

---

MODERATOR: Good morning, good afternoon and good evening, and welcome to the gTLD Registration Data Policy Implementation IRT meeting, held on Wednesday, the 7th of August, at 17:00 UTC. In the interest of time, there will be no roll call; attendance will be taken by the Zoom room. I would like to remind all participants to please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I will turn it over to Dennis Chang, please begin.

DENNIS CHANG: Thanks everyone, welcome IRT and ITT. We have been in a number of IPT meeting members around us on the table here, and we're ready to start. Let's see our agenda first today. What we want to do is quickly look at our work assignments and FAQ, comments, and the scope and terms. Marc Anderson has raised his hand already, go ahead, Marc.

MARC ANDERSON: Thanks, Dennis. Marc Anderson, can you hear okay?

DENNIS CHANG: Yes, I can.

MARC ANDERSON: Sorry for jumping in right away on the agenda, but I want to make two suggestions for the agenda; one, I think we had a comment or suggestion originally for Sarah about changing the frequency of the IRT meetings, so I wanted to request that we add that. Oh, I see you do

---

*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

---

have that on the agenda, number 6, sorry. And then, the other item, I guess this is a request for a change of the order of the recommendations analysis. The last two IRT calls we've sort of ended the call on recommendation number 7 without having a chance to really get into the meat of that discussion, so I'd like to ask that we tackle that one first to make sure we have the time to get through it on this call, thank you.

DENNIS CHANG:

Okay. Any other suggestions from anybody else? You can see the agenda here, so I think what I am seeing is, I think what is here is maybe like this, right? That's what I have here. So, let's do that if there's no objection? Okay, we'll keep going. So, quickly to let you know, there is no change to the team, no more additions. And then, as there is no more additions, and we are going to have this talk about the weekly proposed planning meeting, and I have some stuff to share with you when we get there.

Let's look at our assignments; so, we are up to here today. We're going to be looking at... okay, we're going to be trying to get to 29 because that's where the IRT assignment is due, which means that recommendation 17. And let's get to it as quickly as we can. So, we are going to move to Rec 7, which is here, okay? On the Rec 7, and it's 7 and 8 combined on this document, and I invite IRT members to join me here. And a good way to get here quickly is just look at your worksheet, your workbook, and click on the link on the line 18, or task 18 that provides a link to the workbook.

---

And, if you need a link to the IRT workbook, maybe somebody, Andrea, can provide that to you on the Zoom room.

So, on the 7th, we kind of got this started, I don't think we really got into the discussion, but I noticed there was a different view of what the requirement is on recommendation 7. So I thought the best way to start this is to start by reviewing the recommendation language exactly all together, because you may have read it, but it's not right in front of you. And I noticed we are working in terms of teams, even internally. It's nice to have this recommendation language right in front of you when you're working, and continuing to refer to it.

So, go ahead and is there -- hey Marc, do you want to go ahead and read the recommendation language, rather than I read it? So, recommendation for UTB final reports says that the team recommends that they specifically identify data under transmission of registration data from registrar to registry, that's illustrated in the aggregated data elements workbook must be transferred from registrar to registry, provided an appropriate legal basis exists and data processing agreement is in place. In the aggregate, these data elements are; transfer of data elements from registrar to and the green ones are the required ones. And I tried to copy it from the recommendation, and then sort of a brownish colour that follows it are the optional ones. And then, we have a board score card, which we must take into account as a direction for implementation, right?

The board adopts this recommendation and adopting this recommendation the board knows that the purposes contained in the final report, recommendation 1; provide a legal basis for proposing or

---

processing the aggregate data minimum data set under this recommendation or requests that the EPDP face two teams. Consider whether the suggested corrections contained in the registry stakeholder groups comment and the commenting chart in appendix G more accurately reflects the phase 1 consensus and should be adopted. Finally, the board confirms its understanding that the EPD final report does not repeal or overturn existing consensus policy including, in this case, the thick WHOIS policy consistent with recommendation 27. Therefore, directs ICAAN org to work with the implementation review team to examine and transparently report on the extent to which these recommendations require modification to existing consensus policy. Where modifications of existing consensus policy is required we call upon GNSO council to promptly initiate a PDP to review and recommend required changes to the consensus policy.

Are there any questions or discussions on what we just read, in terms of recommendations and the board score card? There is instructions here, recommendations here from the board to the implementation team, us, IRT, right? Us. And also, the EPDP phase 2 team, so it is very important that we separate and be clear on our scope, our duty. So, after that, following this recommendation, most drafted is 6; transfer all policy language data, so what you'll notice, we have a 6.1 that says, "Registrar must transfer," must, right? And 6.2 that says, "Must if case the list of data elements, and 6.3, "Registrar may," so they're separating into three categories; must, must if, and may. Now, so far, there is a separation on how this policy, the language is interpreted here, and Marc has made a suggestion that we need to separate 6.2 into yet

---

another two categories. Somebody had their hand up? Marc, go ahead, maybe you should talk about this, I'm trying to read your notes here.

MARC ANDERSON:

Thanks, Dennis. Marc Anderson. I think in your review you did a good job explaining the current state, the recommendations, the board treatment of it, but when we get to 6.2, I think this is where we start to differ. And, in 6.2 you say, "The registrar must transfer the following data elements to registry operator if collected or generated." And you list all the registrant and tech fields in this document, that's 6.2.2 through 6.2.16. And that simply is not what is stated in the phase 1 policy recommendations for each of those fields. That is the case for 6.2.17 and 6.2.18, but that's not what's stated for the registrant and tech contact fields.

So, there I think it's very clearly stated that those are optional fields; they're not fields that must be transferred. I think if you look at the appendix work sheets that go into the logic on the collection transmission disclosure and publication of each of these data elements, you'll see that under transmission, it's very clearly listed as 0-CP, optional for each of those on transmission from registrar to registry. And as you pointed out in recommendation number 7 and the language itself, there's colour coded transfer logic where those fields are all listed as yellow; optional. So, I think that's where we have the divergence, and I guess that's our, that's where I think I disagree with your interpretation, based on the background you've provided, I'm unsure how you're getting to that interpretation.

