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RECORDED VOICE: This meeting is now being recorded.

DENNIS CHANG: Welcome everyone to the September 1<sup>st</sup> edition of the IGO INGO Identifier Protection, IRT call. So I'm sharing my screen now, and we will quickly run through the agenda and get right to the policy language.

So, as always, I'd like to just quickly run over the, hold on. Okay, Lori, I am on audio only, so you'll have to like track, okay. Will do Lori. I'll provide the languages for the chat, oh no. So I have to read it so you will hear everything that we're looking at.

So first, the point that I'm making is that our timeline hasn't changed. Your mic hasn't connected for some reason. Okay, but let me see if I can address that a little later, but for now, we're just looking at the timeline that you've been looking at for a long time, and you haven't changed.

And our status from last week didn't change, we're finally down to our policy language. The scope hasn't changed. There is nothing that came in that alters any change to the course of our project. And I see some, we went through the protective identifier list on our IRT Wiki page, and that hasn't changed.

So we come to our draft consensus policy language. So let me see here.

So what I have circulated was an IGO INGO [inaudible] protection consensus policy version, that we had revised for section 3.2.

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*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.*

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Thank you Mary for helping with the mic. You're so good at this.

And we had our lengthy paragraph there, and Crystal, who was on the call last meeting, said that we have missed a scenario where a name is registered first, and then the name gets put on the protected list afterwards. So what do we do then? So we tried to address it, and it just so happens that when we're looking at the language, we realize we have put the language in the registry agreement, which we adopted.

And then we had a, we had Crystal come back and said she likes it but has a suggestion. So we have this suggestion. Yes, Lori, well this morning... Let me see if I captured that here.

So Crystal said that maybe we should say this. If the existing registration of protected identifiers and gTLDs, for second level domain names matching labels, protection per section 3.1 of this policy, that were registered before the label's inclusion of the protected list, registry operators shall reserve such label from initial, i.e., other than renewal, registration within the TLD.

So that was the proposed language. And then Lori came back and proposed this language. Let me see if I can read it. For existing registration or protected identifiers and gTLDs, for second level domain names matching labels protection per section 3.1 of this policy, that will register before the label's inclusion on the protected list, so until then, there is the same language.

But then she goes on to say, registry operator shall permit renewals and otherwise reserve such labels from the initial registration or transfer to

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unrelated legal entities. Lori, if you're on the call, do you want to follow up with any remarks?

LORI SCHULMAN: Can you hear me?

DENNIS CHANG: Yes, I can.

LORI SCHULMAN: Oh good, okay. So this is my thinking with this language. I thought it would be better to write something in the positive regarding [inaudible] particularly with [NGO] [inaudible] for the successor [inaudible] where they're changing their name, or they're changing their location, or there is some sort of change that would put a legal change and ownership, maybe not [inaudible].

We should account for that. I was a little concerned about some initial registration and not talking about legitimate transfers [inaudible].

Does that make sense to people? Do you understand what I'm saying? Like, you can be INGO and you dissolved in, let's say, one jurisdiction, and you're reforming in another jurisdiction, or [inaudible] could shift in some way that requires a domain name transfer.

And I want you to ensure that they weren't [inaudible] in doing that. I think this language [does that?]. So, I think this language does that.

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DENNIS CHANG:

Right. Any comments?

So, let me see. I have a proposed, let's see. Let me just share with you some changes that Mary has proposed, based on that. And that is, let's see. For the second domain level names, matching levels protected per section 3.1 of this policy that will register the full inclusion of the label on the protected list.

So that's, I think, [inaudible] meaning. Here we say, registry operators shall reserve labels from initial registration or transfer to unrelated legal entities, except that renewed by the same registrant or its legal, successful successor shall be permitted.

HOLLY LANCE:

Hi, this is Holly. For what it's worth, I think that is a little bit more confusing than the language that Lori suggested. I guess I don't really understand the difference of what Mary is trying to achieve.

DENNIS CHANG:

Let's see. Switch the order that Lori had it to make it clear to look for a standard law for the exception and renewal. I see. I don't know if you're looking at Mary's comment here. I don't know if Mary can even talk. Maybe it's better if you speak?

MARY WONG:

Hey Dennis, everybody, this is Mary. I apologize for my voice. Lori, and I think Holly know, I have a bit of a sore throat, a lot of a sore throat. As I said in the chat, I was just trying to put the rules first, sort of taking

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Crystal's approach, and then allowing for exceptions and providers after. But as I said in the chat, if that makes it more confusing, then we should probably go with the clearer language.

DENNIS CHANG: Anybody else have comments on this? Somebody is typing, loudly. We can hear you.

LORI SCHULMAN: I'm sorry. This is Lori, I'm sorry. [Inaudible] just not raising my hand, but I just felt that the first words that [inaudible] is just any new registrant that's not related to a legal entity that originally had owned this, that's not okay. [Inaudible] for the preexisting. Like in other words, if you're preexisting, you have it. And you can renew it. But you can't use it right away, unless you give it away for a legitimate successor and interests.

I think this is [inaudible] Lori back and forth, I think it does work, but whichever people think is clearer, I don't know that I think it matters so much.

DENNIS CHANG: Okay. So thanks for this, Mary, this is for you. So probably this is what the IRT likes, and it's more clear. So registry shall permit... So this is probably like that, because it's [CROSSTALK]...

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LORI SCHULMAN: Hi. It's the end of [inaudible]... Yeah, this is Lori. It's the end of [inaudible] confusion, we could put a but there, it says shall permit renewal, but reserved. But I like to [inaudible] positively rather than negatively. So I don't know if that helps. That might be confusing.

HOLLY LANCE: For my two cents. This is Holly. I think that actually helps.

