

# **ICANN64 Online Middle East Readout Session**

Monday 15 April 2019



# Agenda

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- **Welcome and Opening Remarks** – Baher Esmat
- **GAC Update** – Manal Ismail
- **IDNs and UA** – Sarmad Hussain
- **EPDP** – Rafik Dammak
- **SubPro** – Julie Hedlund
- **Open Floor and Q&A** – All
- **Closing Remarks** – Baher Esmat

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# ICANN64 GAC Meeting in Kobe

- [The Governmental Advisory Committee \(GAC\)](#) of ICANN
  - The voice of Governments and Intergovernmental Organizations (IGOs) on issues of public policy in ICANN's multistakeholder structure
  - 178 Members and 37 Observers
- Met in Kobe, Japan, from 9 to 14 March 2019
- 67 GAC Members and 6 Observers attended, in addition to 1 Observer participating remotely
- All GAC meetings were conducted as [open sessions](#)
- At the end of the meetings the GAC issued its [Kobe Communique](#)

## High Interest & Cross Community Sessions

- High Interest Session on ICANN Strategic Planning
- Cross Community Session on Next Steps in ICANN's response to the GDPR
- Cross Community Session on Universal Acceptance and IDNs
- ICANN Board Session on ICANN's multistakeholder governance model

# GAC Meetings

- GAC Plenary Sessions
- GAC Meeting with the Board
- GAC Bilateral Meetings & Inter-Constituency Engagement
- GAC Working Group Meetings
- GAC Meetings on Operational & Internal Matters
- GAC Communique Drafting Sessions

# Agenda of GAC Plenary Sessions

- Release of 2-char codes at the second level
- Protection of IGOs
- Update on .Amazon
  
- Whois and Data Protection Policy (EPDP)
- New gTLDs Subsequent Procedures
- WT5 on Geographic Names
- Auction Proceeds
  
- Competition, Consumer Trust and Consumer Choice (CCT) Review Recommendations
- CCWG Accountability Recommendations
- Recommendations of ICANN Reviews



## GAC-Board Meetings

- Board-GAC Interaction Group (BGIG) meeting
- GAC meeting with the Board:
  - The applications for dot.Amazon
  - 2-character country and territory codes at the second level
  - The GNSO PDP on IGO-INGO Access to Curative Rights Protection Mechanisms
  - Data Protection Regulations - The GNSO EPDP and a Unified Access Model
  - Potential Future New gTLD Rounds
  - The Board-GAC Interaction Group meeting at ICANN64
  - Preparations for successful implementation of ICANN strategic plans through fiscal year 2025

# GAC Bilateral Meetings & Inter-Constituency Engagement

- Meeting with the GNSO
- Meeting with GNSO Registry Stakeholder Group (RySG)
- Meeting with GNSO Registrar Stakeholder Group (RrSG)
- Meeting with the Technical Study Group (TSG)
- Meeting with the ccNSO
- Meeting with the ALAC
- Meeting with Chair of the CCWG-IG soon to be CCEG-IG
- Liaisons Reports

# GAC Working Groups Meetings

- NomCom Working Group
- Underserved Regions Working Group
- Human Rights and International Law Working Group
- Geographic Names Working Group
- Public Safety Working Group
- GAC Operating Principles Evolution Working Group

# GAC Operational & Internal Matters

## GAC Leadership

- 2 outgoing vice chairs (China & France)
- 2 incoming vice chairs (Argentina & Canada)

## Other internal matters:

- First Timers Session
- Follow-up on ICANN63 action items
- GAC Operating Principles
- Travel guidelines
- GAC 2019 goals, working methods and work plans

# GAC Communique

## WHOIS and Data Protection Legislation

The GAC advises the Board to:

- Take necessary steps to ensure that the GNSO EPDP on the Temporary Specification for gTLD Registration Data institutes concrete milestones, progress reports and an expeditious timeline, similar to Phase 1, for concluding Phase 2 activities;
- Take necessary steps to ensure that the scope of phase 2 activities is clearly defined with a view to expeditious conclusion and implementation;
- Make available the necessary resources for Phase 2 to expeditiously advance on the complex legal issues deferred from Phase 1;
- Consider instituting additional parallel work efforts on technical implementations, such as that carried out by the Technical Study Group, for purposes of informing and complementing the EPDP's Phase 2 activities;
- Facilitate swift implementation of the new Registration Directory Services policies as they are developed and agreed, including by sending distinct parts to implementation as and when they are agreed, such as the questions deferred from Phase 1;
- Consider re-starting implementation processes for relevant existing policies, such as the Privacy Proxy Services Accreditation Issues Policy.