DENNIS CHANG: We have, who is next? Can you just say the name? Theo is next.

THEO GEURTS: Yes, Theo for the record. I'm somewhat all the way with Marc is suggesting. I do read it a little bit different though. I concur with the conclusion that Marc made. The recommendation is pretty clear; if there is a legitimate legal basis, that is what the recommendation says. However, it seems that the board and has a different opinion on it, and they are all the way up okay with it, until there needs to be a modification to exist in policies like a thick WHOIS, which seems to be suggested if there needs to be a legal basis. So, it seems that the board is at odds with the recommendation, but doesn't really make a clear choice on what they want to do, because they were referring it back to the GNSO council, which will start another PDP on it. Which is a repeat on what we're going to have in the phase 1 deliberations, because regardless how the board, regardless if we're going to start a PDP or not, the bottom of this is; we need to have a legal basis.

At least the registries have to have a legal basis, or else we can't comply with the entire thing, and we can set up a DPA. I mean, if there is no purpose and there is no legal base, there is no data processing agreement, so everything falls apart. So, it is still a little bit odd how we need to get that into the language and not trigger another PDP. This is not very clear what the board is doing, I'm sorry about that. They contradict; they're saying, "We find it all okay, yes, there needs to be legal basis, unless there is something that's going to modify the existing

---

policies, then we need to start a PDP.” I think that is not correct what the board is suggesting here, but that is what they said. I guess we need to follow that unless somebody has some really great idea to ensure the legal basis and still come up with not affecting any other policies. Thank you.

DENNIS CHANG: Thank you Theo, Marge?

MARGIE MILAM: It’s Margie. Am I next?

DENNIS CHANG: Yes, you are.

MARGIE MILAM: Oh, thank you, this is Margie Milam. I actually disagree with Marc Anderson and the others on that. I think the board resolution made it clear that we are still operating under the WHOIS until a PDP changes it. And given that is part of the resolution in the adoption of the EPDP final report, then I think that’s what the IRT needs to implement. And certainly we can tee up conversations back up to the council or to the EPDP itself, but that’s the board direction at this point, and I do not believe we have the authority to go around what the board has suggested.

---

DENNIS CHANG: Who is next? Marc again, go ahead.

MARC ANDERSON: Thanks, Dennis, Marc Anderson. I'm going to drop two things in chat here, and I think one of them is, I think you've already captured in this document, but I think these are both from the board resolution itself. And everybody should take a look at this, because I think this is the instructions from the board, and the first one is, "Whereas the recommendation at recommendation 7 states that the data elements collected and generated must be transferred from the registrar to the registry providing appropriate legal basis exists, and a data processing agreement is in place, and that transfer is optional for contact information." So, I think here in board resolution, they very clearly understand that the transfer is optional for contact information.

And then, as Dennis has correctly pointed out, that the board understands that recommendation 7 conflicts with the thick WHOIS policy, and that the GNSO council, this is a situation that the GNSO council and the IRT are going to have to clean up. They understand that there is a conflict, and that conflict needs to be addressed. But the board also, in its recommendation, very clearly states that they understand what recommendation 7 is saying, and that they did adopt recommendation 7. So, I think it's important to understand that they adopted recommendation 7 and instructed us to implement the EPDP phase 1 final report, including recommendation 7 as written by the EPDP team and approved by the GNSO council. This is adopted and approved. They understand that it conflicts with the previous WHOIS consensus policy, now that needs to be cleaned up, but their



---

instructions from the board are clear; implement recommendation 7 as written.

DENNIS CHANG: Go ahead, Margie.

MARGIE MILAM: Hi, it's Margie. I guess the question really is; what did they mean by that language? And what -- I read that to mean that if the contact information is optional, and we're talking about the other contact information like the tech field, as an example, where the registrant may not want to provide a tech field, then obviously that wouldn't need to be transferred, so I don't read the board resolution the same way that you do. I totally think that it's something we can clarify, but it certainly seems clear to me that the which WHOIS policy is still in place and we need to operate under the assumption that it is.

DENNIS CHANG: Go ahead, Susan, your turn.

SUSAN KAWAGUCHI: So, in this discussion, I'm not debating there's a need for a legal basis, and we sort of talked about that at other meetings, that assuming there is a legal basis or assuming there isn't, that's going to change things down the way. But assuming there is one, then it's, I think, when I look at the term, "Optional," it is optional for the registrant to provide certain registration data, like tech contact as Margie indicated. But it

---

does not, as I read all of the exhibits and the charts, it is not optional to be transferred to the registry. The registrar doesn't get to make that decision. If the registrant has provided that information, the registrar has collected that information in a thick WHOIS world, it has to be transferred to the registry.

So, I agree that if we had a PDP and five years from now thick WHOIS goes away, then we'll have to deal with that again. But right now, we have a policy that states that the gTLDs are thick registries and so we should proceed on that basis. And so, the option, the yellow highlighting, is only -- you can't transfer what you have not collected. So the option really resides with the registrant on certain appeals, but not the registrar has no option to transfer the information and the registry has no option to decline, or not accept that information according to the thick WHOIS policy.

DENNIS CHANG: Susan, are you done? So, Theo is next.

SUSAN KAWAGUCHI: Yes.

THEO GEURTS: What I'm hearing, including myself, I think there is at least need for clarity what the board really means here, all the way up to with Margie to the point when she says we need to assume that we are still operating on a thick WHOIS, that's not a given for me, but let's go to discussion and let's focus on how we're going to get clarity.

---

On a practical point here, if we're going to -- if this language would not change, how would we deal with no legal basis? How does that work? Are we just going to put in the policy like, "If the data is collected or generated by the registrar it needs to be transferred." End, period, and there is no discussion about the data processing agreement and a legal basis. How does that work? I mean, you can't have a transfer without a legal basis, you can't have a transfer without a purpose, and you're saying, "Oh, we have a thick WHOIS regime right now," is not a purpose, and certainly not a legal basis. So, how do we go from there?

DENNIS CHANG:

Marc, did you want to answer that?

