
STEPHEN DEERHAKE:

Alright. Greetings, everyone. Good morning, good afternoon, good evening. Thank you for joining today's teleconference, our first call in our respective new shoulder seasons, which is autumn in the northern hemisphere and spring in the southern.

For the record, this is the 26 September 2019 addition of the ccNSO PDP working group tasked with developing ICANN policy with respect to the retirement of ccTLDs from the root zone. We have convened this meeting today at 05:00 UTC. It's fairly early for those of you near the meridian, and a halfway decent time for those of you near the antemeridian, so I hope we have some good attendance from that area.

I'd like to point out that I'm managing this call from the satellite office of .vi, the U.S. Virgin Islands, and wish to formally thank the NIC.VI people for the use of their facilities. And of course, I wish to thank all of you for joining the call.

I've not seen any written apologies, but perhaps secretariat received some. I'm assuming staff will be taking attendance in the usual manner, so if there's anyone that is audio only, please identify yourselves so that you're properly recorded as being present.

Earlier this afternoon, it was not clear that Bart was going to be joining us because he's away from the office attending to ICANN business, but it appears that he's here and I thank him for being here because I know he's in the same time zone as I am and we're up late because it's 1:00 in the morning here.

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.

[Most of you have seen from] what has been posted on the list, Bernard has been hard at work reworking our draft policy document and tightening up the terminology. And I really want to thank everyone who has commented on the last version posted to the list.

From the list discussion, there are still some questions about a few lines within the document, and I think what we'll do is have Bernard run through it, [inaudible] reference of the mailing list [inaudible] so that I can open up the floor to the group to discuss the immediate issues to their satisfaction.

I believe what we're going to do tonight – my time – is [when we do stop for] discussion we'll be displaying the Patricio-Eberhard exchange from the list so that we can use their discussion as a starting point for our discussion.

I do not have any administrative matters to discuss with you other than to remind you of an upcoming face-to-face meeting at the Montréal meeting which is still schedule for blocks four and five on Saturday the 2nd of November. I'd also like to remind the group that we have two remaining teleconferences prior to our face-to-face. We'll be discussing this in more detail later in the meeting as you can see from the displayed agenda.

Bart, Bernard, Eberhard and myself are beginning to outline the structure of the face-to-face meeting, but I have no details yet on how our time will be specifically structured. So bear with us other than what I mentioned last time, so stay tuned.

As I also mentioned during our last meeting, a new look, revised, ISO-3166 is scheduled as an action item for our face-to-face meeting in Montréal and that's still operational.

So, Kim, if you can briefly display the current glossary/non-glossary document, that would be great. Bingo, thank you. So staff and the working group leadership are revisiting this since we need to tighten this up in a lot of terminology and actually convert this from explanation of terms to a proper glossary for our document in preparation. And we also need to be prepared for whatever's coming with regards to what the ISO maintenance agency locks down with their upcoming ISO-3166 revision.

And I don't want to get bogged down on this call with the detailed [inaudible] discussion, "glossary." What we're working on from a document preparation standpoint is glossary is tied into the document with hyperlinks, so you can go to the glossary and find out what you're looking at, etc. Not so much for us but for people who read the document.

I do however wish to encourage everyone to spend some time carefully reviewing the document on the screen in front of you which you have available to you via the list. Paying particular attention both to the "definitions" there and the terms that you think should be included which are not present, and that is really critical for us, is if there's something you're seeing in what we're discussing, that's not included in this. Figure this out, let us know so that we can include that into the formal glossary that's in preparation, and hopefully, we will be able to share with you before the Montréal face-to-face meeting.

I note that Peter Koch is on the call, and part and parcel with this part of the meeting, I would like to invite Peter to give a few words – and I don't mean to put you on the spot, Peter, and I apologize for doing so, because that's what I'm doing.

A very brief summary of your highest level concern about what's going on with this alleged 3166 revision. I'm not seeing it myself, and if you could share the top-level most concerns with the working group at this point, I would be most appreciative. And if you're willing to do so, I will turn the floor over to you.

PETER KOCH:

Thank you, Stephen. Good morning, good whatever, daytime to everybody else. I note that Eberhard had his hand up, maybe to already respond to what I'm going to say, but if he has something to say before, I pass the floor to him.

STEPHEN DEERHAKE:

I'm going to let you go first.

EBERHARD LISSE:

Okay, fine. I wanted to say something about the glossary.

STEPHEN DEERHAKE:

Okay. Peter, if you'll give way, I will let –

PETER KOCH: Oh, yes. Sure.

EBERHARD LISSE: As I said in the exchanges with Bernard yesterday, the way this glossary is going to happen is that we identify words in the document that need definition, define them using the text population software that we are using in the document so that only the ones that we need and only the ones we want will be defined. The glossary as we have it now is a list of terms where they occur in the documents that we have been perusing, and they're not necessarily what we think for our purpose.

You may need to define terms slightly different from the way they are defined in other documents so that they're easier to understand. We will have hyperlinks to the documents that they refer to; that's correct, so that third parties can easily click on that to go and read further.

STEPHEN DEERHAKE: Okay. Thank you, sir. Peter, now I give the floor to you.

PETER KOCH: Thanks. I'll take it from here. So my last reading of that DIS, draft international standard, is maybe two weeks in the past, so let me do this from memory. My major issue with this updated version is that it tries to resolve the confusion – among other things –about these reserved code lists, but my reading of the document is that it doesn't really solve the confusion, it just changes it in direction.