# GAC Communique

## **ICANN Board Consideration of the CCT Review Recommendations**

The GAC advises the Board to:

- Promptly meet with the CCT Review Team leadership to discuss the Board's resolution and
- Possibly reconsider certain decisions on recommendations if appropriate.

## **Subsequent Rounds of New gTLDs**

- The GAC recalls its advice in the ICANN56 Helsinki Communiqué, which states that the development of policy on further releases of new gTLDs needs to fully consider all the results of the relevant reviews and analyses to determine which aspects and elements need adjustment. The GAC advised the Board to address and consider these results and concerns before proceeding with new rounds.

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# Internationalized Domain Names (IDNs)

- ⦿ ICANN 64 meeting at Kobe marked a significant milestone for IDNs
  - 19 of 28 script communities [finalized](#) their proposals for Root Zone Label Generation Rules (RZ-LGR), many of which will be integrated in RZ-LGR-3
  - Recommendations and analysis on IDN variant Top-Level Domains (TLDs) [published](#) on 5 February 2019 [approved](#) by ICANN Board on 14 March 2019
    - As next step, Board requested GNSO and ccNSO to take these into account in their policy, in a consistent manner
    - IDN variant TLDs needed by at least the Arabic and Chinese communities, e.g.: السعودية is a variant of السعودية IDN ccTLD
- ⦿ The usual IDN Program Update session was held for the community
- ⦿ Meetings with Integration Panel and a specialized LGR Workshop were held for the script-based panels



# Internationalized Domain Names (IDNs)

- ◎ ICANN hosted a reception to recognize the commitment and contribution of the community towards achieving these goals, since the work on IDN variant TLDs started in 2010



# Universal Acceptance of Domain Names (UA)

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- Universal Acceptance Steering Group (UASG) undertook stock-taking and planning exercise for FY20 during day-long workshop
- Multiple additional sessions were held to update the community on UA
  - UASG Public Forum
  - High Interest Topic on UA
- In addition, multiple constituencies raised UA as an important priority
  - Middle-East Space presented a statement on UA
  - ALAC discussed how it could contribute to the UA effort
  - Internet Service Providers and Connectivity Providers (ISPCP) Constituency held a panel discussion for the awareness of UA

# Universal Acceptance of Domain Names (UA)

- UASG concluded its elections during ICANN64, selecting its new chair and vice chairs, transitioning to the new leadership after four years



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# Agenda

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EPDP Background

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EPDP Timeline

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Phase 1 Final report

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Recent  
Developments &  
Next Steps


5


Phase 2

# What is the EPDP's mission and scope?




Initiated by GNSO, triggered by ICANN Board's adoption of Temporary Specification

- 
- To confirm, or not, the Temp Spec as Consensus Policy by 25 May 2019
  - Develop Policy Recs and answer 52 Charter Questions



