
KIM CARLSON: The recordings have started.

STEPHEN DEERHAKE: That's a lovely dis-involved voice, but we'll go with it. All right. Okay. Can I say good morning, good afternoon, good evening, and a good late night or early morning depending on where you are, as always.

For me, at least, whenever our [inaudible] support, it's a decent time of the day. Although it is affecting our dinner schedule. And I do appreciate that it's a very late night or a very early morning for those of you who cluster around the zero meridian, i.e. our European friends.

And a good meeting, of course, for us here in the Pacific region. In any event, I do thank you for joining this teleconference.

I would like to note that we are without Bart for this call just by way of information. We are also ... We have apologies, I know, from the Vice-Chair, Eberhard Lisse, and I believe a couple other participants. Kim, do you have details on who else is not joining us this evening?

KIM CARLSON: Yeah. I'm sorry. I put those names in the chat. Peter Van Roste, Peter Vergote, Eberhard, and Kristina.

STEPHEN DEERHAKE: Excellent. Okay, thank you. So as you know, we are now using Zoom rather than Adobe Connect for the teleconference and this will be the

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case going forward I believe, although I have not gotten formal advice to that effect. But I believe that's the case.

It's going to be a bit of a learning curve for us all, but in the long run, I think it will prove to be a superior solution to do Adobe Connect and [inaudible] audio capabilities I've been playing with on the sidelines seem to be vastly superior.

So we do have some issues regarding management of hands being waved and so on and so forth, and trying to sort out who's first in the queue, second in the queue, etc. So we'll do our best here to deal with that.

I also would like to note that Zoom is a bit time sensitive with respect to showing us what is in the chat and that means that anything in the chat that is present prior to joining the call will not be available to you, so if you're scratching your head over something that's going on, it's because you probably got in a little bit late and didn't see the front end of whatever that discussion is.

In any event, please be patient with us as we adopt this working group to using Zoom. My understanding is what we're going to be using going forward. So thank you for your cooperation with this.

I don't think we have any administrative announcements. Correct me if I'm wrong, either Bernard or Kimberly, but I don't believe that's the case.

BERNARD TURCOTTE: Not that I'm aware of, Stephen.

STEPHEN DEERHAKE:

Not that I'm aware of as well. Thank you.

So I think what we're going to do then is jump back into a revised version of the draft policy that we discussed during our last call that Bernard put together, and thus, I'll be turning over the bulk of the teleconference to Bernard who will walk us through the revised text which was posted a day or so ago. Thank you, Kimberly, for putting that up.

Keep in mind nothing's going to be cast in concrete on today's call. We just need to get further down the road, get a better ... Get our heads wrapped further around this with an eye towards getting some aspects of it finalized on our next call, which is the call before our actual face-to-face in Kobe. We certainly would like to make some progress here and on the next call so that in Kobe, we would be able to nail some stuff down.

And with regards to Kobe, I hope you all can make it. As many as you can make it, make it. Let's put it that way. And I just want to remind you that I will have the keys to the room and I can lock the doors and we will stay until we get something done. Let's put it that way. Just kidding, of course.

So I think without further ado, I will give the floor to Bernard and let him walk us through the current iteration of the policy document. So Bernard, you've got the floor. Thank you, sir.

BERNARD TURCOTTE: Thank you. If you can't get the ceiling, take the floor. All right.

STEPHEN DEERHAKE: Yeah.

BERNARD TURCOTTE: Welcome, everyone. I see Nick has a hand up, so maybe we can go there first.

STEPHEN DEERHAKE: Wow, already.

NICK WENBAN-SMITH: This one's proof that I'm awake.

STEPHEN DEERHAKE: It's all about [inaudible].

NICK WENBAN-SMITH: No, no. That's a low blow and that's not fair.

STEPHEN DEERHAKE: Sorry. [Inaudible]

NICK WENBAN-SMITH: Actually, I just wanted ... Just in terms of the Kobe whether there was a time slot yet allocated for the PDP meeting. I've been looking and struggling with the schedule for Kobe, but I'm trying to organize my diary a bit and I wondered if we had a meeting slot for the PDP meeting.

STEPHEN DEERHAKE: Yes, we do. We do, we do, we do. Here we go. I think I found it. Yes, I found the right ... Yes. Hold on. It's upside down. We are scheduled on Day 1, Saturday, 9 March, beginning local time 15:15 with a break at 16:45 to 17:00 and then we have another block five, 17:00 to 18:30.

So we are on deck in Kobe on Saturday, 9 March from 15:15 local time to 18:30 local time. I don't know the room. But that's where we are and that's where we will be. Does that work for you?

Nick? Anyone?

NICK WENBAN-SMITH: Yeah, it works for me and I think it's similar to the same time slots that we had in Panama and [inaudible].

STEPHEN DEERHAKE: Yeah, we did it early. I'm kind of liking the idea of getting us early in the week where we can bang stuff out and then I can report to the various SO/ACs because there is interest.

NICK WENBAN-SMITH: I think that makes a lot of sense and yeah, just for some people who are trying to work out whether or not they need to be there first thing on Saturday, it's an important decision in terms of booking flights.

STEPHEN DEERHAKE: Yeah, especially with time zone and trying to adjust.

NICK WENBAN-SMITH: It's not a straight-forward journey from Europe to Kobe.

STEPHEN DEERHAKE: Kobe is far away from all of us except those of us who live in Japan. Let's put it that way.