What do I mean by that? The official name of the standard is list of country names and then code elements, and what you see in the table, at least in the draft version but also in the version that we've been given and that everybody had access to, you see that there is a code element like the two- and the three-characters and then numeric code element and the name of the country.

Now, of course, the reserved code elements are just code elements that are reserved so there is no corresponding row or line that would say this is reserved for a certain country. Reservations are made on behalf of some entity, but AC for example is reserved on behalf of, I think, the UK, and EU is reserved on request of maybe the European Union but is not reserved for that particular country or territory.

With keeping that in mind, what the draft version four now does is it kind of retroactively – which is fine – sanctions or legitimizes the online browsing platform. The online browsing platform gives the access to all the information by code element and it has code elements where there is a line in the standard like a country name and a code or a number of code elements, and it also gives information about those that are reserved where things that are reserved aren't part of a standard, they are part of the reserved list that is still maintained by the agency, and the added confusion is – at least I'm confused, but I hope other people can understand what the confusion is, otherwise [I'll let me convince] in a different direction.

So the added confusion is that we have now still the language in that document that says there's a list of country names and bla bla, so you're on that list or you're not on that list.

And then there's the online browsing platform which doesn't necessarily distinguish between or give access to all these code elements. You can go into that index by code element and then find out whether that is assigned to a particular country name or is on some reserve list of the maintenance agency.

And then the language goes back and forth. Now, I don't think we can fix that or the ISO would be going to fix that, because my understanding is maybe the ballot has already passed but it was in the final stages and there was no more discussion, it's just that the standardization organizations can vote one way or another.

My attempt to go through my domestic standardization organization weren't very successful. Maybe I didn't try too hard. So it wasn't possible for me to get that to their attention.

Anyway, with that, I think the text as currently changed by Bernard addresses most of my concerns by avoiding to refer to the reserve list. When we come to that line by line, I'll have some remarks, but I'll spare them for the moment because I was just invited to talk about these high-level concerns.

So the idea was legitimize the online browsing platform, but there's still subtle distinction that the document, the draft ISO standard isn't very clear about whether or not things are standard or not. and also, there are still no rules for this reserved thing, which as Jaap has explained to us a number of times, which is the very nature of exceptional reserve because it's exceptions and therefore there are no rules.

But again, the current policy draft addresses my concerns regarding references to the reserve list and I'm happy with most of what Bernard has done there in some minor nits to chew on in a couple of minutes. Thank you.

STEPHEN DEERHAKE: Peter, thank you so much, and I apologize to you for putting you on the spot, because I meant to reach out to you a few days ago to elicit what I just elicited from you spontaneously, and I really appreciate that on behalf of myself and on behalf of the working group. So I thank you for that, and again, I apologize for putting you on the spot for that. Thank you so much, and we will reengage here a little later in the meeting when we get into the meat of Bernard's recent revision.

Let's see, what else do we have here before we get going?

EBERHARD LISSE: Can I have the floor, please?

STEPHEN DEERHAKE: Yes, you may. I did not see your hand, sir. I apologize.

EBERHARD LISSE: Okay. Peter, Bernard and I when we were going over the drafting realized that we should be even more exact than you say, for example we refer to country code which is also not really exact because there is three country codes, two alpha, three alpha, and numeral. So we should

try and define this only from 3166-1 two alpha even if it becomes a little bit – two alpha code elements, to be [correct,] it becomes a little bit [inaudible] too many documents will have repetitively using this, if we were to shorten this and say two alpha code elements, then we must define this that we know exactly what's in mind and we should be consistent throughout the document.

You are quite right, there is no exceptionally reserved list. In the context of ccTLDs, the maintenance agency maintains a list of exceptionally reserved codes which means for which no country name exists which are needed for some other reason. They call it interchange. And four of them have been, for whatever reason, delegated to the root, and we anticipate but it cannot be predicted that no more ccTLDs would be delegated for codes that will be exceptionally reserved.

That said, one needs to find a way that doesn't use too many words because it becomes repetitive in the document to address these things. The content of what you're saying is right, and that's what we have realized and that's what we're going to do in the drafting. And the wordsmithing is not as easy as one thinks.

I have to step off for one minute, please. I will be back and mark it accordingly.

STEPHEN DEERHAKE:

Okay. Thank you for that. [inaudible] I hope you get back soon. I think as Kim has [inaudible] pointed out to us by posting our next agenda item, I will turn the floor over to Bernard. And again, I thank you, Peter, and let's jump into a further discussion on the revised [core] draft policy.

Bernard's done a lot of work on this since our last call in consultation with both ICANN staff and working group leadership, so let's let him take a stab at it. Bernard, are you ready?

BERNARD TURCOTTE: Yes sir.

STEPHEN DEERHAKE: I will give the floor, it's yours. Thank you, sir. And good morning.

BERNARD TURCOTTE: Thank you. Alright. Good morning everyone. Let's take a stab at this. Eberhard I think gave a good introduction. I was very frustrated after our last call because I thought we were standing in place, didn't really make any progress. I noted Peter's things, and yes, my base intent in redoing this was to, A, simplify some places where I thought we were overcomplexifying ourselves, B, getting to the right terminology. C, get rid of the terminology about reserved codes and things if possible.

There are four. Unless there are really exceptional events, there should not be any more that are not on the official list as Eberhard has mentioned. And finally, come up with an approach for dealing with those relative to retirement. Alright. Next page, please.

Okay. Our first change, the ISO list is dynamic and country codes are added and removed on a regular basis. When a new country code is added, a ccTLD can be added by the IANA naming functions operator via

the standard delegation process. Did not seem to add that much.
Eberhard, your hand.

