

Adobe Connect: 14 Members

Ayden Férdeline (NCSG) (Observer)
Benedict Addis - SSAC
Brian King (IPC)
Chris Lewis-Evans (GAC)
Hadia Elminiawi (ALAC)
James Bladel (RrSG)
Kristina Rosette (RySG)

Kurt Pritz
Leon Sanchez (ICANN Board Liaison)
Marc Anderson (RySG)
Rafik Dammak (GNSO Council Liaison)
Sarah Wyld - Tucows
Steve DelBianco (BC)
Thomas Rickert (ISPCP)

On Audio only: Amr Elsadr (NCSG)

Guest: Gina Bartlett (CBI)

View Only Adobe connect: 15

Apologies:

Alex Deacon (IPC)
Mark Svancarek (BC)

Ashley Heineman (GAC)
James Blade (RrSG - joined for first 2 hours)

Staff:

Marika Konings
Trang Nguyen (ICANN Org Liaison)

Berry Cobb
Terri Agnew

Terri Agnew: Welcome to the GNSO Temp Spec gTLD RD EPDP - Small team B on Tuesday, 08 January 2019 at 14:00 UTC for 2.5 hours.

Terri Agnew: agenda wik page: <https://community.icann.org/x/zIsWBg>

Thomas Rickert (ISPCP): Hi all!

Brian King (IPC): Hi all!

Rafik Dammak (GNSO Council Liaison): hi everyone, thanks for attending

Marc Anderson (RySG): Also, please note - Kristina Rosette will be the primary RySG representative for group B but is running late this morning so I am filling in until she is able to join.

James Bladel (RrSG): We need alternate forms for small teams? seriously?

Hadia Elminiawi - ALAC: Hello all

Kristina Rosette (RySG): Hi. I'm on!

Terri Agnew: finding the line

Leon Sanchez: Hello everyone, my apologies for lateness

Benedict Addis - SSAC 2: Hello!

Marika Konings: The PCRT for purpose 3 can be found here:

https://community.icann.org/download/attachments/102139731/gnso-EPDP-pcrt-Initial-Report-PURPOSE3_20181228.docx?version=1&modificationDate=1546041604000&api=v2

Kristina Rosette (RySG): This chart is really helpful, but would have been more helpful to receive in advance.

Marika Konings:@Kristina - the chart is intended to facilitate the deliberations during the call. We didn't send it in advance to prejudge the EPDP Team's consideration of the full comments. As such, if there are any concerns missing from the list, please make sure to flag those.

Marika Konings:to NOT prejudge

Kristina Rosette (RySG):@Marika - understood. I'm glad I quit working on my own version at midnight, though.

Rafik Dammak (GNSO Council Liaison):1 minute left

Berry Cobb 2:Just unsynced.

Kristina Rosette (RySG):have to restart my computer, but will be on phone.

James Bladel (RrSG):old hand, sorry

Terri Agnew:We are back on audio

Steve DelBianco [BC]:Thomas -- if you are proposing text that is not in the pub comment doc, please just enter in this chat

Brian King (IPC):Agree with Steve, and I think Thomas made some good points.

Benedict Addis - SSAC:+1 Thomas

Thomas Rickert (ISPCP):Hi Steve, happy to: Enable communication with the RNH on matters relating to the RN.

Benedict Addis - SSAC:no and/or

James Bladel (RrSG):I can hear

Benedict Addis - SSAC:Specific != exhaustive

Thomas Rickert (ISPCP):AFAIAC issues / matters relating to the registered domain name would pass muster re specificity.

Steve DelBianco [BC]:Enable communication with the RNH on technical, administrative, and legal matters relating to the RN.

Steve DelBianco [BC]:how is it "overly specific" to add 3 words describing the purpose of communication?

Benedict Addis - SSAC:+1 Ame

Benedict Addis - SSAC:Amr!