NICK WENBAN-SMITH: Yeah. You'll get me onto farther [inaudible] and far away looks more big close up.

STEPHEN DEERHAKE: Yeah.

NICK WENBAN-SMITH: So yeah. Just one of those things that is useful to ... And actually, I don't know how possible it is, but for future meetings, to be less than a month before the actual meeting to know whether the meeting happens on the first day when there's nothing much else that we need

to be there for. It's useful to know as soon as possible whether or not it is definitely going ahead.

STEPHEN DEERHAKE: Okay, Nick. I apologize for that because that actually has been known. This is communication failure. I appreciate that and yeah, going forward, we will, I will endeavor to get that out as quickly as possible once it's finalized. You're right. That's a screw-up. I apologize for it. It's one of those things where I know it because I'm on Counsel, etc. We're discussing schedule and so on. But yeah, working group members wouldn't be privy to that scheduling information until just now so I do apologize both to you and to the entire working group. That will not happen again.

NICK WENBAN-SMITH: Okay. We'll hold you to that.

STEPHEN DEERHAKE: Yeah. Do so. Thank you and I do apologize.

NICK WENBAN-SMITH: Carry on, Bernard. I didn't mean to take up that time.

STEPHEN DEERHAKE: Bernard, I think it's yours.

BERNARD TURCOTTE: Okay, back to my floor. Okay. As posted in the e-mail, we're talking about a significant rewrite. I thought given all the comments and trying to integrate them, I started out with some piecemeal track change edits but that just wasn't going to do. So what the hell? It was just the first version. We weren't approving it. So I decided to go for it.

So let's move on. It's lovely Valentine's Day. My wife has just brought me a glass of wine. All right.

STEPHEN DEERHAKE: It's needed.

BERNARD TURCOTTE: This is new for me. I don't know how to navigate. Can I go to the next page or can someone show me how to do that?

STEPHEN DEERHAKE: Kim can.

BERNARD TURCOTTE: Okay, so this part, there were just the minor corrections. Starting in line 16 we did a bit more editing to match up to the comments that were made. The ISO 3166-1, I think the app was being very specific about that, as well as Kim, list is dynamic and country codes are added and removed on a regular basis. When a new country code is added, a ccTLD can be added via the standard delegation process by the IANA Naming

Functions Operator or PTI. I hope I got that comment correct, Kim. If not, you can beat me up on that.

However, as was identified in 2011, by the ccNSO Delegation Redefinition Working Group, there is no formal policy available for the removal of a ccTLD from the root when a country code is removed from the ISO 3166-1 list of country names. So I think that weaved in all the comments and corrections that were needed before we move on to policy objective.

Any questions or comments?

Not seeing anything, let's move on to policy objective, and if I move too fast, don't be scared. Put up your hand. We can go back.

Oops, too far for me. Okay, policy objective. The objective of the policy is to provide clear and predictable guidance and to document a process that is orderly and reasonable from the time a country code is ... Next slide, please.

STEPHEN DEERHAKE: Next page, Kim.

BERNARD TURCOTTE: Remove from ... I've got this gray block there so I can't read it properly.

STEPHEN DEERHAKE: Yeah, I have a gray block as well. Can we actually take a time out? Kim, can you ... What is this little? I guess everybody else is seeing it as well. Yes, that. What is that gray block? Can we make that go away?

KIM CARLSON: Hang on a sec. Do you see it all now?

STEPHEN DEERHAKE: I see your pointer. Well, you were there but now you're not. But line 25 is [redacted], shall we say, in the [inaudible] Special Counsel. So it says, line 25, I read, "Remove from" and then there's this big black blob. It was there on previous screens as well.

Ah, brilliant. Thank you. Carry on.

BERNARD TURCOTTE: Let's document that so that we don't have to hunt for it next time.

STEPHEN DEERHAKE: Yeah, love that. Thank you for making that go away.

BERNARD TURCOTTE: Line 25, remove from the ISO 3166-1 list of country names up and to, but excluding the removal of the ccTLD from the Root Zone. And we've got the appropriate footnotes there. Before we move to the next section, questions? Comments?

STEPHEN DEERHAKE: Yeah. I urge everyone to pay attention to those two footnotes. Not hearing any question about them, go ahead. Carry on, Bernard.

BERNARD TURCOTTE: All right, line 27, applicability of the policy. This is where we did some major surgery but I think it has worked out to clarify things. This policy is applicable to all ccTLDs which are managed by a functional manager and whose country code is removed from the ISO 3166-1 list. If a ccTLD's country code has been removed from the ISO 3166-1 list and it does not have a functional manager, the policy for the retirement of a ccTLD is not applicable and PTI cannot transfer responsibility to a new manager according to its standard process.

This set of circumstances would create a deadlock situation which would prevent PTI from ever removing the retiring ccTLD from the root. To avoid such a deadlock and only under these specific conditions, this policy allows PTI to proceed with the transfer of responsibility for the retiring ccTLD to establish a functional manager for the ccTLD for the purpose of retiring the ccTLD. It's a little redundant, but we're trying to make things very, very clear. Such a transfer should follow the standard PTI process for such transfers where possible.

And I have a hand from Nick, so let's go there.

NICK WENBAN-SMITH: So you have to be patient with me because it's quite late here.

BERNARD TURCOTTE: No worries.