MARC ANDERSON:

Yeah, let me just expand on what Theo said. On a transfer from the registrar to the registry, EPB phase 1 looked at the purposes and identified those data elements that are necessary to be transferred in order for the registry to perform the technical service. And those data elements that must be transferred from the registrar to the registry in order for the registry to perform the technical service are the items that the registry has a clear legal basis for. And those are the data elements that are marked as, "R," required, in the policy recommendations in the worksheet and in green in the recommendation 7.

For the other elements, the working group went into a lot of specific detail on that, and here, to Susan's point, we were very specific on what was meant by, "Optional," and if you read the entire appendix with the workbooks, we define what is meant by, "Optional." Is it optional for

---

the registered name-holder to provide? And in some cases it is, and in those fields are Marced as O-RNH in the worksheets. So Susan, those are the fields that are optional for the registered name holder to provide.

Now, we also have other optional categories, we have optional for the registrar to support, and those are O-RR. And we have optional for the contracted party to support, provided a legal basis exists, and those are O-CP. So, we did have this discussion, we were very deliberate on what was meant by, "Optional." And the transmission the registrant fields, the 6.2 fields, in the worksheets those are all listed as O-CP, so these are very specific; these are not optional for the registered name holder to provide. Under transmission it's optional for the contracted parties, provided a legal basis exists. So, it's optional but then even if the registered name holder wants to -- even if the contracted party wants to support that transfer, they first have to provide a legal basis and a legal mechanism in order to do that.

DENNIS CHANG: Margie, go ahead.

MARGIE MILAM: Okay, thank you. This is Margie. I think where the board clarifies this is that it recognized that the report identifies there were legal basis for the registries to have the data, so that element, at least the way I read as stated, confirms that there is a legal basis. And so, I think that's where the disconnect is. Because the board recognized that we went through the exercise of identifying the legal basis for each of these

---

transfers, that that element is satisfied, and that's why, at least the way I read the resolution, they came to the conclusion that there still is the WHOIS. And so, I guess that's really the question, and to the extent that there is a question about whether there's a legal basis, that's certainly something we could ask. Some of us are on the EPDP working with bird and bird on the legal committee, we could certainly ask them about that. But I think that issue can be satisfied fairly easily.

DENNIS CHANG: Go ahead, Marc.

MARC ANDERSON: Thanks, Dennis. I'd like to respond to Margie quick, and the board resolution notes that a legal basis exists for the aggregate minimum data set, and that's those elements defined as required. As I said, we defined those as those elements that are necessary in order for the registry to perform the technical function of activating and allocating the name in the DNS, right? So those specifically are what the board was referring to. And also, just to remind everybody, we're not implementing the thick WHOIS policy here; we're implementing the phase 1 recommendations. Recommendation 7 was approved by the board as written, and there very clearly, the fields are options. Optional can't mean anything other than -- cannot mean required. Optional is either optional or we're not implementing the approved resolutions by the board.

---

DENNIS CHANG: Go ahead, Margie.

MARGIE MILAM: Yeah, I'm just thinking through what Marc said. Are you referring to the data elements matrix in the appendix? I'll take a look at that. Because in my view, if that's what we're talking about, that's merely an illustration, it doesn't override the language in the actual recommendation. And so typically when you're reading recommendations, the actual language of the recommendation governs, and the other documents are just merely explanation. And so, what I see here is a conflict between what the recommendations says, and what, if in indeed the matrix says something else. And so, at least in terms of typical contract interpretation, you would go with what the actual language, the recommendation over anything else.

DENNIS CHANG: Go ahead, who is next, Beth go ahead?

MODERATOR: Your line is muted, now we're showing it's muted. Okay, open now. Can we try again?

BETH BACON: Can you hear me now?

MODERATOR: Yes, thank you.

BETH BACON:

And all the horrible, horrible background noise, it's really loud, I'm sorry guys. I just wanted to note, I think Marc articulated this very well, the conversation that we went through with EPDP to create this language, but I do want to note we keep moving back to this discussion of the WHOIS. I think that it's a red heron; we are discussing the recommendations of the EPDP, we're discussing the minimum aggregate data set that we define in the EPDP, and that is the scope of this conversation. I think that when we start talking about thick and thin, it's not the actual conversation we need to have. What we need to talk about is the transfer of the data they have, I think Marc's outlined that very well, I think the language, as Margie says, on 7 is clear. So even if you don't look at the appendixes and the matrix, which I think does correlate, but if you don't look at that, the language in 7 is fairly clear.

And I also just wanted to note, I mean, the board did offer comments on this, but I think that the board, just simply acknowledging that we discussed legitimate basis does not therefore create legitimate basis. In the discussions of the EPDP, the ones they talked about are legitimate basis for individual elements, but we also discussed flexibility. And the crux of this recommendation was to provide flexibility for different business models, and to account for the fact that their existing policies are going to change. So, I think that we need to just perhaps focus again on the EPDP and what we actually -- our scope of our work here, and the fact that we're talking about just the aggregate minimum data set, as defined in the EPDP. And I will stop talking because I imagine it's super loud behind me, sorry everyone.

DENNIS CHANG: Thank you, Beth. Who's next?

MODERATOR: Margie.

DENNIS CHANG: Margie, you're back on.

MARGIE MILAM: Oh, sorry, I didn't take my hand down.

DENNIS CHANG: Marc, is that you, then, next?

MARC ANDERSON: Yeah, thanks, Dennis. I agree with Beth's points, well stated. Thin and thick is sort of a red herring here as she stated. We defined a new term an aggregate minimum data set and that's what we've been instructed to implement. And also to respond to Margie, the language in Recommendation 7 is consistent with what's in the workbooks and the language in Recommendation 7 also provides instructions, it says, "As illustrated in the aggregate data elements workbooks," so there's not a conflict between the two and the recommendation instructs us to look at what's in the workbooks, which further clarifies. So I don't see a discrepancy and I think our instructions are clear.



DENNIS CHANG:                   Anyone else have comments on this one? Okay then, let's move on, and what we should do is Marc, you think that these data elements need to be separated and given different requirements and what we need to do is then try to see if that can work. Susan, go ahead.