Thomas Rickert (ISPCP):Steve, is legal, technical and administrative even exhaustive? That is a serious question. I would rather keep this as open as possible to cover communication relating to the domain name.

Thomas Rickert (ISPCP):That is why I prefer to not mention it but have it open.

James Bladel (RrSG):And future PDPs could reference this purposes by stating that new purposes are "out of scope". We need to future proof this Purpose.

Brian King (IPC):+1 Steve

Brian King (IPC):I'll lower my hand as that was my point as well

Steve DelBianco [BC]:Enable communication with the RNH on matters relating to the RN.

Chris Lewis-Evans (GAC):+1 Steve

Brian King (IPC):Thanks Thomas for getting us started down this productive path.

Thomas Rickert (ISPCP):Thanks for that pragmatic approach, Steve. I understand we will run this by external counsel anyway so they can raise issues, if any.

Thomas Rickert (ISPCP):...and thanks Brian for your kind note.

James Bladel (RrSG):@Steve - are you ok with "and/or their designated agent"?

Brian King (IPC):I would prefer "and their designated agent" vs. "and/or"

James Bladel (RrSG):@Brian - that works too

James Bladel (RrSG):wait...what if they don't designate anyone? Should it be "or their designated agent"?

Steve DelBianco [BC]:@James, yes

Steve DelBianco [BC]:is this where we are now? Enable communication with the RNH and their designated agent on matters relating to the RN.

Marika Konings:This is the current rewording I have taken away from the comments and interventions:
Proposed rewording: Enable communication with the Registered Name Holder or their designated agent on matters relating to the Registered Name

Benedict Addis - SSAC:I'd prefer not to mention the agent. I'm swayed by the legal argument that they can nominate a representative who stands for them, but we don't need to recognise this in the wording.

Brian King (IPC):+1 Benedict, perhaps we can agree on language for this Purpose without recognizing the concept here

Brian King (IPC):Common sense that the same Purpose would apply to the delegated agent, if the RNH is legally allowed to do so.

Brian King (IPC):(common sense meaning, we needn't say it here)

Steve DelBianco [BC]:so Amr, what language are you now supporting?

Benedict Addis - SSAC:+1 James

Brian King (IPC):+1 James we can throw it overboard for this Purpose

Marika Konings:So would it make sense to recommend this language to address all the comments:
"Enable communication with the Registered Name Holder on matters relating to the Registered Name".

Brian King (IPC):+1 Marika

Benedict Addis - SSAC:Happy.

Thomas Rickert (ISPCP):Happy!

Kristina Rosette (RySg):Process question: What about the other four comment categories? Do we need to address them briefly?

Marika Konings:@Kristina - I understood from Thomas's intervention that the proposed rewording is expected to address most/all comments?

Thomas Rickert (ISPCP):Except for two.- That is why I raised my hand.

Marika Konings:If there are further comments that provide new information that needs to be considered, please make sure to call this out.

Leon Sanchez (ICANN Board Liaison):I will need to log off and log in back again. Will come back soon

James Bladel (RrSG):So long as it's understood that "notification" is covered under "communication"

Berry Cobb 2:@Kristina and all - the only other comment we may want to touch on is that of John Poole. All other issues appear to be addressed.

Berry Cobb 2:Thank you Thomas.

Brian King (IPC):+1 Thomas

Kristina Rosette (RySg):Thank you, Thomas. +1

Berry Cobb 2:It should also be noted, that we are not doing a consensus call yet. The groups should strive to seek agreement, even in cases where one group might not be in agreement. Note that when we do approach a consensus call, groups in opposition are allowed to provide a minority statement that will be considered along with the Final Report.

Benedict Addis - SSAC:I have reviewed John Poole's comment and disagree that it is covered by Purpose 1.

Berry Cobb 2:@Benedict. Thanks. We've noted that in the PCRT.

Kristina Rosette (RySg):People, we are one hour into the call. We need to move on.