EBERHARD LISSE:

Country codes here can be used the way it is, but to be honest, it's because we don't specify it's only two alphas. But it's not country codes added, country names are added and country codes may be changed. So I don't know, but in the next sentence when a new country code is added, we need to define what we mean. New country codes are added when a new country name gets to the list or when country codes change, when there is a change.

But it's highly likely that one of these three country codes changed unless the country code name change. I don't want to be anal retentive on this, but the more precise we are now, the less confusion we will have later. So I just wanted to give this into the foreground. I'm not saying we necessarily need to change the document. [The first sentence, not in the] second sentence, I have doubts.

BERNARD TURCOTTE:

Thank you, Eberhard. Peter.

PETER KOCH:

Yes, thank you. In my reading, the terminology is fine if I look at the lines 23 and following where you write 3166-1 alpha 2 code element, that's exactly the language that the standard uses, and also for those that aren't.

The remark that I was going to make was – but that’s more a political thing than referring to the standard. We now have four ccTLDs called out in particular or explicitly in the policy, and I'm a bit unhappy with that, but also given that the history of the four is slightly different.

So if somebody is super paranoid, they could read a value judgment in that. I understand that that’s not what the group or what you, Bernard, were trying to do, but it looks a bit odd to me to call those out explicitly, and yeah, I'll leave it at that.

BERNARD TURCOTTE: Eberhard.

EBERHARD LISSE: I shared Peter’s concern and I have brought this up in our discussion, and I think we should write something like “currently, [.se, .eu, .su, .uk]” so we don’t single them out, we just specify what's the situation at the time of writing this document.

BERNARD TURCOTTE: Alright, we’ll take a note on that. Anyone else? So we've got on line 17 to 22 some – oh, Peter, back to you.

PETER KOCH: Yeah, sorry I didn't mention that before. Maybe a way to resolve this would be – and we've had this situation a couple of times, to make clear that this is in a way not normative. So we’re not defining what a ccTLD

is, we're observing, which can be read in line 23, "it is important to note that ..." but this is, in my understanding, not normative text, we're just collecting information. However, we've not made that distinction very strongly in the rest of the document, so we have no standard mechanism to say this is not normative text or it's explanatory only.

Also, I don't want to overcomplicate things, for this time at least.

BERNARD TURCOTTE:

Alright. Thank you, Peter. I think what we were really trying to get to was trying to avoid saying there are ccTLDs on other lists. And there are only four, and at some point we have to own up to that, I think, if we're going to get around that.

Alright, Eberhard.

EBERHARD LISSE:

Patricio's and my exchange also touched about this. And this is just changing language, this is not changing content. We're all aware of what we want to say, but we're still having a bit of trouble on how to say it.

BERNARD TURCOTTE:

Yes, that is correct. And we'll get there. I think we're pretty close now.

STEPHEN DEERHAKE:

[inaudible] says "I do too."

BERNARD TURCOTTE: Excellent. Naela, comment, 118, word “added” is used twice, could use some editing. When a new country code is added, a ccTLD can be delegated into the root zone via the delegation process. That’s a suggestion. Okay, we’ll note that. Thank you, Naela.

So let’s actually read line 23 to 27. It’s important to note that ccTLDs include two-letter ccTLDs, corresponding to an ISO-3166 alpha 2 code element – and Eberhard has pointed out that it’s actually officially a two-alpha code element as opposed to an alpha 2 code element – the majority of ccTLDs.

Two-letter ccTLDs not corresponding to an ISO-3166-1 alpha 2 code element – and we call them out and we just had that discussion.

Alright, any further discussion on those points before we move on? Not seeing any, next page, please, Kimberly.

Alright. Now we've done some major surgery here, and we've just gone to – if this is a policy objective, you saw that we moved the definition of which ccTLDs in the previous section we were looking at, and this has returned to its original form which we had all approved. So if there are any comments or objections, let’s hear them at this point.

STEPHEN DEERHAKE: I'm not hearing any.

BART BOSWINKEL: Bernie?

BERNARD TURCOTTE: Yes, sir.

BART BOSWINKEL: Can you scroll up? I think I have two issues. First, with line 28. Again, either say in the future the fast track process will be replaced by the policy. So you can't limit IDN ccTLDs through just the fast track process, so that's one.

Secondly, if you scroll up again to line – can you go back again, Kim? So it is important to note that the ccTLDs include – say, if you think about it, but this is something we may need to discuss with the group. The core of it, what we call ccTLDs are identified as such in the root zone, and that includes the IDN ccTLDs and two other categories.

So maybe to make it a little bit more future proof, first of all, we need to change the line 28, but also maybe just refer to what is included and identified in the root zone database as ccTLDs, because that's what they are, especially in the area of IDN ccTLDs. That's the only way to distinguish some of them [if you not go through all the,] say, easily. Thanks.

BERNARD TURCOTTE: Alright. Thank you. I think those are good suggestions. Eberhard.

EBERHARD LISSE: I disagree with the letter and slightly with the forma. ccTLDs are not defined by the root zone database, they're defined by RFC 1591. They're defined in a sentence which contains three grammatical errors on close reading.

BART BOSWINKEL: It's identified, Eberhard, not [as such.] They are identified, and that's the only way – this is not a definition, this is just an observation.

EBERHARD LISSE: Yes, that means a third party decides this one is a ccTLD, this one is not. If you say we're looking at the root zone database, that leaves it to IFO to decide what's the ccTLD or not.