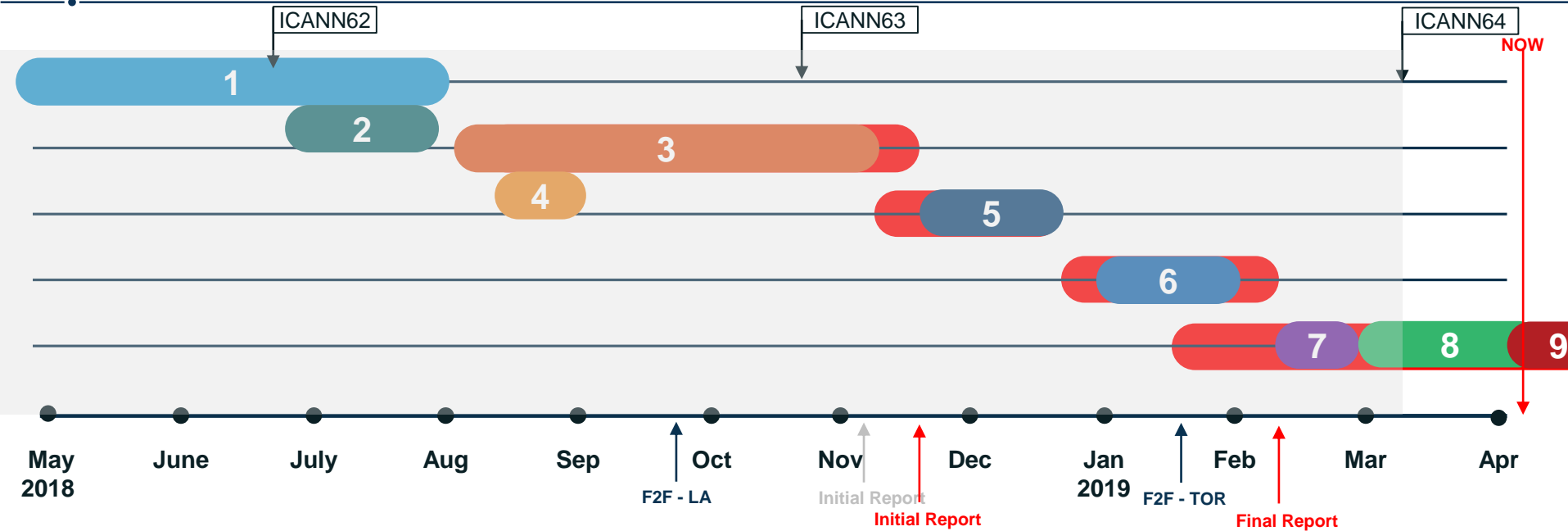
Discuss a standardized access model to nonpublic registration data

- Only after the “gating questions” specified in the [EPDP Team's Charter](#) are addressed



Only covers topics in the Temp Spec

# EPDP Timeline



**1** Prep work, incl. EPDP Initiation Request & Charter adoption

**2** Formation of EPDP Team

**3** EPDP Team Deliberation & Publication of Initial Report

**4** Input from SO/ACs & SG/Cs

**5** Public Comment on Initial Report

**6** Review of Public Comment & Submission of Final Report

**7** Council consideration of Final Report (1)

**8** Public Comment prior to Board consideration

**9** Board consideration

**00** Days to Final Report

**35** Days to Temp Spec Expiration

# High-Level Overview of Final Report

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- 29 Policy Recommendations
- Rec. 1 provides the 7 Identified Purposes for Processing Data
- Recs. 5, 7, 8, 9 detail the collection and transfer of specifically-identified data elements. For more detail: refer to Annex D.
- Recs. 10 – 12 detail the display and redaction of specifically-identified data elements
- Recs. 21 – 25, 27 refer to the treatment of current ICANN Consensus Policies
- Rec. 28 provides text for the proposed implementation bridge
- Recs. 2, 3, 15, 17, 18 note items to be further discussed during Phase 2 of the EPDP Team's work



# Recommendations

1. Purposes	2. Additional Purposes
3. Commitment to consider a system for Standardized Access to non-public Registration Data	4. Requirements related to accuracy
5. Data elements to be collected by Registrars	6. Consent to publish additional contact information
7. Data elements to be transferred from Registrars to Registries	8. Escrow Providers
9. Compliance	10. Data Redaction
11. City Field Redaction	12. Organization Field
13. Email Communication	14. Privacy/Proxy Registrations
15. Data Retention	16. Geographic Application
17. Legal vs. Natural	18. Reasonable Access
19. Controller	20. Responsible Parties
21. URS/ UDRP	22. Instructions for RPM PDP WG
23. Data protection arrangements with dispute resolution providers	24. Transfer Policy
25. Input to Transfer Policy Review	26. Data protection arrangements with non- Contracted Party entities
27. Impact on other policies	28. Implementation Bridge
29. Admin Contact transition	

# Phase 2 Scope

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- Items identified in EPDP Team Charter:
  - System for Standardized Access to Non-Public Registration Data
  - Annex to the Temporary Specification (Important Issues for Further Community Action)
- Items deferred from EPDP Team phase 1, either requiring further consideration or dependent on input from others

Mind map on next slide reflects charter topics / questions (blue and white) and phase 1 items (yellow)

From the EPDP Team Charter in relation to System for Standardized Access to Non-Public Registration Data