Marika Konings>Please note that this is a purpose for the processing of registration data, this is not about whether or not a RNH can or cannot delegate his/her responsibilities.

Benedict Addis - SSAC:Agreed.

Brian King (IPC):Agreed

Benedict Addis - SSAC:Would "legitimate communication" satisfy NCSG?

Kristina Rosette (RySg):Before we move on to #16, can we please have staff re-enter the agreed on text into the chat?

Kristina Rosette (RySg):roughly agreed upon

Marika Konings:Enable communication with the Registered Name Holder on matters relating to the Registered Name.

Marika Konings:Enable legitimate communication with the Registered Name Holder on matters relating to the Registered Name.

Steve DelBianco [BC]:"legitimate" opens an entirely new discussion of what basis

Brian King (IPC):+1 Steve let's leave as is

James Bladel (RrSG):Agree with Benedict and Steve. Let's not introduce this concept here

Kristina Rosette (RySg):let's leave it as is, please.

Marika Konings:Back to: Enable communication with the Registered Name Holder on matters relating to the Registered Name.

Thomas Rickert (ISPCP):Let's please not go the "legitimate" route. Can of worms alarm

Benedict Addis - SSAC:Agreed.

Berry Cobb 2:Rely on the law, and ICANN's own bylaws that limits its mission and scope to the allocation and activation of domain names.

Brian King (IPC):Great job, team!

Kristina Rosette (RySg):We did, as far as I can tell.

Benedict Addis - SSAC:C-O-N-S-E-N-S-U-S

Thomas Rickert (ISPCP):Great job! One down

Rafik Dammak (GNSO Council Liaison):5 minutes

Terri Agnew:5 minute to go over table (there will be silence)

Rafik Dammak (GNSO Council Liaison):@Terri we can add some music :)

Marika Konings:table and PCRT (if not done so previously)

Marika Konings:PCRT for Rec #16 can be found here:

https://community.icann.org/download/attachments/102139731/gnso-EPDP-pcrt-Initial-Report-REC17_20181231.pdf?version=1&modificationDate=1546556848000&api=v2

Rafik Dammak (GNSO Council Liaison):1 minute left

Kristina Rosette (RySg):Steve - we understand the details. This was previously discussed.

Kristina Rosette (RySg):Margie has raised it repeatedly.

Steve DelBianco [BC]:Add a Recc to the RPM groups: That they consider allowing disclosure requests for of a limited number of registrants prior to filing a URS or UDRP when there is a good faith belief that the registrants are acting in bad faith and there is an demonstrable connection between the registrants.

Kristina Rosette (RySg):yes.

Marika Konings:so the new aspect here is that it is not the EPDP Team makes this recommendation, but that the specific question is forwarded to the RPM WG?

James Bladel (RrSG):Agree with Kristina, this was debated at length during the development of the Initial Report, and we shouldn't try to tack it on here.

Steve DelBianco [BC]:Rafik. This Recc is about asking Council to instruct the RPM groups.

Brian King (IPC):EPDP Team also recommends that the GNSO Council instructs the review of all RPMs PDP WG to consider, as part of its deliberations, whether there is a need to develop policy around pre-filing registrant disclosure requests for of a limited number of registrants when there is a good faith belief that the registrants are acting in bad faith and there is an demonstrable connection between the registrants.

Brian King (IPC):This is what we'd like

James Bladel (RrSG):limited number? Like 3? Or 500?

Brian King (IPC):James, we agreed (against our wishes) that we wouldn't work on deciding that policy here

Steve DelBianco [BC]:Yes, Amr

Brian King (IPC):I lost Amr's audio

Benedict Addis - SSAC:One hour left. Can we move on?

Terri Agnew:Amr is back on audio

Brian King (IPC):Rafik see my note above for the additional language we request

Brian King (IPC):please :-)

Marika Konings:Note, this was the wording proposed by Brian: EPDP Team also recommends that the GNSO Council instructs the review of all RPMs PDP WG to consider, as part of its deliberations, whether there is a need to develop policy around pre-filing registrant disclosure requests for of a limited number of registrants when there is a good faith belief that the registrants are acting in bad faith and there is an demonstrable connection between the registrants.