BART BOSWINKEL: But that's the result of a process.

EBERHARD LISSE: Let me finish. That's not how we should write this. I agree on what you want to achieve, I don't agree on the language, and that means we just need to continue wordsmithing until we come to language that satisfies everybody.

STEPHEN DEERHAKE: Okay.

EBERHARD LISSE: We could maybe also ask IFO what they think how we should write this. And then with regards to the IDNs, because it has come up on the mailing list as well, what has council actually decided with regards to PDP 4 in this regard?

STEPHEN DEERHAKE: Eberhard –

EBERHARD LISSE: Let me finish, please. Is this PDP only concerned with creating a PDP, or should they go full out and also decide are they retired or have they only been told to define what's the retirement trigger?

STEPHEN DEERHAKE: Okay, Eberhard, as chair I want to step this conversation back a little bit and have Bart cogently express his issue and have you cogently express your issue for the record, because you lost me both on what you were going for. So Bart, you go first, and then Eberhard, you go. So Bart, floor is yours.

BART BOSWINKEL: I just wanted to note this, that the way – especially with respect to IDN ccTLDs, at one point, the fast track will be replaced by a policy, and that policy – and this is going back to this, or this is going to the second point. If you look at the policy, you've got the two-letter codes, line 24, 25, and in a way 26, 27, but especially 24, 25, is RFC 1591. 26, 27 is RFC 1591 and interpreted by the board with respect to – and includes some

legacy. And line 28 is through something that was adopted, a policy or a mechanism that was adopted by the board and developed by the community, and replaced, and that will be replaced by a policy, all resulting in ccTLDs and all [denoted] as such in the root zone database.

And IFO denotes them as such because they have followed the path of, say, RFC 1591 or a policy designed by the ccNSO or the mechanism. So I don't understand the argument of a third party, because it only is the result of applying a policy and following the process that results in a ccTLD. Thanks.

STEPHEN DEERHAKE:

Thank you. Eberhard, the floor is yours for the moment.

EBERHARD LISSE:

If IFO describes something according to the results of the policy, we should use the result of the policy to be generic. I would like to have these definitions or whatever, the descriptions done by the root, not by the interpretation or by what a third party thinks. If IFO were to make a mistake, we run into trouble. If we generically describe the process, we cannot have this.

With regards to the IDN, my question has not been answered. What is the brief of the policy development group four with regards to retirement of IDN TLDs? Is it just to define the trigger, or to define the whole process?

BART BOSWINKEL: Define the trigger. It will be to define the trigger.

EBERHARD LISSE: Okay, that's good to know. Then we'll write it down that this policy applies to IDN ccTLDs and after the ccTLD policy working group four has defined the trigger.

STEPHEN DEERHAKE: Okay. Thank you both. This is great for the transcripts so we have clarification.

EBERHARD LISSE: I have to step off for a moment.

STEPHEN DEERHAKE: OKAY. Bernard, I'll let you continue. Thank you.

BART BOSWINKEL: Just a note, Peter has his hand up.

PETER KOCH: I didn't see that. I'm sorry, Peter. My apologies.

PETER KOCH: Yeah, thank you. I'm paraphrasing a great quote. I cannot explain to you what a ccTLD is but I recognize it when I see it. With that said, I think the

intervention made by Bart is important and [would support that] for any two-letter code, we do know it's a ccTLD no matter how it came into existence, but we cannot see it from the name of an IDN top-level domain. We need that blessing, so to speak, and that is only recognizable by the process. And I know that Eberhard is on pause, but still, it is not the "third party judgment," it is how it came into existence and that involves all the – oh, Eberhard is back so he's listening. Thank you.

So it's not about an arbitrary judgment by the IFO or any third party – not diving into this rabbit hole, I think – but it's how it came into existence and how it was designated through that process, and that can only be recognized by an entry in the database. You cannot see it from the domain name itself. So again, support for Bart's move. Thank you.

STEPHEN DEERHAKE:

Thank you, Peter. I see Eberhard also has his hand up. You're back.

EBERHARD LISSE:

The process of establishing an IDN ccTLD states somehow somewhere that an IDN must be related to a ccTLD, two-letter. So I agree with what you're saying. A two-letter one can only be a ccTLD, so we can write language according to that. Two-letter top-level domains are automatically ccTLD. There's two ways of them coming into existence, and IDN ccTLDs come through a different process and we figure that one out as we go along. I'm not dying in a ditch on this, I just want to be as precise as possible and I would start as high on the root as possible.

STEPHEN DEERHAKE: Okay. Thank you, doctor. Bart, you have your hand up.

BART BOSWINKEL: Yeah, just following – and I don't want to be pedantic – Eberhard is partially right. An IDN ccTLD needs to be a meaningful representation of the name of a country that is included in the ISO 3166 list. So it's not the two-letter code, it is the name of the country. It could be a meaningful abbreviation, full name, whatever. So it's not the alpha 2 code, it's the country name that it needs to be associated with. Thanks.

STEPHEN DEERHAKE: Thank you, Bart. Bernard, I turn the floor back over to you.

EBERHARD LISSE: Just quickly, we will be able to wordsmith this. I don't have a problem, but the intent is what is clear, that we said, it's just how to write it.

BERNARD TURCOTTE: Yes, and now there's a lot of input on that. All good stuff. Thank you. I'm thinking of ways to do this in our next version. Alright. Next page, please, Kim, now that the line 28 has done its work.