From the EPDP Team Charter in relation to the Temporary Specification Annex

Issues Deferral from the EPDP Team Final Report for Phase 1

**System for Standardized Access to Non-Public Registration Data (Public Questions are captured from EPDP Team Charter)**

- 1 Pursued in Section 4.4, continuing community work to create an accreditation and access model that complies with ICANN, while recognizing the need to draw additional guidance from Article 20 Working Party/Purpose 2 Data Protection Board.
- 4 Continued process to confirm access to Registration Data, including non-public data, for users with a legitimate purpose, with the time when a final accreditation and access mechanism is fully operational, or a mandatory basis for all contracted parties.
- 6 ICANN applicable law, what are legitimate purposes for third parties to access registration data?
- 6a What legal basis will support this access?
- 6b What are the eligibility criteria for access to non-public Registration Data?
- 6c Do these parties/purposes consist of different types of third-party requestors?
- 6d What data elements should such third-party have access to based on their purpose?
- 6e To what extent can we determine a set of data elements and potential scope (purposes) for specific third parties and/or purposes?
- 6f How can ICANN, that is technically capable, allow Registrars/Registries to accept accreditation (where and how) for the specific? Once accreditation models are developed for the appropriate accreditation and approved by the relevant legal authorities, how can we ensure that ICANN is technically capable and is ready to accept, log and report to the accredited requestor's intent?
- 6g How will ICANN be responsible for providing oversight?
- 6h How will these standards be integrated into Registrar/Registry technical systems?
- 6i How will standards be reported and managed?
- 6j Who is responsible for providing oversight?
- 6k How will these standards be integrated into Registrar/Registry technical systems?
- 6l What standards will govern control access to the data?
- 6m What standards will govern control use of the data post-access?
- 6n Who will be responsible for maintaining and enforcing these standards?
- 6o What, if any, sanctions or penalties will be in place for allowing the data, including future conditions on access or compensation for data subjects whose data has been shared in addition to any sanctions already provided in applicable law?
- 6p What steps of register will Contracted Parties have over what data is accessed and how it is used?
- 6q What rights do data subjects have in exercising, when accessing their data is accessed and used?
- 6r How can a third party access model accommodate differing requirements for data subject notification (where desired)?

is not fully captured by the existing scope of the System for Standardized Access to Non-Public Registration Data?

is this topic addressed through the implementation of Recommendation #10 of the Final Report of phase 1?

The EPDP Team requests that when the EPDP Team commences its deliberations on a standardized access framework, a representative of the WHOIS POP WG shall provide an update on the current status of deliberations so that the EPDP Team may determine where the WHOIS Recommendations may affect consideration of the WHOIS and LDRP in the context of the standardized access framework, deliberations.

**EPDP Team Recommendation #10:**

In accordance with the EPDP Team Charter and in line with Purpose #2, the EPDP Team undertakes to make a recommendation pertaining to a standardized model for world disclosure of non-public Registration Data (referred to in the Charter as "Standardized Access") over that the pending questions in the charter have been answered. This will include addressing questions such as:

- Whether such a system should be adopted
- What are the legitimate purposes for third parties to access registration data?
- What are the eligibility criteria for access to non-public Registration Data?
- Do these parties/purposes consist of different types of third party requestors?
- What data elements should such users/early have access to?

In this context, the EPDP Team will consider amongst other issues, disclosure in the course of intellectual property litigation and DNS abuse cases. There is a need to confirm that disclosure for legitimate purposes is not incompatible with the purposes for which such data has been collected.

**Possibility of judge contracts to have offline associated email addresses**

Following the feasibility of requiring unique contracts to have a uniform associated email address across domain name registrations at a given Registrar, while ensuring accountability and meeting the requirements of Section 2.8.1 of Appendix A.

**Legal or National**

8 Distinguishing between legal and national persons to allow for public access to the Registration Data of legal persons, which are not in the remit of the GDPR.

**Additional purposes for ICANN's OCTO**

**EPDP Team Recommendation #12:**

The EPDP Team commits to collaborating in Phase 2 of its work with other additional purposes should be considered to facilitate ICANN's Office of the Chief Technology Officer (OCTO) to carry out its mission (<https://www.icann.org/about>). This consideration should be informed by legal guidance or other guidance in the GDPR concerning research apply to ICANN Org and the appropriate for the need of such pseudonymized data by ICANN.