Marika Konings:James, does this language meet your criteria, or you have concerns about this language?

Rafik Dammak (GNSO Council Liaison):sorry Brian, catching up :)

Brian King (IPC):all good!

James Bladel (RrSG):Ultimately I guess I'm proposing we stick with (essentially) the existing language.

Marika Konings:the existing language does not specifically call out the issue of pre-filing disclosure?

Steve DelBianco [BC]:not really, Marika. Unless we believe that "domain name(s) at issue" is multiple names ??

Steve DelBianco [BC]:to clarify, any disclosure request made by a complainant to a CPH involves disclosing to the complainant

Brian King (IPC):That will definitely help, thanks Berry.

Steve DelBianco [BC]:Sure

Brian King (IPC):Makes sense

Kristina Rosette (RySg):Great idea, Amr.

Brian King (IPC):Let's get agreement on another one before we finish today

Brian King (IPC):-)

James Bladel (RrSG):so Small Group B just spawned Smaller Group B?

Steve DelBianco (BC):more than that, Rafik. We have consensus support for Recc 16 as written .

Brian King (IPC):Mini Group B

Terri Agnew:5 minute to go over table (there will be silence)

Brian King (IPC):True, Steve!

Rafik Dammak (GNSO Council Liaison):@James no spwan

Kristina Rosette (RySg):For the record, the concern noted on the summary sheet accounts for 1.2% of responses (according to the handy, dandy, colored pie chart in the PCRT).

James Bladel (RrSG):FYI, I'll need to drop in 10 min. Sarah Wyld is ready to step in. Thx all!

Rafik Dammak (GNSO Council Liaison):thanks James

Kristina Rosette (RySg):stepping away for a few minutes.

Hadia Elminiawi (ALAC):I am finally back on adobe

Rafik Dammak (GNSO Council Liaison):1 minute left

James Bladel (RrSG):Can we ask Staff to play the theme from "Jeopardy" during those breaks? Thx.

Steve DelBianco (BC):Louder, please, Brian

Marika Konings:Thanks, Brian. Any link or reference you could provide so we can include it in the response?

Rafik Dammak (GNSO Council Liaison):techops?

James Bladel (RrSG):Handing over to Sarah now. Thanks all....

Rafik Dammak (GNSO Council Liaison):thanks James

Hadia Elminiawi (ALAC):with regard to purpose 3 - I agree on removing the delegated agent with the understanding that it goes without saying the purpose applies to the designated agent and that this has nothing to do with removing or keeping second contacts

Brian King (IPC):https://urldefense.proofpoint.com/v2/url?u=https-3A__bestpractice.domains_&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSfPcIgmKXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=05p4gWuK9qXjAS94qvFVgjt0YQHJzKgORGDKIVtS-NU&s=f1CG8hvB7rWOpVGPdN3RSzPdrpVRp1oWzHdCtF7Nq7I&e=

Brian King (IPC):https://urldefense.proofpoint.com/v2/url?u=https-3A__docs.google.com_document_d_1MfbvbhXnT1aA4iQfxcVoNyLkjb3trMAwJdBKK2reyfs_edit&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=DRa2dXAvSfPcIgmKXhFzL7ar9Qfqa0A1gn-H4xR2EBk&m=05p4gWuK9qXjAS94qvFVgjt0YQHJzKgORGDKIVtS-NU&s=9dx6KDKt0tySyaV3rr2y35ZnIExXX6_MVGzLZX5pf9M&e=

Marika Konings:Thanks Brian!

Brian King (IPC):Sure!