Lines 30 to 37, we've just removed all those definition things and returned to the previous version of this, which was agreeable to everyone. Is that still the case? Looks like it. Alright, great. Can we have the next page, please, Kim?

Alright. Again, some major surgery, and there were comments on this. Peter.

PETER KOCH: [inaudible] 42. Just making that remark, and I'm going to submit that in writing as well. We still have this issue with the, is applicable to the managers which are members and are managed by the functional manager. So the manager is managed by the functional manager. There's some wordsmithing necessary to do still. Other than that, I'm fine.

BERNARD TURCOTTE: Yes. There has been words brought to our attention on the list. Eberhard.

EBERHARD LISSE: You and I exchanged a little bit and then I exchanged with Patricio. The policy is not applicable to ccTLD members, it's applicable to ICANN IFO. Members are bound to abide by the policy but we don't need to refer to that as soon as they step away they're not bound, but that's a separate issue.

If they don't want to adhere by the policy, they must take their chances for remedy in other ways. The policy is applicable [to ICANN.] So we can basically step away from this. We need to define what a functional manager is somewhere because they're also applicable to ccTLDs managed by a nonfunctional manager. So we will separate this out. We have exchanged on the list. We have recognized this is in need of

wordsmithing, but the point to take home is that we are writing this for CCTs to be retired. If the ccTLD manager abides, then this is how it's going to do. If they don't want to abide, then that's outside of scope of this. They would probably first have to use our appeal process, and if that doesn't work, then they would have to court, but that's not something that we concern ourselves with.

BERNARD TURCOTTE:

Alright. Thank you, Eberhard. Okay, so 41, 42 in need of some major work, but we understand that [inaudible] manager, who ccTLDs are, and those are the conditions and this is what we're going to run through now. Two-letter ccTLDs. Eberhard, 46 [inaudible] would also need to change. Yes, we'll get there.

We're on 43 now, two-letter ccTLDs which correspond to an ISO 3166-1 alpha 2 code element which has been removed from the list of ISO-3166 alpha 2 code elements by the ISO3166-1 maintenance agency, ISO 3166/MA. I think this one we're good on, right? Okay. Oh, Peter.

PETER KOCH:

Yeah, I think the intent is okay. It's good, it is great. But I think there's some ambiguity introduced by saying that the policy doesn't apply. What I think is meant is, should one of these code elements become part of the standards, then there is no triggering events, but it wouldn't say that TLD would be exempt from the policy.

May I suggest that I submit a written comment so we don't have to dance back and forth on this right now on the call?

STEPHEN DEERHAKE: Thank you, Peter. I appreciate that. Yes, please, by all means go ahead.

BERNARD TURCOTTE: Alright. Anybody else on 43 or 45? This is good, we're actually getting down to the real nitty gritty of this, which was my intention in getting this version done.

STEPHEN DEERHAKE: [I'm more than happy.]Carry on, Bernard.

BERNARD TURCOTTE: Alright. Thank you. The next one, the following two-letter ccTLDs which are not an ISO-3166-1 alpha 2 code element, [AC,] EU, SU, UK, where – I'll get to you in a moment, Eberhard – the ISO 3166/MA has made a change to one of these corresponding code elements. Eberhard.

EBERHARD LISSE: This has been discussed on the mailing list. This needs to be rewritten. We are rewriting it because it says ccTLD not in a code element. ccTLDs are never code elements, ccTLDs are ccTLDs and they correspond to a code element.

This is with the same intent we will rewrite it trying to be as generic as possible. Patricio and I have had words on this so that the idea is that we capture the ones that are in the ISO standard and we capture the currently four out of the 12 possible that are not in the ISO standard.

There is 12 that are exceptionally reserved and four of them correspond to a ccTLD.

BERNARD TURCOTTE:

Yes, and that was a very good catch. And yes, there is new language coming on that, so we've got that one spotted. So the conditions under that are if the change made by the ISO 3166/MA is to make one of these corresponding codes an ISO 3166 alpha 2 code element, then the policy does not apply. And you'll remember the discussions we had on this where .gg went from exceptionally reserved to a standard code and therefore we want to avoid that situation. That's why that's there. Anything on that one? Eberhard.

EBERHARD LISSE:

I don't have anything about content, but I just want to remind us we haven't got a policy on a similar thing, pure renaming. Let's say going from .tp to .tl which is a 1:1 name change which we haven't got a policy for, which is exactly to – if [.AC] which is the only candidate for this, if .AC goes into the standard, it's dual renaming, so we would not go through delegation process. If it's renaming of the country in the standard and the two-letter alpha changes, what happens then? We need to address this somewhere, somehow. Maybe not now. Just for the record.

BERNARD TURCOTTE:

Alright. Thank you, Eberhard. Yes, Peter, I take your note in the chat. Sorry, my remark was meant to [inaudible] 46, 48. Yes. Alright, the next

one, 51 to 54. If for all other changes by the ISO 3166/MA – so we’re talking about those four code elements specifically – for all other changes by the ISO 3166/MA, the IFO will consider if the change supports retiring that ccTLD. If the IFO decides to initiate a retirement process under these circumstances, the ccTLD manager will be allowed to appeal that decision. Naela. If you're speaking, we can't hear you.

EBERHARD LISSE: She's unmuted.

BERNARD TURCOTTE: Maybe her mic’s not working. Naela, going once, going twice. We’re not hearing you so maybe you can type your point in the chat or come back to us when your mic is working. In the meantime, we’ll carry on.

STEPHEN DEERHAKE: Her mic is not working, so we’ll respect that she’ll come back in the chat with whatever she has to say and we’ll come back to it.