SUSAN KAWAGUCHI:               So, unfortunately, as I read this and no, I did not sit on Phase I of EPDP, thank goodness, so I don't have all that background, maybe, but in reading the recommendations and having worked from many recommendations to help implement new policies and review things as a GNSO Councilor, I really do not understand how you can look at previous recommendations about what is optional, what isn't, and the Board's comment on making sure that we consider the thick, WHOIS, that that's in place and then say that no, all of this, all gTLD registries do not have a duty to transfer the data if collected. So, I disagree with changing the list and segregating it. I think that is interpreting the recommendations as a whole in a way that's not appropriate. So, I'm just registering my objection to that.

DENNIS CHANG:                   Thank you, Benedict is next.

BENEDICT ADDIS:                 Hi, Benedict here. Hey Dennis, longtime listener first time speaker, I guess.

DENNIS CHANG: You called before.

BENEDICT ADDIS: I've been listening a lot. I think if we're arguing, and this is sort of an analogous issue, to think who is, it's a sort of transfer of data rather than a publication, so not quite the same as the thick versus thin argument, but I think that our comments as SSAC in SAC101 and other publications still stands. We see transfer of full data to the registry as not a "nice to have", but an absolute essential because of the ability and the position of the registry to detect abuse and address it at that level. So again, I register my objection, too. I think SSAC has made it fairly clear that this data transfer needs to continue and there is a clear lawful basis for that to happen in ICANN's mandate and other places, to reduce abuse. Thanks.

DENNIS CHANG: Margie, you're next.

MARGIE MILAM: Sure, this is Margie. Honestly, this is an area where there is no consensus to take the position that the registries and registrars are suggesting here. The report, coupled with what Benedict said, coupled with the Board has said, is clear. And so I oppose any suggestion that there is a consensus to divert from the final report, and I think that at a minimum, there needs to be a discussion in the report as to the two versions of this position, and who supports which, because I think that's

---

---

an area where, you know, obviously I hear what Marc is saying, I hear what Beth is saying, I just don't see it the same way and I think this is one of those issues that is particularly important to note our objection to it.

And the other thing that is kind of at odds I think is what we're talking about, is that, as Marc mentioned that, you know, we all agree that that the thick WHOIS is still being implemented, that process hasn't been stalled that I'm aware of, through this process. I think, you know, if you hear what others are saying, and in my view, the equity is way the opposite conclusion is to keep it the way that you suggested, and that the elements are transferred. But at a minimum, if that's not where we're going to land, then I just want to make it perfectly clear there is no consensus on this in this IRT.

DENNIS CHANG: Got you. Theo, go ahead.

THEO GEURTS: Thanks, so this whole discussion, there's a lot of different point of views here, and I'm okay with that, and like Benedict said, maybe moving the data to the registry is still of major importance. I'm fine with it all. But still the bottom line is, it needs to have a legal basis. And what we have now in language has not covered that. We are just saying, like, if you do A, then B is the consequence without any regard of a legal basis or purpose. And you can't do that. I mean you are constructing language here which is against many data protection laws. So you're going to run into problems right away with such language.

---

So we can argue about who is right, who is not right, but still, it needs to comply with the law, and if it doesn't comply with the law, then we can stop arguing here. It is clear that what is drafted now, what's on paper now, on screens, whatever you're reading from, it's not compliant with data protection law. There is no legal basis as defined as why we are doing this, so you can't just put it out there bluntly, like, oh, you do A, then there is a consequence, you can't do that. I don't see how that can happen legally. But again, If you have very good reasons to collect the data as a registry, because you have several requirements to tally data registrants, see if he or she is eligible to even register it, yeah, then there's a legal basis, but it is not defined as such in what we have now in a language. And no, I'm not even going to step into the entire pickle in this discussion, but regardless, you still need legal basis. And if it's not there, I don't see it flying. Thanks.

DENNIS CHANG:

Okay, I think Marc Anderson is back up, Ben and Margie if you wouldn't mind taking your hands down?

MARC ANDERSON:

Thanks, Dennis. Marc Anderson. You know, just stepping back a moment, I want to remind everybody, the purpose of the Phase 1 EPDP was to address issues of GDPR compliance with the existing processing of registration data. That included three main things, it included the collection of data, the transfer of registration data, and the display of registration data, the publication in this case an RBS system. And in the recommendations, in the final report, we included changes for each of

---

those elements. We recommended a reduction in the amount of data that's collected, we recommended a new aggregate minimum data set that should be transferred from the registry, we recommended redaction of some data in the display. These were very deliberate. Those were the recommendations that we agreed to in order to come to compliance with GDPR. That was our task, and that was what we did.

And the language in 66.2 currently in the draft, "the registry must transfer the found data elements to the registry operator if collected or generated," you know that simply does not reflect what's in the language of the policy recommendations. And Margie said, our instructions are to implement what's in there and I 100% agree. And I continue to be befuddled on how you can look at Recommendation 7 with the work fields as optional and under Transfer from registrar to registry, and can come to the conclusion that the yellow optional fields are required. That continues to stymie me, I'm confused by that.

This was something, if you look at the consensus call on Recommendation 7, data elements be transferred from registrars to registries. This received Full Consensus designation. All groups on the EPDP looked at Recommendation 7, looked at the transfer logic, the green and the yellow fields required and optional, agreed with them, and provided consensus. That's what we've been instructed to implement and I fail to see how we can come to any conclusion than that.

DENNIS CHANG:

Beth, you're up next.

BETH BACON:

I think Marc, I want to give you a big plus on what you said, that was really well articulated. I also want to note that maybe we just want to shift our focus. I think that we've gotten to this point in conversation where we're talking about looking for consensus on things that are underlying to the final report. We've already talked about all the underlying concerns. At this point if we got it wrong, we're kind of 'screwed,' I think is the word I'm looking for, until we can do another PDP, if that's the case. But what we have is what we have.