Terri Agnew:5 minutes to go over table (there will be silence)

Rafik Dammak (GNSO Council Liaison):@Brian we make more than 1 :)

Hadia Elminiawi (ALAC):@Rafik Let's point out though to the work that is going on in this regard as you just mentioned

Marika Konings:PCRT for this purpose can be found here:

https://community.icann.org/download/attachments/102139731/gnso-EPDP-pcrt-Initial-Report-Purpose_5%2020181228.pdf?version=1&modificationDate=1546554594000&api=v2

Kristina Rosette (RySg):[hums Jeopardy theme to herself]

Rafik Dammak (GNSO Council Liaison):1 minute to go

Steve DelBianco (BC):do we have new text to consider, or still discussing concerns ?

Kristina Rosette (RySg):We may need to come back to this one on Thursday. I'm happy to put together a chart that sets out the specific requested changes and tries to identify a compromise

Brian King (IPC):That would be really helpful, Kristina.

Brian King (IPC):FWIW, IPC supports the concept of a data processing agreement in some form between CPs and ICANN

Hadia Elminiawi (ALAC):There is no opposition to what Kristina said, but without a proposed text there is nothing to discuss

Terri Agnew:5 minutes to review (there will be silence)

Leon Sanchez (ICANN Board Liaison):I have to leave the call now. My apologies for not being able to stay till the end. Talk to you all soon

Steve DelBianco (BC):Recc 10 has a lot of complex comments to consider. Gogin to be challenging

Marika Konings:it may be worth identifying which concerns require further consideration so that the small team members can focus on those for Thursday's meeting, and note which ones have already been considered or are not considered within scope?

Thomas Rickert (ISPCP):Good news is that noone seems to object to the concept of contactability

Rafik Dammak (GNSO Council Liaison):1 minute left

Sarah Wyld - Tucows (RrSG Alt):Thomas - some think it should be optional instead of mandatory

Sarah Wyld - Tucows (RrSG Alt):but yes , not objecting to the whole concept

Thomas Rickert (ISPCP):Right, Sarah!

Thomas Rickert (ISPCP):So issues at hand seem to be: What technical service, run by whom and whether mandatory or not.

Sarah Wyld - Tucows (RrSG Alt):+1 Thomas

Thomas Rickert (ISPCP):Mandatory in two dimensions: for registrar and also for registrant

Thomas Rickert (ISPCP): Maybe we can structure our debate along those points
Thomas Rickert (ISPCP): That should cover all contentious points as far as I can see
Benedict Addis - SSAC: Some comments also want email address as an identifier, to (for example) correlate malicious activity.
Steve DelBianco (BC): Right, Benedict
Thomas Rickert (ISPCP): Benedict - that would equal disclosure, which is problematic, isn't it?
Sarah Wyld - Tucows (RrSG Alt): +1 Thomas
Sarah Wyld - Tucows (RrSG Alt): Agreed - identification is not part of this purpose, we need to focus on the communication mechanism
Kristina Rosette (RySg): your sound quality is not great, Brian.
Kristina Rosette (RySg): ok. now non-existent. just me?
Brian King (IPC): I muted and finished
Brian King (IPC): I'll call my ISP after this :-)
Sarah Wyld - Tucows (RrSG Alt): I don't think we can agree to publicly disclose the email address in order to facilitate this communication,
Hadia Elminiawi (ALAC): @Thomas No that does not necessarily mean disclosure
Terri Agnew: I was able to hear Brian clear and all others at this time
Steve DelBianco (BC): seems like this one needs to go to the plenary?
Brian King (IPC): Thanks Terri.
Brian King (IPC): Yes I think it needs to go to plenary
Brian King (IPC): There is a lot to unpack
Brian King (IPC): Thanks, all.
Sarah Wyld - Tucows (RrSG Alt): Thanks everyone!
Brian King (IPC): Nice job Rafik
Brian King (IPC): ttyl
Chris Lewis-Evans (GAC): Thanks all
Hadia Elminiawi (ALAC): Thank you Rafik and all
Thomas Rickert (ISPCP): Thanks, Rafik and all!