which it refers. Furthermore, it may be possible that in future, further policies are defined which similarly refer to “use” within the context of ICANN’s mission and mandate. The proposed language appears to draw a distinction that flows from a specific view about the scope of ICANN’s mandate, and in doing so, falls outside the mandate of the EPDP. It would be inappropriate to attempt to narrow the implementation of existing policies for resolution of domain name disputes by drawing an artificial line through such policies based on the “use” versus “registration” distinction. The correct forum for that debate is in the context of such policies themselves, not here. The scope of such policies should be the guide for definition of this purpose, and the recommendation should be neutral in relation to that	• Brian King; IPC • Lori Schulman Senior Director, Internet Policy; International Trademark Association (INTA) • Brian King; MarkMonitor, Inc., a Clarivate Analytics company	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
	scope, unless there is a compelling reason based in compliance with privacy laws - which is absent here. This purpose must include resolution of disputes pertaining to uses of domain names, because this falls within the mission of ICANN in connection with security, stability, and resiliency of the DNS, and as expressly stated in Annexes G-1 and G-2 of the ICANN Bylaws. The first proposed addition to the purpose statement quotes verbatim the language from the Bylaws. Indeed, domain names can be used to perpetrate threats to SSR, including through leveraging of IP assets to harm consumers/Internet users, and this must be taken into account in this purpose statement. While ICANN is not directly responsible for online content (per Bylaws, art. 1.1(c)), access to registration data to address content-related issues must still be a valid purpose for processing registration data, within the broader SSR related component of ICANN's mission, as expressed in purpose #2, and in connection with the purpose of facilitating communication with registered name holders to resolve technical, legal, and/or administrative issues per the proposed amended version of the purpose #3. (Brian King) INTA is concerned with the narrow and selective reference to the exclusion of processing for this purpose where it relates "use of domain names", which ignores long standing ICANN policies applicable to domain name disputes. ICANN's Bylaws specifically reference policies taking into account the use of domain names as part of ICANN's mission, and in policy as well as practice, UDRP actions depend on a showing of bad faith relating to the use of a particular domain. The approach of the proposed language in the Initial Report may be seen as an attempt to undermine or alter the implementation of ICANN consensus policy in this area. It is therefore essential that this gross oversight be corrected through the inclusion of the language from the Bylaws. As a point of reference, INTA's first proposed addition to the purpose statement quotes verbatim the language from the Bylaws. (Lori Schulman) The language of the recommendation as currently written is not a full and accurate quotation from the ICANN Bylaws, which state, in pertinent part: The topics, issues, policies, procedures and principles referenced in Section 1.1(a)(i) with respect to gTLD [registrars/registries] are:…"resolution of disputes regarding the 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)…" The most commonly-used dispute resolution mechanisms listed above (UDRP and URS) both take into account the use of domain names, so the exclusion of this language as drafted is problematic and must be corrected. (Brian King)		