NICK WENBAN-SMITH: So just the applicability of the policy, I know we touched on this before in terms of this is obviously an ICANN/ccNSO policy and just looking at 28, this policy is applicable to all ccTLDs, which are managed by a functional manager. Are we saying that this policy then bites on all ccTLDs whether or not they're members of the ccNSO or any other ICANN affiliation? Is that what we're saying?

BERNARD TURCOTTE: Stephen, I'll send that over your way.

STEPHEN DEERHAKE: Yeah, I knew you would. Nick, I appreciate you staying up late.

NICK WENBAN-SMITH: Right.

STEPHEN DEERHAKE: Let's not [inaudible]. No. The reality is policy development [inaudible] [ccNSO] can only apply to [inaudible] subscribe to and become part of the ccNSO. The larger issue is unresolved.

If you've got a CC that's outside of, has never participated in the ccNSO and the ICANN biosphere, so to speak, and they get removed, very good question. I think that's one for various courts to decide, not us.

NICK WENBAN-SMITH: Well, look ...

STEPHEN DEERHAKE: We are working on policy for the ccNSO, describing how we should, as members, etc. subscribe and behave. I think it's probably the best way to put it, Nick. I don't know what else to say.

NICK WENBAN-SMITH: Well, look. We're all friends here and I'm asking this question in the spirit of trying to explore some of the boundaries. The fact is that other people when they see this policy written are going to ask. They're not more stupid than we are. They're going to ask these same questions and we should have credible and plausible and consistent answers to these sorts of fairly obvious questions.

So I just put it down there because I don't know what the answer is myself and it's just something that we do need to have an answer for.

STEPHEN DEERHAKE: No, I fully respect that. I don't have an answer for it. My view at this point is that this is policy that's being put in place for ccNSO members. If a ccNSO member comes to a point in time where the ISO does something to upset their delegation, they could withdraw from the ccNSO. Whether this policy would still apply to them or not is up for grabs at this point. I don't know.

NICK WENBAN-SMITH: Look. Okay, so if it only applies to ccNSO members, could I avoid this policy even if I'm a member of the ccNSO? If I see this is coming, I retire from the ccNSO. Does that mean I just walk away from it and it doesn't apply to me anymore?

STEPHEN DEERHAKE: I would argue yes and that as a result, where you would end up is in courts and I don't know which court, whether it's California, whether it's U.S. at all, whether it's UK, European, whatever. I don't know.

NICK WENBAN-SMITH: So the way that in my mind's eye, I look at this is that this policy protects ccNSO members because you have a minimum of five years and maybe up to ten years to have an orderly retirement and if you're not a member of the ccNSO or you don't sign up to this sort of policy, you are totally at the whim of PTI or whoever, that as soon as you're taken off the 3166 list, that could be it. The next day, you're off where at least in this situation, you have five years. So there should be some sort of benefit or protection from being in the membership.

STEPHEN DEERHAKE: Yeah. I agree with you quite rightly that there is "protection" with regards to the timeframe if you are "a member". But even if you're not, I would be shocked if you're not a ccNSO member, never participated in any ICANN stuff and you're dropped off one day by the ISO guys from the list and that ICANN/IANA/PTI the next day says, "We're going to kill

you.” Nope, I don’t see that. I think this is something for Kim Davies to weigh in on.

NICK WENBAN-SMITH: Well, look. It’s just the wording 28 and 28, “This policy is applicable to all ccTLDs,” we’ve had this conversation. That wording doesn’t sit right with that.

STEPHEN DEERHAKE: All right, duly noted. I cannot be the final arbiter of that. Bernard, do you want to take note of this and I guess go forward.

BERNARD TURCOTTE: Already noted and in the notes for the meeting.

STEPHEN DEERHAKE: All ccTLDs, I think this is something. Nick, I think this is brilliant to bring up in the face-to-face at Kobe where we really need to hash this out and we will have Kim Davies there as well. So that works for you?

NICK WENBAN-SMITH: Yes. I’m just speaking out loud, really, because we are talking it through. I’m reading the words.

STEPHEN DEERHAKE: No, that’s what we’re doing here.

NICK WENBAN-SMITH: And I've got some questions which I think anybody who's reasonably smart looking at the words, would have the same questions.

STEPHEN DEERHAKE: No, that's fine and we've got you up late at night too. So you're engaged in this, so I thank you for that. Thank you, Nick. Let's carry on then I think. It's duly noted. I think we'll have a real showdown on that language in Kobe. So Nick, if that's good with you, can we carry on?

NICK WENBAN-SMITH: Yes, of course. Carry on.

STEPHEN DEERHAKE: Cheers. Thank you.

BERNARD TURCOTTE: And very good point. It may cause an expansion. It may also be fixed fairly easily in changing in from all applicable ccTLDs to all ccTLDs which are members of the ccNSO. But we will get there.

All right. Any other questions on applicability? It doesn't seem like it. Let's move to the next page, please.

Retirement process, so this is the one that changed significantly. Expectations. Is the expectation that there will be cooperation between PTI and the manager of the retiring ccTLD to ensure an orderly

shutdown of the registry which takes into consideration the interest of its registrants and the stability and security of the DNS? For one, any comments?

STEPHEN DEERHAKE: [Inaudible] silence.

BERNARD TURCOTTE: For two, notice of retirement. Once PTI ... Oh, I see Peter has his hand up. Peter?

PETER KOCH: Thank you, Bernard. At the risk of being picky after midnight, I'm not sure that the registry actually has to shut down. We probably should talk about the ccTLD that is going to shut down. The registry might continue to exist depending on how we define these terms.