LORI SCHULMAN: Okay. [CROSSTALK]

HOLLY LANCE: ...we represent one entity, and it's not really affected by this rule. We're highly unlikely to be affected.

LORI SCHULMAN: I think it's unusual [inaudible] I think [inaudible] a handful, but what [I would hate for to happen?] is that we will write the policy, and for that outlier, then they're stuck with the domain transfer that they can't do. That's what I'm trying to prevent.

Because [inaudible] that sometimes... That Holly, I know you represent a lot of NGOs, the NGOs sometimes break out into subsidiaries, so in time, they'll achieve split assets and go in different directions, and some change mission. I mean, there are scenarios I can imagine.

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DENNIS CHANG: Let's see. Should we make a reserved part shall also [CROSSTALK]...

LORI SCHULMAN: ...what I would do, if we could do [inaudible], I want to go back because that's no longer an exception. What I would say is [inaudible] renewal, and it shall reserve such labels. So you've got to do two things. You've got to [inaudible] and you have to reserve the labels. That might be the clearest.

HOLLY LANCE: Lori, I was just going to say the same thing. This is Holly. I think that is it.

DENNIS CHANG: Oh good. Yeah, it makes more sense to me too. So...

LORI SCHULMAN: That's why [inaudible]... [LAUGHTER]

DENNIS CHANG: Okay. So if this group, on the call, is okay with this language, I will go ahead and adopt it to our next revision and send it out to the whole IRT. Now, there is one more thing Mary just thought up on a language for, let's see, for one of the notices.

Mary, since you're on the call, can you remind me which part? Was it an INGO claims notice? Or was it INGO registration notice?

MARY WONG: It was the claims notice, Dennis. And it was appendix A, I think.

DENNIS CHANG: Okay, appendix A claims notice.

MARY WONG: And it's the part where we say that if the potential registrant continues with the registration, they represent that, etc. I think in the notice, unless it has changed since I last looked at it, in which case, you know, ignore everything I'm about to say, it says something about you represent...

It will not infringe on the rights listed below. You know, I should picked this up when we went through this the last time around, but rereading it, I think questions arise to what rights we're talking about, because we can't be representing that INGOs have rights in their names.

So my suggestion was to change the way this was phrased. And then I think you and some of our colleagues have seen, a couple of suggestions I've come up with, which is not perfect, but the basic caveat I have here is that we really don't want a notice that says, you may infringe on legal rights, that could have a chilling effect, especially we're not in a position to say what those legal rights are.



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DENNIS CHANG:

Correct. So let me see, how should I do this? Do you think you can maybe put into the chat the language that you are hoping that I can copy over? Here. I think it... The registration and the use of the request domain name shall not infringe on the rights below.

I think it's... This...

Mary is working on...

So Mary has option one, proposed registration and the use of the requested domain names, shall not infringe on any legal rights that the INGO may have in its name, which you requested domain name matches.

Option two, your registration and use of the requested domain names is local. Not perfect by a longshot, but [inaudible] stuff that [inaudible]. Oh, poor Mary. We applaud your dedication. I think Lori supports option one, so let's try that.

LORI SCHULMAN:

[Inaudible] improved the last part of that issue, if it matches. I would just say, that any rights the INGO may have in its name, period. Because we know that these labels that we're reviewing, we're using some [inaudible] that are a little strange, and they have a strange outcomes. So I would just stop at names, which Mary seems to support.

DENNIS CHANG:

I think you are saying this, right?

LORI SHULMAN: Period, yeah, because if you've got some weirdo names [inaudible], you're not going to match, but they may infringe.

DENNIS CHANG: I see. Yeah, your registration and use of the requested domain name will not infringe on any legal rights that the INGO may have in its name.

LORI SHULMAN: Period.

DENNIS CHANG: Period, yes. All right, that will replace the registration and use of the requested domain name will not infringe on the rights listed. Okay. I like it better too. Anyone else? Lori, Mary? If you continue with the registration... Yeah, so, let's see.

Today is my day. All right, Lori.

Yeah. I know, we've been working on this for a long time. Many, many, many years. I know a lot of things are already happening on the fringes, so it's pretty difficult to keep focused on this development. I understand everybody's situation. So applauding you, all of you, to get us this far.

And of course, what we have to do is, Erica is not on the call, unfortunately. So we have our internal ICANN staff go through it, and make sure that, one last time, that we're okay with it. And then, I will

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send it to IRT for more time, and in writing, maybe we can get a consensus without another meeting.

Because what I'm thinking is, if we can do that, then we'll just meet up next month when October, and then one more time, to check on everything that has gone on, and hopefully by then, the public comment is underway. And we'll check on the status of other things that are going on. We still have development implementation work that are underway.

And talk about the upcoming ICANN 57 and how we should write the agenda for this session.

Yeah, the new changes, where [the note?] explained where the changes were made. So what you're looking at here, is the changes that we have made. Let me see. Let me do that right now actually. What I'm going to do is, this language that we're adopting.

And I'm just going to replace the whole thing.

So this is the document that you will be receiving, and it should be pretty clear, the red lines, what was originally there and what it is being replaced with. Does this work for you, Lori? I'll give you a red line and a clean version.

And it will go out to the whole IRT. Of course. So, other than that, we have... I was talking about the next steps. And I think we're all on the same page there, so unless there are other comments or other business that the IRT wants to bring up, bring them up now and we will discuss it.

Other than that, we are going to adjourn.

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Yeah, the public comment is typical 45 days, and you can see the other things that are going on there. So thank you Mary, take care of your cold. Be healthy, we need you, obviously. And Lori, excellent suggestions. This is your day. And Holly, thank you for joining. And we'll sign off.

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