My suggestion is to move forward because I don't think we want to talk about this for the rest of the call, we have a lot of work to do. My suggestion would be to each party, take the language that the Staff has provided and tweak it to the way that you think that it's correct and reflective of their report. I do think that the EPDP consensus report language is very clear. I think that if we write it out as opposed to going back and forth verbally, it will be helpful and we will have a more solid basis to review it. But again, we should be focusing on implementing what we have, not relitigating the underlying issues. We've already done our best, we did what we could at the time and if we have disagreement there that's an issue for down the road. Thanks.

DENNIS CHANG:

Thank you, Beth. Diane?

---

DIANE PLAUT: Hi Dennis, how are you? I want to just point out that this is clearly the first major stumbling block we've had in this IRT, and it seems to me to be for a very important reason, and the reason being that this is a really fundamental issue that underlies the problem with the Phase 1 Final Report and the issue that certain issues such as this weren't finally addressed, what the Board decision is then went on to be unclear and that we really do have this outstanding issue of WHOIS and we haven't married those two decisions. And so it seems to me that the people that have opposed this and put that on record have a reason to do that, and as much as I agree with Marc that we did go through all the needed legal analysis in Phase 1, there still is this conflict that underlies the inability to not clearly answer this, and that there is a reason for these objections. And so I think that you would misplaced to not take note of those objections and really realize that in fact these fields should be reexamined at minimum.

DENNIS CHANG: Thank you. Marc is next.

MARK SVANCAREK: Hi, Mark Svancarek. Can you hear me?

DENNIS CHANG: Yes, I can.

---

MARK SVANCAREK:

Okay, good, I've been having a wonky microphone problem lately. I just wanted to say I think it's interesting, as far as it goes, Marc Anderson's point, that we do have a policy and the recommendation is fairly clear, but, okay, so I'm the new guy here, and I'm allowed to ask stupid questions. And I don't understand what happens when the recommendation language is clear and then the Board provides something that is unclear or which is interpreted in multiple ways. And so maybe Beth's approach that we all write it down or something, I mean, I don't understand how that's going to work either, because we're all going to write down different things, but I don't know how this is supposed to work, exactly.

I don't know if this is a regular occurrence or an unprecedented occurrence within an IRT. Marc keeps going back to the recommendation and I get that, but I don't think that's advancing the conversation here because we do have this other feedback from the Board. Like I said, I'm just caveman, your policy ways confuse and confound me, but I am a little confused about what we do in this ambiguous situation. Thanks.

DENNIS CHANG:

Thanks, Mark. That was very, we're all laughing here. Yeah, so when these things happen, and you probably heard that, to some people it's very clear, to other people it's not clear, so there is a different way people are reading and that happens, quite frankly, so this is not unusual. And I think that Beth, as she said, we can talk about this the whole meeting, but we are beginning to repeat ourselves, and that's not what I want to do, and we have to stop. So, the next thing that we have



---

to do on this particular issue, take it to the list. So go ahead and write it up, those who want to change this, write it up in the email because right now I don't have any basis to change this, because I do not feel like I have authoritative document that I can point to, and go to public comment with and say this is why we have to separate these categories. So, go ahead and write that up and maybe continue the discussion on the list. So, with that, I'd like to move on to our next agenda item. I think that's an okay.

So, what I want to do is go back to the FAQ first. I want to thank Elizabeth for proposing an alternative language which we are going to accept and I haven't seen any objections that they're all positive in nature and agreement. So I'm going to accept that language alternative to replace it, except the last part about we will have, what did I say, the consensus policy, so in the consensus policy language, we don't have that kind of detail, but I think it will be really helpful to have that detail in another document and Matthew suggests that we should have it as an addendum, and that's what we agreed with, that's what we will do. So that's the first thing. And if there is no objections on accepting Beth's suggestion, I'm going to continue to move to the next thing, and that is again the policy language.

There's a lot of heavy comments and we went through them, so I'm going to do a couple of things. One thing that is sort of obvious we want to go ahead and accept to clean up the document, agree with deletion of 1.3, and need to further review 1.4 and 1.5, is what I said here. So, for the deletion of 1.3, I'm going to accept Beth's suggestion to delete this whole section, okay? So you're watching me do it. Am I going too fast? So thank you, Beth, that cleans up the document. Okay,

---

---

so 1.4 and 1.5 I'm going to have to keep, so I'll do it later then. Beth, just so that you know, 1.3, we're agreeing to delete, there's no objection to that, 1.4 and 1.5 we'll have to keep it until we look at it some more.

We're moving on to the definition. Beth suggests deletion of the word consent and I asked for some rationale for deletion. So I would appreciate it if you can do that. And then the next one, personal data? Which one did we agree to delete? Register Name? Okay. Register Name we're going to delete, right? May I? And then we're going to delete this, Registrar Accreditation Agreement, RAA, we're going to delete that, we don't need that, I agree with Beth there. And then Further Deletion of registration data directory services, agreed to delete 13, 14, and 15, okay, may I? Okay. So the reason, obviously, that I want to go ahead and do this is clean up this document, because I'm prepping this document to receive our first merging which is our #5.

So, let's go to #5. Number 5 was done, the only remaining issue, I think, is this one. Matthew suggests, and I think he feels pretty strongly, because he is the proponent of having this language in the policy section, rather than Implementation Notes section, and I've tried to accommodate the intent or the purpose of having this language by Implementation Notes, but I think Matthew is disagreeing, and I haven't heard anybody else chime in. So 5.9, the language as proposed by Matthew and my proposal to capture it into the Implementation Notes, rather than the language itself, can I hear some IRT chime in on this? What do you guys think? Did I lose you guys? Who's next? Matthew?

---

MATTHEW CROSSMAN: I think my suggestion here, and I think this is where we left things on the last call, as well, we're going to try and huddle on our side with a couple folks to talk through this issue and try to come up with a solution, because I think you know, it's important for us to get this one right, because there's kind of implications going forward in other parts of the policy, depending on how we decide to treat these data elements. And it's important that we get it right, given that it is part of the recommendations and we need to figure out how it fits into this policy. So, I think my suggestion would be to maybe continue to just put a pin in this and let us work a bit offline to come up with a solution and then we can come back with a proposal before the next call.

DENNIS CHANG: Thank you very much. Let's do exactly that. So let's move on. Susan, you have an opinion?