BERNARD TURCOTTE: Alright, send it by e-mail. Thank you, Naela. That’s how we’re proposing to get out of the quagmire of the exceptionally reserved, is if the ISO makes any change to those codes, then the IFO will have a look at it and decide if it’s a change that would support retirement. If it does, then they will initiate a retirement process. If the manager doesn’t agree with that notice of retirement, then they can appeal that decision. For

all of those who've been hanging around for a while, I think that's a pretty big step for us.

alright, 55-56, the triggering event to retire an IDN ccTLD is not currently defined and as such, IDN ccTLDs cannot be included in this policy. The ccPDP 4 will be responsible for defining the trigger condition that will initiate the retirement of an IDN ccTLD. And once this is completed, it will be integrated into a version of this policy.

Now, we've had the discussion a few minutes ago saying that that is actually the case, the PDP 4 will simply define a trigger and this policy will be updated to adjust that. There's also been some talk in the Patricio edits that this should be moved up into the bullets, and we'll look into that. Any other comments? Bart, please.

BART BOSWINKEL:

I could imagine a situation that you just build in a condition here that as soon as that trigger event has been applied – and this is more going forward – is this policy will or shall apply to that situation as well. So you don't need to revisit this policy again. This policy is effectively given for PDP 4 and they have to make their policy in such a way that it dovetails with this one.

BERNARD TURCOTTE:

Alright. Good point. Thank you, Bart. Eberhard.

EBERHARD LISSE: In contracts, often, the language “is included by reference herein” is used. This is what Bart, I think, is saying. We’ll need to wordsmith this into saying as long as that PDP doesn’t have a trigger, IDN ccTLDs cannot retire under this policy. As soon as it’s defined, it’s included by reference in here and it applies, and they retire under this policy.

BART BOSWINKEL: Yeah, this policy applies here. [inaudible].

EBERHARD LISSE: Again, it’s just language that we need to find how to capture the intent. As long as we don’t have a trigger, this policy doesn’t apply. As soon as PDP 4 defines a trigger, the trigger is included for reference. And that also leaves it open if the PDP changes this trigger, we don’t need to do another PDP to change our policy. If they after five years decide, “Wait a minute, what we did was wrong. We need to revise our policy, we need to change the trigger slightly,” we can then basically abide by the work of another PDP to inform us.

BERNARD TURCOTTE: Good points, and it’s going to be interesting because as was noted earlier, an IDN ccTLD requires an ISO 3166-1 alpha 2 code element to exist in the first place, and so what is going to happen, it may not be a one for one correspondence as simple as we think, that if that code element is retired, that the IDN ccTLD will go away. But that’s not our problem, that’s the problem of the policy as Eberhard has pointed out.

Alright, anything else up to 57? Not seeing anything, 59 to 65. Took it away, no longer needed for what we're doing here. Alright. 66 to 69, some editing, but I don't think it changes anything. For the purposes of this policy, a functional manager is the entity listed as ccTLD manager in the IANA root zone database, or any later variant who is active with respect to the management of the ccTLD or with whom the IFO can officially and effectively communicate. So I don't think there's any change in meaning, this is tightening up that text a bit which we all had agreed on. Is that okay for everyone? Alright.

70 to 77. Again, we tried to do the same thing, tighten up this paragraph. So if a ccTLD is – I see Eberhard's hand. Please, Eberhard.

EBERHARD LISSE:

Finish. I was just jumping the queue.

BERNARD TURCOTTE:

Okay. If a ccTLD is to be retired but does not have a functional manager, the policy for the retirement of a ccTLD is not applicable and the IFO cannot transfer responsibility to a new manager according to its standard process. This set of circumstances would create a deadlock situation which would prevent the IFO from ever retiring the ccTLD.

To avoid such a deadlock and only under these specific conditions, this policy allows the IFO to proceed with a transfer of responsibility for the retiring ccTLD to establish a functional manager. Eberhard.

EBERHARD LISSE: I would say we totally strike the words in 71 following up, the words “the policy for the retirement of a ccTLD is not applicable” and then the word “and.” So it comes to be, if a ccTLD is to be retired but does not have a functional manager, the IFO cannot transfer responsibility to a new manager according to its standard process because the retirement is still applicable, it’s just that there's no manager to talk to.

And the transfer, 1591 is interpreted by the framework. The transfer policy mechanism cannot be applied because the trigger element is a country has changed or has gone away, and only five years afterwards we do this. So if this happens two years after the country has gone away, who are the significantly interested parties? Local Internet community and government. That’s, I think, what we’re trying to say here.

So I would just strike this sentence which is superfluous and it confuses.

BERNARD TURCOTTE: I think I agree with you, Eberhard. Thanks a lot for that. Any other comments?

STEPHEN DEERHAKE: Are we sure about this?

BERNARD TURCOTTE: We will think about it. As I said, I think I agree with him, but I'm not doing any writing on the fly. But it’s noted and we will think about it.

STEPHEN DEERHAKE: Okay. Thank you, Bernard. Thank you, Eberhard. Carry on.

BERNARD TURCOTTE: Alright, next page, please. The worst of it is over.

STEPHEN DEERHAKE: The storm has passed.

BERNARD TURCOTTE: Two-minute time check to finish running through the document. Thank you, Kimberly, for that note. Yes, I think we're going to take the time to finish going through the document. hopefully the rest of it will go fairly quickly.

STEPHEN DEERHAKE: Kimberly, and participants, we're going to go into overtime. Hopefully no more than 15 minutes.