STEPHEN DEERHAKE: Peter, you raise a really good point.

BERNARD TURCOTTE: All right, taking a note on that. Good point. Thank you, Peter.

STEPHEN DEERHAKE: Yeah. Can we [noogle] that in because ...

BERNARD TURCOTTE: Yeah. Noted.

STEPHEN DEERHAKE: Thank you, Bernard. Thank you, Peter. Carry on.

BERNARD TURCOTTE: All right. Anything else on 4.1? All right, 4.2, notice of retirement. I see a lot of chat traffic and in reading, I can't keep up with that so I'll ask Stephen to keep up with that.

STEPHEN DEERHAKE: I'm trying to.

BERNARD TURCOTTE: Okay. Once PTI has been informed and confirmed that a country code has been removed from the ISO 3166-1 list and that PTI has also confirmed that the ccTLD has a functional manager, it shall promptly notify the manager of the ccTLD that the ccTLD shall be removed from the Root five years from the date of this notice of retirement unless the retirement plan, which is mutually agreed to by the manager and PTI stipulates otherwise and is in accordance with the retirement policy.

So we expanded this a bit because the previous version stopped after the five years and then we sort of presumed that people would understand that if there's a retirement agreement, we can change that so now we've specified it.

In conjunction with the notice of retirement, PTI will inform the manager that it is expected but not mandatory to produce a mutually agreeable retirement plan for the ccTLD. PTI should include with a notice, a document describing the reasonable requirements it expects of a retirement plan, and that PTI will make itself available. Next page, please. Kim? I need page five. Ah, there.

STEPHEN DEERHAKE: Thank you, Kim.

BERNARD TURCOTTE: Make itself available to the manager to assist in the development of such a plan should the manager request. The notice should also clearly state that if the manager does not produce a mutually acceptable retirement plan within the prescribed timeframe described in the following sections, that the ccTLD will be removed from the Root five years from the date the notice of retirement was sent by PTI to the manager of the retiring ccTLD.

If the manager intends on producing a retirement plan, it should formally communicate this to PTI within 30 calendar days of PTI having sent the notice of retirement to the manager of the retiring ccTLD.

All right, I see Nenad has a hand up.

STEPHEN DEERHAKE: How do you see these? Because I don't.

NENAD ORLIĆ: Hi. Can you hear me?

BERNARD TURCOTTE: Very well.

NENAD ORLIĆ: I'm not sure if you managed to see my comments. I sent them just a few hours ago.

BERNARD TURCOTTE: Yes. You are suggesting 60 calendar days. I took note of that. I personally don't have a problem with that.

NENAD ORLIĆ: Yeah. For the practical reasons, it needs to be communicated inside the ccTLD manager and it's a different structure. So it should be a little more time. And the other thing is, I'm speaking this from experience we had with the retirement of the dot-YU domain and that is the lines of communication should be clear from the moment one.

For example, we had a person delegated by the managing board to communicate with ICANN about this and ICANN continued communicating with the person who was listed as administrative contact for the domain. It produced some issues. So basically, it needs to be clear when you say a ccTLD manager, it's a very wide definition. Basically, if it's academic, if it's NGO, there are different types of

organizational structure of ccTLDs and it needs to be clear who is being communicated there. And maybe it should be logical for it to be administrative contact for a start to get the notice or an office. I don't know. But it should be clearly stated that a ccTLD manager needs to say okay. From now on, this is the person or the function who is communicating with you on this issue.

STEPHEN DEERHAKE: Wow. How do we build out and define who that person is? What you brought up is really relevant.

BERNARD TURCOTTE: Stephen?

STEPHEN DEERHAKE: Go ahead, Bernard.

NENAD ORLIĆ: I saw that brought up because we had issues with that when the dot-YU was in shutdown. So basically, it should be for starters, it's most logical to me to be administrative contact for the domain in the zone and that's why I say there should be a notice, part of the notice for a ccTLD manager to declare clearly who is going to be in the future.

BERNARD TURCOTTE: I would say a couple of things. It's very good to hear from someone who has actually been through this so thank you for that.

STEPHEN DEERHAKE: Yes, absolutely.

BERNARD TURCOTTE: And I see Kim has his hand up, so let's hear from Kim first.

[KIM]: Yeah, thanks for the comment. My initial take on this is that I would be reluctant to codify highly specific operational procedures into a fairly light policy. Maybe we strive to make this policy as broadly applicable as possible and not too specific. And it seems to me the exact nature of communications go where, probably is more of an operational procedure rather than a policy.

And also, bear in mind that as we presented recently at ICANN meetings, we're not looking to re-imagine the contact configuration of the Root Zone database so we would have admin and tech contacts, WHOIS only contact points, and then we would have authorizing contacts that would be private and each one could have different roles and responsibilities. So the current construction of the contact model is subject to change, I guess I would say.

So with that in mind, I would encourage you to think of language that would be timeless and not wed to the specific configuration of the Root Zone database as it is today, recognizing the legitimate concern that there be clear lines of communication and the parties that are involved should know who's talking to who.

NENAD ORLIĆ: I'm not sure why you think it has to be specific and in line with the current situation. Reporting can be formatted in a way to make sure that clear lines of communication are required.

BERNARD TURCOTTE: Yeah. If I can step in, gentlemen, for a sec. I think you're both right. I'll start by saying thank you for taking the time to speak up so that we have experience of someone who's been there, but I fully understand what Kim is saying because that's been our point here is trying to do that.