SUSAN KAWAGUCHI: Yeha, just a quick thought. As you're reworking this it says "Registry operator may require collection." I'm not seeing anything that would require transfer. So back to the old discussion, we just tried to leave. Sorry about that, to bring us back to that, but it seems it would be critical if the registry required the collection of it, but did not receive it, the registrar did not transfer that to the registry, because validation, there's a lot of ccTLDs for example, in the past, or even some legacy like .info, I think that was the one, when it launched way back, you had to provide a trademark number. Well, there was a lot of fraud in asserting trademark rights in those first registrations. So I think that's critical, the

---

registry operator would have that information transferred to them. So, I would recommend putting in something about transfer.

DENNIS CHANG: Matthew, I think you've proposed to talk about it later. So, we can do that if that's what you want, or do you want to have a quick comment.?

MATTHEW CROSSMAN: I was just going to say that I agree, that's one of the downstream effects that makes it important that we kind of figure out how we're going to handle this or are consistent throughout and Rec 5 here is just about the collection and so that would be something we would need to figure out for Rec 7. So, I don't disagree. I think that sort of points to why it's important that we figure out how we handle this and we're consistent about it throughout the policy.

DENNIS CHANG: Yeah, I agree, I noted that you made the same comment on Rec 7, too. Marc, do you want to say something about this?

MARC ANDERSON: Yeah, I think Matt said it pretty well, but I just want to note that requiring collection of the registrar does not automatically indicate transfer to the registry. There may be cases where it does and there may be cases where it does not. And so the policy needs to be flexible enough for both scenarios.

DENNIS CHANG:

Thank you, Marc. So let's continue. And we'll wait for Matthew to come back to us. Let's go back to Rec 7. I know that we discussed it, let me just see if there was anything else. Oh, it's the same concept, right? Yeah, Matthew is the same. So other than that Rec 7 and 8 is done. So, let's move to Rec 10. Where are we, where's our first comment? Oh Rec 10 said, and Jody believes that this needs to be two separate responses listed, one for registry operator and one for registrars. Not all registries have the registrar data and cannot therefore display the data in the RDDS response.

Okay, so I asked Jody to provide some rationale, because in the recommendations I could not find the reason for differentiating this list based on registries and registrar and why two have two sections with the same data elements with the same data requirement if that's the case, so for efficiency of language and simplicity we combined it. But, Jody is wanting to talk about the fact. I want to hear more about this. Is Jody on? Oh, Roger is on. Roger, you go ahead.

ROGER CARNEY:

Hi Dennis, hopefully you can hear me. So, if you look at the requirements, and I'm not going to speak to just what do we do today. Today, we don't display registry expiration date as a registrar and we're not required to. If you look at Recommendation 5, we're not even collecting registry expiry date, so there's no way we can display it. So, I think that's Jody's point, there needs to be two different outputs, because it's already been generated as two different outputs. Rec 5

---

says we don't collect registry expiration date, so there's no way for us to display it. Does that make sense?

DENNIS CHANG:

I'm going to give the floor to Marc Anderson next, go ahead.

MARC ANDERSON:

There's a bunch of typing, I think somebody is not on mute. Okay, so on this one, I guess we could do it both ways, you know, there are differences in the output for registries and registrars, that's a reality. You know, they're not identical. So, our choice is either have one set of options and specifically call out where it applies to the registry or it applies to the registrar, or have two separate ones, one specific to the registry and one specific to the registrar. I've seen it done both ways, either option can work. Having sort of recently gone through this with the RDAP pilot working group, I started down the path, in my working on that, I started down the path of doing one set of outputs for registries and registrars and trying to differentiate where there are differences between the registries and registrar and by the end it got a little messy and maybe in hindsight, I would have liked to have taken the approach of separating them and doing registry and registrar. I don't know that there's a right or wrong answer. There are pros and cons to each, and it's certainly been done both ways in the ICANN community. Given my recent experience, I'll throw my support behind Jodi's suggestion of separating them a try.

---

DENNIS CHANG:

Thank you, Marc. Anybody else? When we did our thick quiz, we did it a separate way, right? On one of those policies, the other policies we combined them, so it's a matter of style, too. So making two lists with the same data elements is not an issue, just that I need to know there's a reason, that there's some difference that we are making between the two lists and some requirement difference or some data elements difference. This needs to be clear for having the two separate lists and then the fact that we can point to something and I hear the fact being presented is we don't do it today, but the whole policy, the way I think about the recommendations that we are provided to implement is that we don't do something today and therefore the recommendation said we need to do something today, and that's what we're trying to implement right?

So, that's the clear difference. Please help me in identifying how you would make the list, and maybe this can take, we can go to the email list for this, too. A lot of these things we should be able to do it using the email list so let's get active on that. So, if you want to go ahead and give me a list with a clear recommendation that looks different than what we have here for registrars, because I don't know whether we're agreeing right now that this works for registries and it doesn't work for registrars, or if it works for registrars but does not work for registries? I don't know which one it is. Roger, go ahead.

ROGER CARNEY:

Yeah, hi Dennis, thanks, this is Roger. I guess I'm confused, I thought it was fairly clear if we don't have the data, how can we show it? We're not required, we do not collect registry expiry date as a registrar. We

---

cannot display something we do not have. I'm not sure how much clearer I can make that. Thanks.

DENNIS CHANG:

I understand your point and I have to ask the policy development team EPDP team, why they provided us a recommendation for implementation such as this. So if we're being true to the language of the recommendation that's what we got today. That's how we got here, Jody. So, I understand your situation. So, you're saying that it works for registry, but not for the registrar, am I right? Okay, so then, what you would propose, Jody, is a registrar list for 7.1 that includes everything except 7.1.7, is that what you're proposing? I'm reading 'yes' on the chat. I think that's an answer to my question. Ben, do you want to speak here? Go ahead, your hand is up.

BENEDICT ADDIS:

Thanks. I would make a counterproposal that simply says expiry date bracket, from registry or registrar as appropriate.

DENNIS CHANG:

Okay, Roger, go ahead.