#	Comment	Contributor	EPDP Response / Action Taken
20.	COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE 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, RRDRP, AND FUTURE DEVELOPED DOMAIN NAME REGISTRATIONRELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY. Eligibility for grant or renewal of a domain name is subject to certain conditions on use. See, e.g., Registrar Accreditation Agreement, sec. 3.7.7.9 (requiring the registered name holder to refrain from using the domain name in a manner that infringes the legal rights of any third party), https://www.icann.org/resources/pages/approved-with-specs-2013-09-17-en#raa; Registry Agreement, Specification 11, sec. 3(a) (providing that the registry operator will require registrars to prohibit registered name holders from engaging in illicit activity, such as "distributing malware, abusively operating botnets, phishing, piracy, trademark or copyright infringement, fraudulent or deceptive practices, [and] counterfeiting), https://newgtlds.icann.org/sites/default/files/agreements/agreement-approved-31jul17-en.html#specification11. Section 1.1 of the ICANN bylaws provides that ICANN's mission includes coordinating the development and implementation of policies with respect to gTLD registrars and registries in the areas described by annexes G-1 and G-2. See ICANN Bylaws, Sec. 1.1(i)(a), https://www.icann.org/resources/pages/governance/bylaws-en/. Annexes G-1, in turn, state that "[t]he topics, issues, policies, procedures and principles referenced in Section 1.1(a)(i) with respect to gTLD registrars" include "resolution of disputes regarding the 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)." Id., Annex G-1 (emphasis added). Purpose #6 should thus reflect the fact that misuse of a domain name is relevant to domain name eligibility, and that collection and processing of data as part of the WHOIS system, including sharing with third parties, is necessary to coordinate, operationalize, and facilitate policies on such eligibility and resolution of disputes.	Neil Fried; The Motion Picture Association of America	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
21.	Delete the words "namely, the UDRP, URS, PDDRP, RRDRP, and future-developed domain name registration-related dispute procedures" and keep all the rest. I'm concerned that the current language is too limiting, as noted earlier in discussion of purpose 3, as there can be disputes directly in the courts, outside the UDRP, URS, and other ICANN-developed policies. Thus, either purpose 3 should be adjusted, or purpose 6 should be adjusted accordingly. By deleting the named policies, this would have the effect of broadening things to resolution of non-ICANN policy disputes.	George Kirikos; Leap of Faith Financial Services Inc.	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

22.	Delete: "PDDRP, RRDRP, AND FUTURE DEVELOPED DOMAIN NAME REGISTRATION RELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY" The processing of registrant data must only be required for processing of disputes against the registrant, not for the processing of disputes **against the registry** or any other party in the ICANN chain of contracts. This is not the case in the proceedings deleted above. Purpose 6 is too broad. UDRP and URS are actions against individual domain name registrants, and for those purposes, assuming a full and valid "John Doe complaint" has been filed with an approved ICANN dispute resolution provider, the identity of the individual registrant can be disclosed to a) the Provider, and b) to the Complainant (who is a trademark owner). Such disclosure serves a balancing of interests as well because absent disclosure of the Registrant contact information so that the Registrant can receive full documentation of the proceeding against his/her/its domain name, along with deadlines and avenues of response and challenge. However the PDDRP and RRDRP are entirely different. These are proceedings against the Registry itself. In the "Trademark Post-Delegation Dispute Resolution Procedure (Trademark PDDRP) (note: the only type of PDDRP that exists), the proceeding is against **the Registry** (not the Registrant). The allegation is as follows: => 'The Trademark PDDRP generally addresses a Registry Operator's complicity in trademark infringement on the first or second level of a New gTLD. At least 30 days prior to filing a formal complaint, a rights holder must notify the Registry of the alleged infringing conduct and express a willingness to meet to resolve the issue. Review the Trademark PDDRP [PDF, 181 KB]." https://newgtlds.icann.org/en/program-status/pddrp To the extent in a PDDPRP that the Registry is also the registrant of domain names used for abuse, it is likely those domain names will be used as part of the pattern of conduct of the Registry. But to the extent that there may be thousands or even millions of innocent domain name registrants within a gTLD accused of complicity with trademark infringement at a registry-scale, there is absolutely no waiver of interest and no relinquishing of privacy for the purpose of pursuit of an arbitration against an entirely different third party (the Registry). Accordingly, processing the personal data of registrants for the purpose of "coordinating, operationalizing and facilitating" a PDDRP dispute between a trademark owner and an ICANN Registry cannot be one which by definition includes the registration data of all registrants -- domain name registrants are not accused in the PDDRP Ditto for the Registry Restriction Dispute Resolution Procedure (RRDRP) which is similarly a proceeding in the New gTLD Applicant Guidebook against the Registry itself and the allegation is	A. Mark Massey; Domain Name Rights Coalition	Concerns **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]