Now this being said, having listened to both of you, I have an idea that would meet the requirements of the policy in that it would be lightweight and cover the concern without adding much bulk to this. So what I would say, if it's okay to everyone, let me take that away and weave that in there. And we can have a go at it at our next meeting if that's okay.

STEPHEN DEERHAKE: Thank you, Bernard. I appreciate that and I appreciate all the comments on this because it's nice to hear from someone who's been there and it's nice to hear from "ICANN Org" as to how they view it as well. So thank you both. Carry on.

BERNARD TURCOTTE: Kim, your hand is still up.

All right, any other comments on 4.2? Not seeing anything, we'll move on to time span for retirement. This is a new section I've added. I thought it would just help clarify everything we've been talking about and just condense everything into one section so that it removes all doubts.

4.3, first bullet. PTI cannot require that a retiring ccTLD be removed from the Root less than five years from the time PTI has sent a notice of retirement to the retiring ccTLD manager. PTI must remove a retiring ccTLD from the Root no later than ten years after having sent a notice of retirement to the ccTLD manager.

STEPHEN DEERHAKE: Okay, this is important. We've established two serious timelines here in 4.3 and I want to ask the working group, do you have an issue with that?

BERNARD TURCOTTE: Stephen, can I ask that ... It's not a long section. If we could complete it, it might avoid some questions.

STEPHEN DEERHAKE: Okay, carry on. Sorry.

BERNARD TURCOTTE: Okay, next page, please. And Allan, I see your hand. I will get to you when I finish the next few bullets.

If according to PTI, the retirement of the ccTLD within the ten-year limit would pose a threat to the security and stability of the DNS, PTI can request an extension to the ten-year limit from the ICANN Board. So we've built, basically, a safety valve in there to say if there is something, then it's not a unilateral decision that is hoisted upon PTI but they can make a request for something.

A retirement plan that is mutually agreed to between the manager of the retiring ccTLD and PTI can specify any date for the removal of the ccTLD from the Root if no later than ten years from PTI having sent the notice of retirement to the manager for further clarity. This includes periods of less than five years from the time PTI has sent the notice of retirement to the manager of the retiring ccTLD. PTI shall not withhold agreement of a date for the retirement of the ccTLD of up to ten years from the date it sent the notice of retirement to the manager of the ccTLD if supported by valid and documented reasons.

All right, that's the end of that section and our first hand was Allan. So Allan?

ALLAN MACGILLIVRAY: Thank you, Bernie. I trust everyone can hear me.

BERNARD TURCOTTE: Very well.

ALLAN MACGILLIVRAY:

I have a number of comments on this section, and actually, I would have broken it up because I feel bad making four or five concurrently. But let's go back to 4.3 and to the five and ten years. And I certainly welcome Nick's comments initially about having to deal with hard questions and I think that one of the hardest questions we're going to have to answer going forward with the policy is how did you end up with five and ten years?

Okay, so whether it's in the policy or not, I think we need a good answer for that question and so I just wanted to table that for everyone to think about. My sense is that we kind of came to five and ten based around what we thought were the registration periods for the ccTLD domains for the individuals that are participating in the working group. But I'm not super confident on that answer.

But on that basis, I made a suggestion a couple of meetings ago that we maybe go to the ccTLD list to have some questions about this and I either misspoke or I was misinterpreted. I think Bart took my question to suggest that we should have consultations on the five and ten years and that was not how I meant my proposal. I was talking about a survey. Rather, I was suggesting that perhaps we would survey the ccTLD managers list on the length of their maximum registrations to validate that the, if I can call it the sample that we have represented in the working group, are themselves representative of the community at-large.

But I mention that only as one idea in the context of being able to answer the hard question, "Why did you choose five and ten years?" So I just wanted to table that generally for the group. I have some other

comments on the text on the next page, but I'll pause there in the event that someone else wants to speak. Thanks.

BERNARD TURCOTTE: Just a thought here, Stephen, if I may in response to Allan.

STEPHEN DEERHAKE: Yeah, go ahead. I will respond, but go ahead.

BERNARD TURCOTTE: Yeah. I'm really leery of those things when you're in the middle of writing a policy. Experience has shown that it's not a good idea because you will get ... You open yourself up to huge variations and so the point is that we will not be the deciders of this and once we agree in this working group, then it's done. The whole point is we put our best foot forward, we come up with what we think is best and we will be A) presenting this to the ccNSO in Kobe in some form, and I'm sure we'll get some feedback at that point, and B) once we get to a stable document, let's not forget that we will be going. We have to. There is no choice. We have to go to a public comment period and it's always good to have people see the full breadth of the policy if they're going to comment on something.

We've had experiences where you're just taking a snippet of something and throwing it out there and then people don't have the full context and then have a problem with that. Over to you, Stephen.

STEPHEN DEERHAKE: Thank you, Bernard. I echo his comments. Allan, with all due respect, I do have an issue with putting this minute point out for “public decision/display”. I think most of us as registries – and I count [inaudible] are doing either one or two-year initial registrations and offer on a renewal side one, five or even ten-year renewals. So I think we’re there with that, so back to you with any further comment you might have on that.

ALLAN MACGILLIVRAY: All right, just two small points. Let me reiterate. I’m not seeking to comment on the five and ten years, so it’s not seeking commentary on the policy. It’s rather seeking information on the length of registrations from registries. Okay, so let’s be clear about that. But I’m just offering as a suggestion.