ROGER CARNEY:

Thanks, Dennis, this is Roger again. Again, I support the idea of two lists to make it easy for implementers so they don't have to guess which ones they're supposed to do if we say registrars have to do this and



---

registries have to do this in two separate lists, that just seems so much simpler to me. Thanks.

DENNIS CHANG:

Hey Roger, as a fellow engineer, it would make it simpler for me to implement if I saw just my list, so I sympathize with that, but I'm trying to be sensitive to everyone who's using this policy language, not just the engineers. So, is there any objection? Let me hear any objections to having same list to start with, but then with the 7.1.7 still in question, because we don't have a recommendation language that allows us to delete this, so maybe what we can do is start separating the list for sort of a change in direction of how we are going to lay out the policy. So structural change, right? We're going to have like a registry list, a registrar list. What do you guys think about that?

Okay, Roger, let's try that. We're going to go ahead and see if we can restructure the document and maybe starting with 7.1, and what you will see is identical language and identical lists and we can continue to have this discussion on registry expiry date, it's a different question, different consideration. How do we handle the recommendation language that we received, how do we deviate from that language, and what justification does the implementation team have in not implementing the recommendation language. There's a hand up by Roger.

---

ROGER CARNEY: Thanks Dennis, this is Roger again. I guess just a process question is who's going to answer that question? I think I made it clear that there's no way registrars can support that. Thanks.

DENNIS CHANG: So, it's my understanding, and I think I'm sure that you are speaking from your company, but I think other companies may have a solution for that, I just don't know what it is and we need to maybe have a technical discussion with the technical community, how we can implement that. I think you're asking us how do we implement the recommendation question, right? And that really isn't for us to answer, but we can ask our technical folks here to work with the technical community to see if we can offer up a solution. Is there another hand? Another hand for Roger.

ROGER CARNEY: Yeah, thanks Dennis. This is Roger again. Again, to me the question is, if we do not collect this, which Recommendation 5 says, we do not collect this field, how can we display it? And if your technologists can solve that problem, good for them.

DENNIS CHANG: I understand your question. Marc, go ahead.

MARC ANDERSON: Hey Dennis, Marc Anderson. Maybe I can help a little bit. Dennis, you seem to be stumbling on the fact that you don't feel there's a basis for

---

having a separation between the two registry and registrar. And here I want to refer you the workbooks in the final report of the policy. Specifically #3, and you can find that on page 111. "Purpose 3, enable communication with the registered name holder on matters related to the registered name." In my own words here, this purpose is critical to justifying the display of information in an RDS system, so this your display purpose, or as we call it in the final report, publication.

So if you keep going and you look to page 114, there you get into a table and there are two different processing activities listed. So, they have publication by the registry and publication by the registrar and if you take a look at that list you can see a side by side comparison between publication by the registry and publication by the registrar. And the data elements matrix is clearly labeled and spelled out so you can see very quickly side by side comparison of the two where there are differences and where there are similarities between the two. So, I think that may help with what you're struggling with there.

DENNIS CHANG:

Thank you, Marc. I have to study those quite a bit. I don't know if I can comprehend and digest it at this point, but I have no objection of separating the lists, that wasn't the issue, that is easy to do, it's a stylistic thing. The 7.1.7 data element issue for registrar is what was getting asking the question on and lengthy comments here and I think you're giving us some information, we'll go and seek that out and if other IRT members have some data to justify eliminating 7.1.7 from this list of required, right, this is a must, must list, right? So, I think Roger is saying when we produce a registrar that 7.1.7 will not be there, and

---

does it go on the mailing list, then? I'm not sure, but maybe Roger can help me with that too.

Go ahead and on the email list propose the change for 7.1 and 7.1.7. I don't know if I have a proposal yet. I don't think I have a suggestion. The suggestion was have a separate list, which we will accept, and how we treat the 7.1.7, I'm not clear with the registrars, but we will take that offline and we'll keep moving. Is this the same issue 7.2.1, Roger? Yeah, Roger, 7.2.1 I think it's the same issue, right, is it? I don't know what, I forget what the suggestion is there. What is the suggestion here, Roger? Or are you just informing the team? Go ahead, Roger.

ROGER CARNEY:

Thanks Dennis, this is Roger again. I was just noting that our current contracts say that we have to display this. We don't have to display registry expiration date, but we do have to display registrar expiration date. I don't think that policy or the recommendations mention this I don't know, Marc or Sarah may know better, If the recommendations require this or not. I was just saying, I know from the contract, we are required to. Thanks.

DENNIS CHANG:

So it seems like there's a change here than now by contract, you're required, and the policy recommendation says "may," so you're not required to. I think that's an important clarification. Any comments? If there is no objection, I'm going to resolve this comment, oh, we have a hand, Marc Anderson, go ahead.

MARC ANDERSON: This is Marc. It's not an objection, the intent was not to change behavior there. Roger is pointing out the requirement for the registrar, let's see if I get this right, the requirement for the registrars is to display the registrar registration expiration date, that should continue to be the case and optional to provide the registry expiration date, that should continue to be the case. I don't recall, nor do I think there was any discussion about changing the existing contractual obligations around that.

DENNIS CHANG: Thank you, Marc. Yeah, that's our challenge. Is Roger back on? Go ahead.

ROGER CARNEY: Thanks Dennis, this is Roger again. Thanks, Marc for the clarification. In that instance, I would say, it makes sense, Dennis, when you separate the two or create a new list that for 7.1.7, instead of registry expiry date you substitute that to registrar registration expiration date for the registrar list. Thanks.

DENNIS CHANG: That's a good suggestion. I understand that. And we'll probably have to note somewhere that is not in line with the recommendations. So, we'll have to make that clear when we go to public comment. In this particular data elements we are deviating from the recommendation and for good reason, because it was not intended, there was no

---

---

intention to change it, it was sort of an oversight. This kind of thing, when we do that, we really need full IRT attention to this, so there is no disagreement when we do things like that. Ben, go ahead.