**Display of information of off-label vs. accredited privacy / proxy providers**

**EPDP Team Recommendation #14:**

In the case of a domain name registration where an "off-label" privacy/proxy service used (e.g. where data associated with a natural person is masked), Registrars and Registries where applicable MUST include in the public RDDS and submit in response to any query for non-public RDDS data of the privacy/proxy service, WHAT MAY also include the identity of the underlying pseudonymized user.

Note: PPRM is an approved policy that is currently going through implementation. It will be important to understand the timing between the display of information of off-label vs. accredited privacy / proxy providers. Based on feedback received on this topic from the PPRM WG, the EPDP Team may consider this matter in Phase 2.

**Data Retention**

**EPDP Team Recommendation #16:**

1. In order to inform its Phase 2 deliberations, the EPDP Team recommends that ICANN Org, as a matter of ongoing operation, as a subset of all of its active processes and procedures as to identify and document the retention to which personal data is required from a register beyond the period of the life of the registration. Retention periods for specific data elements should be identified, documented, and shared with registrants. The required element and specific retention data retention expectations for registrants. The EPDP Team recommends community members be invited to contribute to this data gathering exercise by providing input on other legitimate purposes for which different identity parties may be applicable.

2. In the interim, the EPDP Team has recognized that the Transfer Dispute Resolution Policy ("TDRP") has been identified as having the longest justified retention period of one year and has therefore recommended registrants be required to retain only those data elements deemed necessary for the purposes of the TDRP, for a period of three months following the life of the registration plus three months to implement the deadline, i.e. 18 months. This retention is provided in the existing policy schedule within the TDRP that expires under the policy may only be used for a period of 12 months after the alleged breach (PH see TDRP section 2.2) of the Transfer Policy (PH see Section 1.12 of TDRP). This interim period does not restrict the ability of registrants and registrars to retain data elements provided in Recommendations 4-7 for other purposes specified in Recommendation 1 for shorter periods, unless a New 10 EPDP Team work on identifying shared access paths in any other process, taking the process outlined in the legal 1.1.

**City Resolution Panel**

**EPDP Team Recommendation #18:**

The EPDP Team recommends that national law should be applied as follows to this data element:

City - National

The EPDP Team requests to receive further legal advice on this topic which will inform analysis in phase 2 of its work to determine whether or not this recommendation should be modified.

**Review legal guidance provided in phase 1**

- Territorial Scope
- Legal Basis (R to)
- Technical Content
- White Accuracy

Phase 1: 1) System for Standardized Access to Non-Public Registration Data, 2) Annex - Important Issues for Community Consideration and 3) Issues Deferral from EPDP Phase 1

**Assess Important Issues for Further Community Action**

**Issues Deferral from EPDP Phase 1**

Phase 1: 1) System for Standardized Access to Non-Public Registration Data, 2) Annex - Important Issues for Community Consideration and 3) Issues Deferral from EPDP Phase 1

# EPDP Discussions at ICANN64, Kobe

EPDP  
Team

**Saturday – 11.00 – 18.30**

Recap of status, Council discussions  
Brainstorming session to phase 2  
approach, work plan, working  
methods, identification of possible  
resources needed, schedule going.  
Phase 1 Implementation Planning  
Update (GDD)

EPDP  
Team

**Wednesday – 10.30 – 12.00**

Engagement session with Technical  
Study Group.  
Opportunity to learn more about the  
scope, status and next steps of the  
TSG and how it intersects with the  
EPDP Team's phase 2 deliberations

Council

**Sunday – 11.45 – 12.15**

Council continued discussions on  
phase 2 planning

Council

**Wednesday – 13.00 – 15.00**

Council meeting – opportunity for  
further phase 2 planning and/or  
review feedback from EPDP Team

Impl

**Sunday – 17.00 – 18.30**

Phase 1 Implementation Discussion

EPDP  
Team

**Thursday – 8.30 – 10.15**

Review of draft work plan and  
approach coming out of Saturday's  
session plus further input that may  
have been gathered throughout the  
week, including Council input from  
weekend sessions

# Next Steps

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- Selection of EPDP Team Chair for phase 2 (confirmation by GNSO Council in 18th April)
- (Re-)Confirmation/Replacement of membership of EPDP team
- Initial focus of work:
  - Development of work plan and timeline for phase 2
  - Identification of resources needed
  - Planning for ICANN65 in Marrakech
- Implementation discussion for phase 1 started with a pre-IRT

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# What is the PDP about?