Notwithstanding what Bernie says, I think we need to start now thinking about what the justification will be when the policy is, in fact, presented. So I don’t want to wait two, ten, 12, 24 months from now to start the process of trying to justify that even if that might be in a separate document. I think it’s incumbent upon us to answer the question, “The working group chose five and ten years because ...” and I think that we should leave that out as something that staff should start writing. It’s almost a set of Q&As and I’d like that to start earlier rather than later while some of the discussion is fresh on our minds. Thanks.

STEPHEN DEERHAKE: Okay, duly noted. Thank you, Allan.

We are going to the queue and I don't know who's up next.

BERNARD TURCOTTE: Peter's next.

STEPHEN DEERHAKE: Peter is next. Peter, go ahead, sir.

PETER KOCH: Yeah, thank you. So I would like to strongly support the suggestion that Allan made in terms of adding a rationale or maybe a recital section that gives some of the background that led to these conclusions just to make sure that they don't come out of the blue.

However, in this particular case, I would avoid pointing too clearly to the registration periods. I think we had one other item which is important. That is that we depend on the 50 years given to us or not by the ISO 3166 maintenance agency and that is an externality in one way, an eternal influence, that we try to balance that should be mentioned somewhere, but of course, is not normative so it can't be part of the policy. It would appear somewhere. Again, a footnote, a recital section, or maybe a different document.

This is even more important because on the next page, line 72, something I think, but I can also defer to that discussion like Allan did. But just a forward reference here, the ICANN Board is there suggested to have some "power" to lift the ten years and without any reasoning given why there are ten years, then of course, it's open for bartering or

you name it to just lift it. So there needs to be some. But then again, we might discuss that suggestion of lifting the whole timeline anyway.

And I'll seize the floor.

STEPHEN DEERHAKE: Thank you, Peter. I appreciate it. Bernard, back to you. Do we have anyone else here also on the queue?

BERNARD TURCOTTE: Yeah, we've got Nick.

STEPHEN DEERHAKE: Yeah. Go ahead, Nick.

NICK WENBAN-SMITH: Thanks. I don't want to prolong the discussion particularly. I support some of the comments made by both Allan and Peter actually around why it was that we settled on the five and ten years because I think that informs some of the other points. The point particularly I was looking at is around, if you look at 81 to 83, PTI shall not withhold agreement to the date of the retirement for up to ten years if the date ... if supported by valid and documented reasons.

And it seems to me that what one might consider valid and documented reasons is a highly subjective point, test, and it would be, I think, a better policy in terms of objectively what people understood by that if there was a bit more context to why it was that the five and ten

years were chosen. But also, subjective questions like valid and documented reasons, I'm not sure whether that is good enough and I'm wondering whether we can't give some sort of examples as to what might be a valid reason as opposed to, "Well, PTI just decided that's a good reason or not" because in terms of procedural fairness and all sorts of other ...

I speak from the English jurisdiction and in public law concepts, these sorts of tests, although they look like they're subjective, in reality, they need to be based, in fact, in substance of things which are objective or they look like a subjective test, what they think is valid and is reasonable.

The test is actually higher. It needs to be objectively reasonable and that can only be done in context of a bit more narrative about why it is that the various different times were chosen and the sort of criteria which come into play here in terms of what would lend support to more than five years, e.g. having registrations. and the ten years thing, in my mind, is industry standard because in terms of the gTLD policies, the maximum is ten years and that's why we, in the UK, offer ten years and I think that's why the ten years is chosen. I think it's helpful to actually explain some of the context of that.

STEPHEN DEERHAKE:

[Inaudible] needs to be explicitly stated in the policy then.

NICK WENBAN-SMITH: Well, I don't ... I make no sort of statement or position as to whether or not it needs to be there. I'm just saying as I'm reading the words, particularly in 81 to 83 ...

STEPHEN DEERHAKE: Okay, you're ahead of us. You're a page ahead of us on the screen.

BERNARD TURCOTTE: Maybe we can advance to the next page, Kim, please.

STEPHEN DEERHAKE: We want to move into that particular ...

NICK WENBAN-SMITH: I think Bernie read this section but we then moved back to the first page.

BERNARD TURCOTTE: Yeah. If I may, Stephen?

STEPHEN DEERHAKE: Yeah, go ahead, and restate it and then let's go back into the discussion because I think he's got a valid point here that needs to be discussed.

BERNARD TURCOTTE: Yeah, and when you write these things, it's always the challenge of how specific you get which will then potentially limit you from doing the right thing to how open you leave it and allows you to more flexibly handle situations. And I think that was a little bit of the same discussion we had earlier about the specificity of the thing.

I certainly appreciate concerns and I think they're good comments, and let's see if we can work something in. I think that Allan made a great point in that, obviously, we will have to come up with a rationale, a very solid and clear rationale about why the five and ten years, and from that, we'll see how that can modify the rest of the text is what I'm thinking for now, anyways.

STEPHEN DEERHAKE: Thank you, and Nick, can you finish your point now that we have the text displayed?

NICK WENBAN-SMITH: I think I made the point. It's simply that it looks as though we're putting in policy wording where quite a subjective assessment, PTI's view of what is valid and documented reasons, may lead to a presumption that you get up to ten years and I think we can do better than that in terms of what does that mean?