BERNARD TURCOTTE: Yeah. Alright. 80 to 86, again, we've dealt with this stuff, it's just been taken out to remove the complexity. Any issues with that? Okay. Next page.

Alright, so here, Eberhard had correctly pointed out some issues when we tried to clarify the language again. The person or role identified by

the ccTLD manager to deal with the retirement process is referred to as the retirement contact, and in the remainder of this document.

So if we go back up a bit – sorry, let’s set this up. Back up one page. Okay. So this is in the expectation section. There is a good faith obligation, bla bla. Okay, no. It starts with 92. Given the importance and exceptional nature of the ccTLD retirement process, the IFO prior to sending a notice of retirement should contact the ccTLD manager and confirm who the IFO should be dealing with regarding the retirement process. Next page, please.

So the ccTLD managers to tell us who they want us to deal with. The person or role identified by the ccTLD manager to deal with the retirement process is referred to as the retirement contact, and in the remainder of this document, the use of the term “ccTLD manager” should be understood to mean ccTLD manager or retirement contact if one has been identified to the IFO by the ccTLD manager. So we’re just clarifying – we did not have a term for that retirement contact, and so we've created one and said, “Okay, it’s going to be retirement contact, but we’re not going to change or start using ccTLD manager or retirement contact.” I'm just calling it like this that we’re redefining what we mean in the rest of the document. Is that okay with everyone?

STEPHEN DEERHAKE:

Yes, thank you.

BERNARD TURCOTTE: Alright. Lines 101 to 103. Once the IFO has been informed and confirmed that a ccTLD – not a country code – should be retired and that the IFO has also confirmed that the ccTLD has a functional manager – capitals, just to keep it straight. I don't think there's any heartburn there for anyone. Oh, sorry, I'm wrong. Peter.

PETER KOCH: Yeah, sorry about that. I think the routine has been applied once too much here, because the IFO isn't going to be informed that the ccTLD should be retired. This was the part where the IFO looks at the standard and recognizes that a code element has been removed, and then the decision is made that the ccTLD should be retired. So this is the one point where actually the code element is the trigger. I think. Otherwise it would not be informed, otherwise it would be something else.

BERNARD TURCOTTE: I get what you're saying. I think I can wordsmith my way around that.

PETER KOCH: I trust you so much with that. Thank you.

EBERHARD LISSE: I was saying the same thing. It's easy to write once the IFO has decided to start or has initiated retirement process. What Koch Peter wants to achieve is quite correct. We will try and wordsmith to capture that.

BERNARD TURCOTTE: Yeah, that's what I'm saying too. Alright, excellent.

STEPHEN DEERHAKE: Thank you.

BERNARD TURCOTTE: Next page, please. No changes. Next page, please. Alright, Eberhard had brought up that manager does not stop taking regs, the ccTLD does. So the only change here is to remove manager because the expectations are of the ccTLD. And on 136, Eberhard, please.

EBERHARD LISSE: Patricio has made a very good suggestion of shortening this into one sentence, and we will be looking at that.

BERNARD TURCOTTE: Correct. Thank you. So next page, please, because we're running into overtime.

EBERHARD LISSE: And a quick remark, we have replaced the communications plan with a communications plan because it hasn't been previously defined. It's just stylistic.

BERNARD TURCOTTE: Correct. Here's the same change we just discussed in the previous page. Next page, please. Alright. Where are we now? Little bit of cleanup. 172

to 175, the working group anticipates that if the request for an extension is rejected and the ccTLD manager feels that the rejection has been unreasonably withheld or is inconsistent with the rules, it will be able to appeal the decision. Bart.

BART BOSWINKEL: I would leave appeal or review mechanism apply, because that is determined by working group too, what it will be, will it be a full appeal or a review. And there are differences between a review and appeal and how it's defined. So I would use at this stage the most generic term feasible and if you look at the issue report, you talk about review mechanism, and it's not an appeal yet. What mechanism it will be is not to be determined by this working group. Thanks.

BERNARD TURCOTTE: Thank you, Bart. Eberhard.

EBERHARD LISSE: We have defined this somewhere earlier in the document, so we can refer to this to be defined mechanism later. The point here is – not talking about language – that the [IRTP] saying that dotAfrica was litigating stated a few things. Some of them are not applicable to us, some of them are. Courts generally like to have internal remedies exhausted. So if we design such mechanisms, I can tell you nobody will be able to run to court without having to have gone through that process.

So I'm fully [with] Bart on whether it's an appeal or a review depends on what we call it, but earlier in the document, we have or we are going to define it, and then we can put labels and cross references in to refer to this and it's not going to be a problem.

STEPHEN DEERHAKE: Thank you, Eberhard. We're overtime so I want to give it back to Bart.

BERNARD TURCOTTE: You want to give it back to Bernie.

STEPHEN DEERHAKE: Bernie. I'm sorry. I'm tired.

BERNARD TURCOTTE: 2:00. Yeah. Line 172, we should probably remove the working group also for writing a policy document. Alright, next page, please. Right, oversight mechanisms. Oh, sorry, exception conditions. Yes, there was as point made the way that was phrased originally on 185 and it has been changed to – in such a case, the original timeline for retiring the ccTLD shall not change, and for some reason, didn't redline this properly. The original wording was the original retirement notice shall apply, and I thought that was a good point that was raised. So basically, what we're more concerned about is the original timeline. Okay.