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- ⦿ GNSO recommendations from 2007 resulted in the Applicant Guidebook and the 2012 round of the New gTLD Program.
- ⦿ The New gTLD Subsequent Procedures PDP (“SubPro”) is focused on considering the 2012 round policy and **determining what changes might need to be made to the original GNSO recommendations from 2007 and/or implementation.**
- ⦿ The PDP was **chartered** and began its work in early **2016**
  - Charter available here: <https://gns0.icann.org/en/issues/new-gtlds/subsequent-procedures-charter-21jan16-en.pdf>
- ⦿ The PDP has over 40 separate topics identified in its charter and initially broke into Work Tracks (1-5) to tackle work. Sample of topics:
  - Community Applications
  - Applicant Support
  - Geographic Names at the Top Level

# ICANN64 Update

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- ⦿ **Work Track 5** (geo names at the top level) met in two sessions on 09 March to examine preliminary impressions from public comments received on its Supplemental Initial Report.
  
- ⦿ **Full WG** met in two sessions on 09 March, during which it:
  - Provided a brief update on current status;
  - Identified elements within the New gTLD Program that would require some form of triggering event (e.g., initiation of the subsequent procedure, treatment of pending/rejected strings in subsequent procedures, etc.) and what that triggering event might be; and
  - Made progress in filling in gaps related to its New gTLD Program limited appeal mechanism.
  
- ⦿ **Full WG** also met on 13 March to begin reaching conclusions on several topics within the group's remit.



# Current Status

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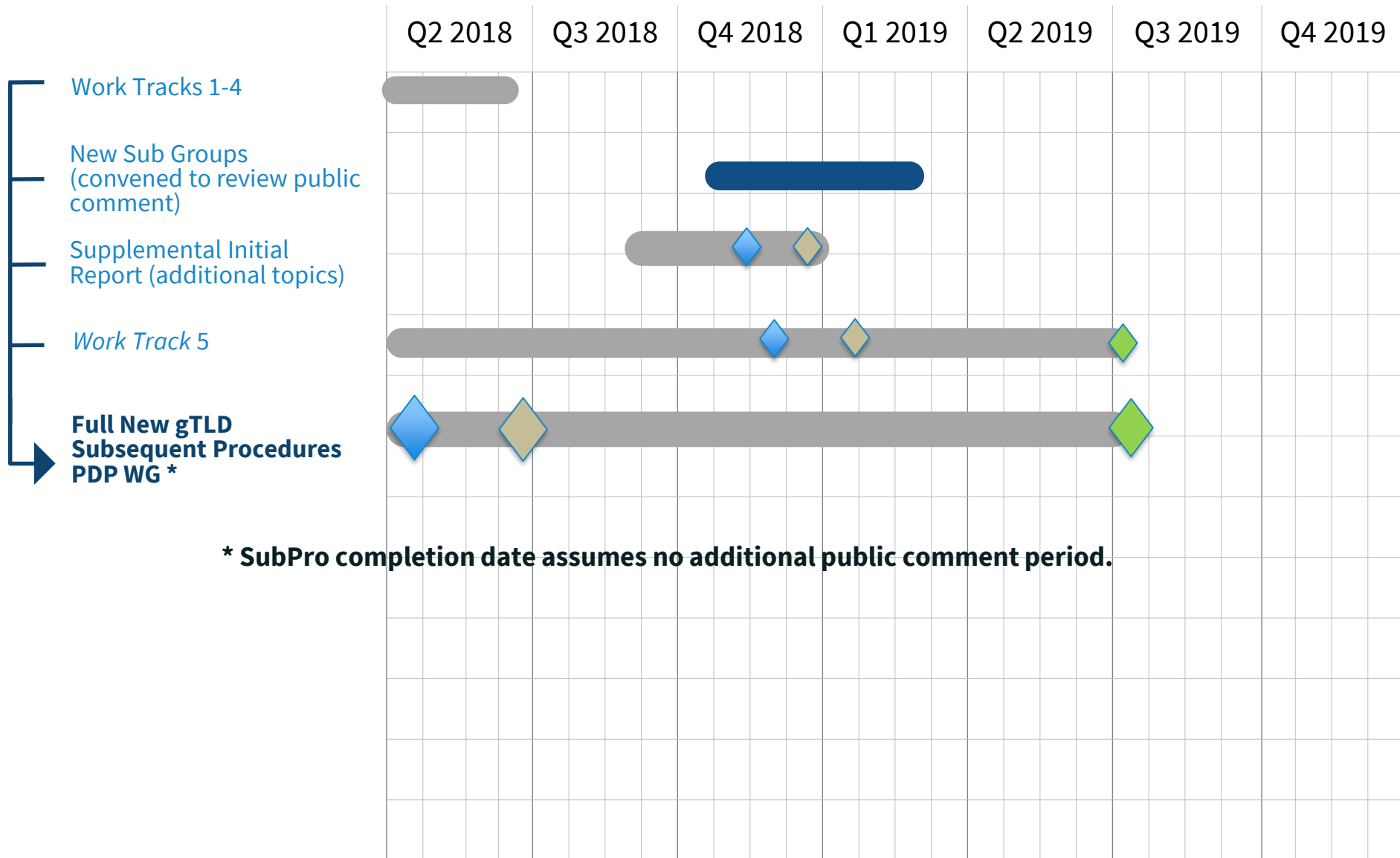
- ⦿ An Initial Report was published for public comment on 3 July 2018, with the period closing on 26 September.
- ⦿ Public comments received have been organized and collated, with review Sub Groups (A, B, and C) complete.
- ⦿ The full WG also worked on a set of 5 topics that needed additional discussion, which were also published in late October for public comment in the form of a Supplemental Initial Report. These public comments have also been organized/collated.
- ⦿ The full WG is now seeking to reach closure on select topics based on a review of public comments received to the Supplemental Initial Report, and following on the discussions held at ICANN64.
- ⦿ Work Track 5 published its own Supplemental Initial Report in December and is reviewing public comments.