STEPHEN DEERHAKE: No. I'm happy to have your input here.

NICK WENBAN-SMITH: So I'm just sort of talking freestyle a bit, but the sorts of ... The way you might approach this might be to have a non-exhaustive list of the sorts of reasons that might lend you to think that actually more than the minimum of five years and up to ten years, there's a presumption that PTI won't withhold agreement for more than five years date.

I think it comes down to the sorts of things that we talked about a number of times before: the size of the registry, the number of registrations, the duration of the length of term for each registrant, the financial position of the registry to be able to support these people for the duration of the term. All of these things, I think, might be factors which would lend themselves to supporting this sort of valid and documented reasons that actually, yeah, it makes sense to have more than five years in this particular situation.

BERNARD TURCOTTE: We also had the other reason was do the registrants have another registry where they can go to automatically?

NICK WENBAN-SMITH: Yeah, very good. Exactly right. Good point.

STEPHEN DEERHAKE: Thank you, Nick. I really appreciate your extended comments on this. Bernard, I'll let you go ahead.

BERNARD TURCOTTE: I've taken note of this. Great points. That was the point of this text and stating it like that to bring out these comments and I see Allan has his hand back up.

STEPHEN DEERHAKE: Allan, go ahead.

ALLAN MACGILLIVRAY: Thanks, everybody. I have a lot of comments on this section. I don't know how far we're going to go today, but I just want to build on Nick's comments. There is, in my mind, a real issue of what I'll call the burden of proof. The way I read this here is that, in effect, the onus would be on ICANN/PTI to deny the extension. I really think we need to flip that around and to have the burden of proof be on the registry to demonstrate why they need something beyond five years. And I think that could avoid some of the issues that Nick is raising and I really think that's where we were because I had always seen the so-called retirement plan as being one document or set of issues. Then there would be a second, which is the justification that would be put forward for having the extension beyond five years and then the issue would be does that justification meet some test. So we can't actually avoid everything Nick's talking about, but at least we can reverse the burden of proof for denying or accepting it. Thanks.

STEPHEN DEERHAKE: Thank you, Allan. Who else do we have here?

BERNARD TURCOTTE: Nick has his hand up but I don't know if it's an old hand.

NICK WENBAN-SMITH: It's an old hand. Just put it down to user error with Zoom. There we go.

BERNARD TURCOTTE: All right.

STEPHEN DEERHAKE: Zoom is new for all of us, but I have to admit. I love the audio quality, so carry on, Bernard, I guess. We have no hands that I can see, so carry on.

BERNARD TURCOTTE: It's very exciting when people comment, so good stuff.

STEPHEN DEERHAKE: No, it's good stuff. It is totally good stuff.

BERNARD TURCOTTE: 4.4, retirement plan. If the manager intends on producing a retirement plan, it should formally communicate this to PTI within 30 calendar days – yes, I've noted the 60 day change – of PTI having sent the notice of retirement to the manager of the retiring ccTLD. Two periods there. We'll fix that.

A retirement plan should, as a minimum, include commitments to the following. Next page, please.

STEPHEN DEERHAKE: Thank you, Kim.

BERNARD TURCOTTE: Date the ccTLD will stop accepting new registrations, date the ccTLD will stop accepting the renewal of existing registrations, date the ccTLD will stop accepting the transfer of registrations, date the ccTLD will be removed from the Root Zone, details of the communications plan to advise registrants of retirement of the ccTLD. A mutually agreeable retirement plan ... I see your hand, Allan. I'll get to you when I finish this section.

A mutually agreeable retirement plan must be produced within 12 months of PTI having sent the notice of retirement to the manager of the existing of the retiring ccTLD. PTI, at its discretion, can extend the 12 month limit to a maximum of 24 months total. If PTI grants such an extension, it will promptly notify the manager of this. If the manager of the retiring ccTLD and PTI cannot achieve a mutually agreeable retirement plan within 12 months or up to a maximum of 24 months if PTI has granted an extension of PTI having sent the notice of retirement to the manager of the retiring ccTLD, then PTI should advise the manager of the retiring ccTLD that the ccTLD will be removed from the Root five years from PTI having sent the notice of retirement to the manager of the retiring ccTLD.

All right. Allan?

ALLAN MACGILLIVRAY: Yes. I was just going to reinforce, as I already have, what Peter Koch said in the chat. I think we could spend a whole hour on Section 4.3. I have a lot of questions and comments, so are we going to ... How are we going procedurally? Are we just going to take a light pass over the draft that we have in front of this and then have another draft turned around? Or it's a general thing? I don't think we have enough time to deal with 4.3 in-depth today but I look for guidance from the Chair. Thank you.

STEPHEN DEERHAKE: No. Thank you, Allan. If we want to deep dive into 4.3, I suggest we do it on the list between now and our next teleconference, and get some coherent resolution as to where 4.3 should be going so that Bernard can put that back [into] text for us to discuss at our next meeting, which will be our last teleconference prior to the face-to-face in Kobe.

So if that's amenable to Bernard and if that's amenable to Peter and to you, Allan, why don't we do that? Hello from everyone, anyone on this.

People are really gun shy. Hello?

BERNARD TURCOTTE: Allan gave us [green] text and we've got all sorts of suggestions coming up in the chat which we'll copy. Nenad has his hand up, or had his hand up.