Oversight. This policy is directed at ICANN and the IFO as the entity that performs the IANA naming functions with respect to ccTLDs. That was there, I think that's fairly clear. Next page, please. Almost done, folks.

STEPHEN DEERHAKE: You're doing well.

BERNARD TURCOTTE: And we're getting rid of delegation, transfer, revocation, retirement. This policy is not intended and should not be interpreted to amend the way in which ICANN interacts with the IFO and the delineation of their roles and responsibilities. And then there was some legalese which was over specifying and I think was complicating things a bit, so we'll try it without it. So then this goes to, this policy will not change or amend the role of the ICANN board with respect to individual cases of ccTLD delegation, transfer and revocation, which is understood to be limited to a review to ensure that the IFO staff has followed its procedures properly.

STEPHEN DEERHAKE: [Bernard, you're stepping in as a role of a member at this point,] change "will" to perhaps "shall?" [inaudible].

BERNARD TURCOTTE: Alright, I've got that, and then that was a little repetitive after so we removed that. So we're good with that? And then we close off with "It's important to note the IFO's decision to notify the ccTLD manager of the

retirement and remove a ccTLD from the root zone are out of scope for this policy. See section two on page three.”

Alright. Next page, please. The review mechanism for decisions pertaining to the delegation, transfer, revocation and retirement of ccTLDs shall be developed in part two of the ccNSO PDP 3. Until such time as this policy is in place, appeals will use – I've just put in some placeholder text here, I'm not trying to define what we're going to do. But if this policy gets put in place before we have a retirement policy, we may have to have that there. If we're saying that they will not be there before we have the mechanism in place, then it's not an issue, but I just wanted to raise that so we have something to think about.

And I have Bart. Thank you.

BART BOSWINKEL:

In principle, Bernie, they're part of the same PDP, the working group one and working group two. As soon as this goes out for public comment, working group two around review mechanisms should start its work. And the ultimate package is one policy.

BERNARD TURCOTTE:

Okay. That's fine. I'm just making sure that we're all aware of that. Okay, that's it for me. Thank you all, and much better discussion even if it's an awful time for some people, but it's always an awful time for some people. So I've taken notes. I think we're making some great progress. I want to thank everyone and back to Stephen at this point.

STEPHEN DEERHAKE:

Okay. Thank you, Bernard. Kimberly, if you could display the agenda again, I think, at this point. Okay. I'm running this on one screen instead of two screens, so things are a little cramped, shall we say. So bear with me. I think in all honesty, our last call was a bit of a dud. I think this one was much better. We're back on track again.

As you can see from the agenda item, [inaudible] question, how to move the document forward. I think 5.1 has been answered during this call. I think we made good progress. That being said, I would love to solicit ideas from working group members either on a list or privately to me as to how you think I might improve this process, because I do feel responsible for it. And I was not happy at all with that last call. I'd suspect that several, if not many, of you were not alone with that feeling.

As I noted previously, we have two calls remaining before our face-to-face meeting in Montréal, and I'd really like to see some significant progress prior to the face-to-face. And I think we took a big step forward here tonight, my time. So I open the floor seeking ideas, concerns, suggestions for a couple minutes. I know we're in extra time so I don't want to keep everybody unnecessarily, but if anybody's got a couple quick ideas or want to drop them in the Zoom chat, that would be great.

Okay. I think Bernard wore you guys out because I don't see any hands raised. So that being the case, feel free to comment to me privately or in the chat about anything you think can be improved. I think this was a much higher quality get together than our last one, and I apologize for

our last one as chair for that. That was my responsibility. I don't know what happened there, but it did.

I'm not going to ask Eberhard about his GAC onboarding stuff. I know he's working on it. Since we're in overtime, let's move on to AOB. Does anybody have anything that they wish to bring up?

BART BOSWINKEL: Stephen, Eberhard has his hand up.

STEPHEN DEERHAKE: I see that .Eberhard, go ahead, sir.

EBERHARD LISSE: I was just going to make a funny remark, but work is ongoing.

STEPHEN DEERHAKE: Thank you.

EBERHARD LISSE: And we will progress in orderly manner, don't worry.

STEPHEN DEERHAKE: Thank you. That's a good progress report and a concise one. Anybody else with any AOB? Not seeing anybody waving lots of hands, let's move on to the next meetings.

We've got two remaining teleconferences prior to Montréal, two on the calendar. The first one's the 10th of October at 11:00 UTC, so you Europeans have no excuse not to be on the call, and the second one is the 24th October at 17:00 UTC, which again, Europeans have no excuse not to be on the call.

I do realize however that the 24 October call is very close to our face-to-face meeting and we kicked around the idea of not having it, but we now feel we should have it. So ink that into your calendars, that we will be having that call.

I think that's it. I know we're in extra time, I appreciate everybody for sticking around. Barring a last-minute wave of hands, I guess, I'll just say I want to take the opportunity afforded to me as chair to thank all the participants on today's call, and to further extend my sincere thanks to Bart, Bernard, Joke and Kimberly who, as always, make it all possible.

We're planning actually to use that last call as a prep for the face-to-face, so keep that in mind.

Thank you again to everyone, and we'll reconvene when we reconvene, on the 10th of October. So be well and at this point, 17 minutes into extra time, I declare this teleconference adjourned. Kimberly, you may stop the recording. And thank you all, and thank you, ICANN staff, for your help. Good night, good morning, good evening.

PETER KOCH:

Bye. Thank you.

[NAELA SARRAS:] Thanks all. Bye.

BART BOSWINKEL: Bye.

[END OF TRANSCRIPTION]