# What is Coming Next for the PDP?

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- ⦿ Substantive consideration of public comment on the Initial Report, Supplemental Initial Report, and WT5 Supplemental Initial Report and work towards completion and delivery of **Final Report** to GNSO Council for its consideration.
- ⦿ Consider recommendations of the **Competition, Consumer Trust and Consumer Choice Review Team** targeting this PDP.
- ⦿ Ensure Advisory Committee Advice is adequately considered and taken into account.

# SubPro Timeline



\* SubPro completion date assumes no additional public comment period.

## KEY



Publish Initial Report



Close of Public Comments



Final Report Delivered to Council

# How is the PDP Structured?

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- ⦿ The PDP has two overall co-chairs: **Jeff Neuman** (also Sub Group A) and **Cheryl Langdon-Orr** (also Sub Group C)
- ⦿ The PDP has over 40 separate topics identified in its charter. The Working group broke into four work tracks to complete initial deliberations, which resulted in the WG's Initial Report.
- ⦿ Work Track 5: **Geographic Names at the Top-Level** (**Annebeth Lange, Javier Rúa-Jovet, Martin Sutton, and Olga Cavalli**)
- ⦿ All Work Tracks and Sub Groups will submit their work to the whole Working Group for review and approval

# What is the Role of the PDP Leadership?

- Serving as a leader in this PDP, and any other GNSO PDP, is more about ensuring **process is followed**, including scheduling meetings, presiding over those meetings, ensuring PDP members are able to provide their contributions, and to deliver the WG's results to the GNSO Council.



- The overall WG co-chairs come from the GNSO and ALAC, while Work Track 5 has co-leads from each of the ALAC, ccNSO, GAC, and GNSO. However, as noted, the role of leadership is about ensuring **debates take place in an open and transparent fashion and that different viewpoints are able to be shared**, and not serving as advocates for their particular position or that of their organization.

# PDP Resources

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- Active Project Page: <https://gnso.icann.org/en/group-activities/active/new-gtld-subsequent-procedures>
- PDP Wiki: <https://community.icann.org/x/RgV1Aw>
- PDP Mailing List Archive: <http://mm.icann.org/pipermail/gnso-newgtld-wg/>
- Newsletters: <https://gnso.icann.org/en/news/working-group-newsletters>

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