NENAD ORLIĆ: Just to short repeat, here we have the details of communication [inaudible] registrant retirement or the ccTLD. It's not considered

operational, but establishing communication between the PTI, clear communication between the PTI and the ccTLD manager is considered operational. I'm not sure why.

There is discussion on the side and there is suggested that it must be [named]. I said that the ccTLD manager should [inaudible] PTI who is going to be in a function or a name. It really depends. For example, who would you contact for now you should retire a Serbian registry? Who would you contact? CEO? Board manager? President of the assembly or admin contact? Which one would you consider to be the one who should talk to the PTI about this [function] from the outside?

And by doing this, what we had is that there was some ... We had this situation that admin contact, had a different opinion than what was official stance of an official opinion of the registry if we are ready for the domain to be deleted and sent information to the ICANN. Oh yes, we are ready to delete the domain. Only two other bodies had official decision that we are not ready to delete the YU domain. They want this to happen again?

BERNARD TURCOTTE: Nenad, I think I took your point ...

STEPHEN DEERHAKE: We noted it.

BERNARD TURCOTTE: Yeah, from the previous time we [inaudible] this and what will happen as we weave that in is that it will have a repercussion throughout the whole document. We've tried to be consistent and at this point, we're using, in this version of the document, the ccTLD manager. Obviously, I think some points have been brought up and we're going to try and work something in so that is addressed and once that is done, then that will be reflected throughout the whole document. I hope that's okay, Nenad.

NENAD ORLIĆ: Yeah. I just react on the side notes in the chat.

STEPHEN DEERHAKE: Okay, duly noted. Thank you. Bernard, I think continue.

BERNARD TURCOTTE: All right. Next page, please.

All right, we're basically at the end. We have exception and conditions. Manager becomes nonfunctional after retirement is agreed. Agreement is accepted. PTI can use the same procedure – sorry, some grammar there – outlined in the requirements for transfer of the ccTLD new manager. The manager breaches the retirement agreement. PTI should work with the manager. We've got to work through those conditions, and of course, IDN ccTLDs. And to that, I guess we will be adding after tonight, what happens to ccTLDs that are not members of the ccNSO.

And our next big section after that will be oversight and we have to discuss that and hopefully that will be part of the discussion we figure out how we want to structure our agenda for Kobe.

So over to ... Oh, I see Nick has his hand up. Back to you, Stephen.

STEPHEN DEERHAKE: Nick, go ahead.

NICK WENBAN-SMITH: Yeah. Sorry to be difficult [inaudible].

STEPHEN DEERHAKE: You're not difficult.

NICK WENBAN-SMITH: That's very kind of you to say.

STEPHEN DEERHAKE: You're up late.

NICK WENBAN-SMITH: I do think that the IDN and ccTLD point is a very interesting one and I think I mentioned on our last call, not so much an exception condition, but obviously, from the UK perspective, is exceptionally reserved and how this policy applies to [inaudible].

STEPHEN DEERHAKE: Yeah, [inaudible].

NICK WENBAN-SMITH: I thought, I know we're not dealing with it as yet because I thought that the root of the game plan was let's deal with the vanilla full list, codes and what happens when they're removed.

But I'm just putting it down. We haven't actually discussed yet what happens if a code which is exception reserved and is, therefore, down as a ccTLD no longer becomes exceptionally reserved. Then what happens? I say that with full disclosure because that's quite [pertinent] to me.

STEPHEN DEERHAKE: [Inaudible] Thank you.

NICK WENBAN-SMITH: Yeah, that's all.

STEPHEN DEERHAKE: Yeah. Well, [inaudible] and you and Giovanni can get together at some pub somewhere. No. Yeah, duly aware. What can I say? It's noted and we'll fix it. Don't lose sleep. Let's put it this way. Don't lose sleep over it. You have bigger things to lose sleep over at this point in time. So I don't see a problem there.

Bernard, we've come to an end. We've had some good stuff. It looks like you're going to go back to the scribing table and start re-scribing some things.

BERNARD TURCOTTE: I will.

STEPHEN DEERHAKE: Is there anything else anybody wants to discuss before we reconvene one more time before we see each other all in Kobe?

BERNARD TURCOTTE: I would just really encourage everyone, as we said earlier, that if there is specific language you want, please post it to the list or put it in a suggestion to me directly. We'll be glad to look at it and if there are points that need to be discussed, let's have the discussion on the list so we can advance. Thank you.

STEPHEN DEERHAKE: I appreciate that. Thank you, Bernard. Yes, I echo exactly what he said is if we got some things we need to noodle out between now and the next time around, let's put it on the list and let's get it incorporated because I really want to get to Kobe with some substantive text that we can agree to and that we could say to the community, basically, "We are there. This is, at this point where we are." We have, obviously, some more work to do post-Kobe, but let's try to get as much as we can signed, sealed and delivered, so to speak for Kobe, for both having it and the

reputation of the ccNSO that actually does policy work to who actually have policy.

So at that point, I think we're done. I don't see any other hands in this new Zoom format. Kim, Bernard, do you see anything I'm not seeing? I don't.

BERNARD TURCOTTE: No.

STEPHEN DEERHAKE: That being the case, I think we can adjourn. I'm sorry we're ten minutes over. I think it was a well worth session. Thank you all for participating and we'll see you on one last call before we meet in-person in Kobe. So thank you very much for being on the call and I think at that point, Kim, you can kill the recording and whatever else needs to happen administratively. Thank you all. Really appreciate it. Cheers. Good night.

[END OF TRANSCRIPTION]