#	Comment	Contributor	EPDP Response / Action Taken
	as follows: => "The RRDRP is intended to address circumstances in which a community-based New gTLD Registry Operator deviates from the registration restrictions outlined in its Registry Agreement." https://newgtlds.icann.org/en/program-status/pddrp The proceeding for an RRDRP, as with the PDDRP above, is expressly against the Registry. In the future, there may be thousands or even millions of innocent domain name registrants completely in compliance with the community-based standards of a community-based gTLD. It is absolutely inconsistent with the GDPR or any notion of registrant privacy and protection to deem all registrants of a gTLD to have consented or in any way agreed to the disclosure of their personal information should the titans (large organizations and registries) fight in a RRDRP. There is no legal basis for the RDDS disclosure of the data of innocent and good faith registrants in a PDDRP or RRDRP proceeding. Further, the gaming implications of such massive and unwarranted disclosures of innocent and good faith registrants in a PDDRP, and especially RRDRP proceeding - are enormous. Under the rules as posited above, the very act of bringing and RRDRP, for example, could then result in a massive disclosure of registrants within an endangered or sensitive community, e.g., .GAY, regardless of who brought the allegation, how valid it was or whether the vast majority of registrants are innocent and good faith. Such a result would be shocking and unwarranted, not to mention prohibited by the GDPR. Note: Registrar-Registrant agreements expressly agree to the cooperation of the registrant in an UDRP or URS action -- an individual action against his/her/its domain name. It would be extraordinary to have such agreement extended to the disclosure for an action against 3rd party, namely Registries! As such, "PDDRP, RRDRP, AND FUTURE DEVELOPED DOMAIN NAME REGISTRATION RELATED DISPUTE PROCEDURES" must be stricken from Purpose 6 above as overbroad and out of scope and inconsistent with the protections accorded under the GDPR. Overall, Authoritative data about the registrant, the registration, and contact details can be required for executing ICANN's dispute resolution policies against the registrant itself. As long as disclosure of the private data is restricted to the parties who need it for this defined purpose of UDRP or URS only, with further limitations on their publication and use, DNRC can support Purpose 6.		

#	Comment	Contributor	EPDP Response / Action Taken
Purpose should be deleted			
23.	DELETE This is not needed--see my response to Purpose 1 above, the primary purpose is "AS SUBJECT TO REGISTRY AND REGISTRAR TERMS, CONDITIONS AND POLICIES, AND ICANN CONSENSUS POLICIES: TO RECORD AND MAINTAIN RECORDS OF THE NAMES AND CONTACT INFORMATION OF DOMAIN NAME REGISTRANTS" which encompasses "COORDINATE, OPERATIONALIZE, AND FACILITATE POLICIES FOR RESOLUTION OF DISPUTES REGARDING OR RELATING TO THE REGISTRATION OF DOMAIN NAMES (AS OPPOSED TO THE USE OF SUCH DOMAIN NAMES), NAMELY, THE UDRP, URS, PDDRP, RRDRP, AND FUTURE DEVELOPED DOMAIN NAME REGISTRATION-RELATED DISPUTE PROCEDURES FOR WHICH IT IS ESTABLISHED THAT THE PROCESSING OF PERSONAL DATA IS NECESSARY."	John Poole; Domain Name Registrant	Divergence **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
24.	[No rationale provided]	Greg Aaron; iThreat Cyber Group	Divergence **EPDP Response:** **Action Taken:** [**COMPLETED / NOT COMPLETED**] – [Instruction of what was done.]
Not designated			
25.	No selection made and no additional comments submitted	• Steve Gobin; Corporate domain name management • Monique A. Goeschl; Verein für Anti-Piraterie der Film- und Videobranche (VAP) • Ashley Heineman; NTIA • Theo Geurts • Ivett Paulovics; MFSD Srl URS Provider • Greg Mounier on behalf of Europol AGIS; Europol Advisory Group on Internet Security • Ashley Roberts; Valideus	**EPDP Response:** none **Action Taken:** none [**COMPLETED**]

#	Comment	Contributor	EPDP Response / Action Taken
		• Renee Fossen; Forum - URS and UDRP Provider • Stephanie Perrin • Fabien Betremieux; GAC	