BENEDICT ADDIS:

I Just wanted to ask for clarification. Because my understanding is that registrars in their WHOIS output provided their expiration date and registries in their WHOIS output provided their expiration date, and that was a requirement, but I'm hearing that this was not a requirement. Can somebody just articulate that for me, please? Maybe Marc could explain to me as he seems to be on top of this.

DENNIS CHANG:

Marc, help.

MARC ANDERSON:

Sure, I'll take a crack at it. I'll try and speak carefully here to make sure I get it right. So, essentially you're correct. Benedict. So, the registry has an expiration date and they're required to display their registry expiration date. The registrar has an expiration date and they're required to provide their registrar expiration date. What happened is, sorry, before I go on, let me also clarify that optionally the registrar may, but is not required to, display the registry expiration date in their WHOIS. And optionally, the registry is able to allow the registrar to provide their registrar expiration date to the registry.

---

BENEDICT ADDIS: And that would happen normally in an EPP push, would it? So, registry had that ahead of time.

MARC ANDERSON: Yes.

BENEDICT ADDIS: Cool, okay.

MARC ANDERSON: So, in the RDS output of the registry, the registry expiration date is currently required and the registrar expiration date is optional. In the publication of the registrar RDS, the registrar registration expiration date is required and the registry expiration date is optional. What happened, and you can see this on page 114, in the registrar column, publication by registrar, we seem to have a typo. So, where the registry expiration date in that column should be optional, it's listed as required and where the registrar expiration date should be required, it's listed as optional. So I hope, I got that all right and that was clear. But basically, what we're saying is we mislabeled fields, we sort of swapped the required and optional values on two of the fields in the registrar obligation in there, you can see it on page 114 of the final report. So hope that helps.

BENEDICT ADDIS: That's really clear, thank you. And actually as a registrar, I don't think I'd ever display the registries expiration date in my output because

---

there's no mechanism for getting it, but I have seen it the other way round in practice, so I don't know. although Roger, I noticed in the chat is saying there isn't currently an APB mechanism for that. So, just to summarize, I think, perhaps Roger, you could clarify that, in chat, just to summarize then, that I think we haven't entirely captured the first case that Marc has articulated that registry and registrar must publish their respective expiration dates, which is maybe the way to do it. We've captured the case where registry may publish the registrar date in 7.2 and 7.2.1, but we haven't captured the counter case. And so when we write that down and then just put an explanatory note saying, hey, hands up, this looks like it was screwed up, in the policy there's a mistake, and we think we're doing the right thing now. I think that would be totally acceptable.

DENNIS CHANG:

Yeah, and that's our job. So, thank you for that, very helpful. You know, we only have a couple of minutes left, so I'm going to stop the discussion here and go back to our agenda. For the hour meeting continuation, there was a proposal made by an IRT that we perhaps change our meeting structure. So just quickly give you some stats that this is IRT team meeting numbers of our five meetings that we held so far, so last meeting was about 42% attendance, which is very good, actually, it's not bad at all. And then in terms of number of people attending the meetings 22% of the people have never attended the IRT meeting, this is not good, and 8.57% have attended all IRT meetings. So it's a very small percentage that are participating in every single meeting.



---

So I hesitate to make it more frequent, but I do notice and everybody I think is an agreement that we need more time maybe, face time, and so the more frequent the meetings has its own challenges because then we're going to leave more people behind and that's not what we want to do, but we want to increase the time. So I think what I want to do is try this. We want to increase this meeting here right now its it's a 90-minute meeting, I want to extend it by another 15 minutes, for 105 minutes every other week.

The other alternative is, of course, maybe start the 60-minute session every other week and interlace it or 90-minute session every week because in terms of managing meetings, you should know that there's certain overhead that is associated with every meeting so two one hour meetings is less efficient than one 90-minute meeting. So, I think this is what you should know in terms of project management, that's what I've learned. I was taking a comment from Ben.

BENEDICT ADDIS:

Hey, sorry, I've been verbose this time. I made a request on the list to move this meeting either forward or back by an hour just because we have RSSAC support team meeting at the same time. So if we do go to weekly, that would be appreciated if we could do a doodle to find a time that works for everyone.

DENNIS CHANG:

Thank you.

---

BETH BACON: Dennis, this is Beth, can I weigh in?

DENNIS CHANG: Yeah, go ahead.

BETH BACON: Thanks. The registry stakeholder group, we have time since we have biweekly meetings and then we have these every other week, so we're sitting on calls for four hours. So it's pretty inefficient and there's really no way to coordinate beforehand. So I think, we're all fine with keeping this meeting slot, if you want it back an hour, sure, forward an hour, you would lose all the registries. But I do think that we feel like we want to make sure that we're giving enough time and we're doing a lot of work, which I think we are, but we have a short timeline, so I think the concern was that we just want to make sure that we're doing this all the time we can, in the most efficient way we can.

And I think you've done a million times, and your input is incredibly helpful. I do think that two meetings are better than one meeting. I don't think that adding another half hour to this meeting would make anyone very happy, as I slightly weep. So, maybe if we keep it as an hour and a half, maybe add one other one hour meeting between them, that's my suggestion. Thanks.

DENNIS CHANG: Go ahead, Sarah.

---

SARAH WYLD:

Thank you, good afternoon. I agree with what Beth just said. And so we definitely need to be careful about other team meetings that this might intersect with, I don't think that having a longer meeting than 90 minutes would be super helpful. I know people tend to get really weary after about the 90 minute mark. And personally, I do think that we can reduce some of the overhead. For example, I know that we typically do introductions of new IRT members, we could stop doing that at every meeting. In my experience, a 60-minute meeting can be quite effective. And as Beth said, I think we really want to make sure that we're using all of the time available between now and when this policy is released. Thank you.

DENNIS CHANG:

Thank you for your input. I'll let you know via email if we make any changes. But in the meanwhile, I am going to maybe drive a little bit harder on the IRTs with more work in between meetings right away. So, please expect that, and support that to make faster progress. That's all for today. Thank you very much for the discussion. And I'll see you at our next meeting. Bye.

ANDREA GLANDON:

Thank you, this concludes today's conference. Please remember to disconnect all lines, and have a wonderful rest of your day.

**[END OF TRANSCRIPTION]**