
ANDREA GLANDON: Good morning, good afternoon, and good evening, and welcome to the Registration Data Policy Implementation IRT Call being held on Wednesday, the 5th of February 2020 at 17:00 UTC. In the interest of time, there will be no roll call. Attendance will be taken by the Zoom room. If you are only on the audio bridge, could you please let yourselves be known now? Thank you. Hearing no names, I would like to remind all participants to please state your name before speaking for transcription purposes and 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: Thank you, Andrea. Welcome, everyone. So, this is our number 18 IRT call or IRT meeting. Let's look at the agenda for today. What I wanted to do is quickly tell you about the pre-ICANN 67, what our agenda for that webinar and what our messaging will be. Share that with you.

We wanted to show you quickly the new implementation tracker in the workbook that was suggested by an IRT member which we are adopting. Then we want to talk about the IRT [inputs] to the implementation timeline. And then head on to our OneDoc starting with our appendices and the comments that are outstanding. And then finish with the next step.

Let's get started. IRT members, there's no change. We still have 39 IRT members. Then, on the prep week webinar, which I refer to as pre-ICANN webinar. So, we have a session on Monday the 24th [inaudible]

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.

and IRT members who have volunteered to co-host that webinar with us is Diane and Sebastien. So, we're working on the agenda for that meeting.

The agenda, if you wish to track what we're doing, if you happen to look at the task list, we called for the IRT members to co-host. It's actually linked to a document that we're using to plan our meetings [for our] webinar, and so far we have this sort of an agenda. I think what we're going to do is first introduce ... This is our first public webinar we are having on this implementation. So giving a quick overview. Then we'll talk about the policy implementation process because that has been a challenge for the implementation team that there is a lack of understanding on the policy implementation process. I think many people are familiar with policy development process but not the implementation process. We'll talk about that a little bit. And the RTT and IRT role, how they are different and distinctive from the PDP working group. And we'll talk about accomplishment today and outstanding work.

Then, [we'll talk about] the report and studies that we have completed so far and other activities like the DPAs. I'm not sure whether we're going to talk about the rec 12 status, but I need to talk to Sebastien to see if that makes sense at all.

Then, we want to talk about the timeline. I think this is probably the reason that there's so much interest. I think the last time the call was [638] or something that had signed up. So, there's a lot of demand for update on this policy implementation and I'm hearing the timeline is

what they're most curious about. And to be fair, we have not issued a timeline and we're still working on it. And then we'll end up with a Q&A.

It's a one-hour session. It's not a lot of time. And we'll have to divvy up this section and allocate the time appropriately. But we'll work that with Diane and Sebastien in our separate session but we'll keep you guys in the loop, the IRT members.

So, the other thing that I wanted to show you is that we have this new sheet that we added called status and notes, what we call the implementation methods and timing tracker. I wanted to show you how this may be useful. Thank you for the suggestion. Maybe it's an easier way for us to all stay [inaudible] and communicate. For example, we have ... Here is an example. Let's see. Where is 23? 23 is the URS and UDRP. No, it is not. The one that we had was ... Which one was the legal and natural and geo differentiation? 17. Okay, 17 ... 16 and 17.

So, I think this is how [we] can be helpful. I'm not going to go through this with you here but I wanted to show you an example. Here is an example where on January 28, EPDP team face-to-face meeting was held in Los Angeles and Karen provided a status, and at the same time, tried to get feedback and coordination with the EPDP time.

At that meeting, the EPDP team decided that they're not going to request for a study for the geo differentiation, so that is documented here in the note and you will see that. Now that you know, I'm sure there's members of the IRT in the EPDP team who are [inaudible]. They already knew this. But for the rest of the IRT, if you want to know what

happened to recommendation 16, this is what happened and it's not ...
There is no study being done.

On the 17, they did request a study and that is in effect and estimated
timeline for that study is mid-May. So, they did request that a
somewhat early look at the study results and we will see how we can
accommodate them.

So, this is an interaction between the implementation team here and
the EPDP 2 team and I will not take any IRT time for these items, but
simply to remind you that, as you have requested, we are going to try to
give you status on non-IRT scope items using this tool. Any questions on
this? I'll pause a moment. Go ahead, Karen. Karen wants to talk about
rec 27 a little bit.

KAREN LENTZ:

Thank you, Dennis. Before we continue on through this, I wanted to
provide an update regarding recommendation 27. This was a draft
report that we provided to the IRT members a few weeks ago. I think
the task was to review and provide any comments by Monday, the 3rd.
As about an hour ago, I haven't seen any comments. So, our work plan
was to first share it with the IRT and then provide an updated version to
the GNSO Council. So, if there are no objections from this group, that is
what we'll do. We'll proceed to send the non-draft version to the GNSO
[as we provided].

There are a couple of updates or things that [we'll] add to the report.
For example, in regard to the transfer policy items, there was recently a
Board resolution on a letter regarding the use of the form of

authorization. So, we'll update a few references and certainly share those with you. But wanted to make you aware that we were planning to proceed accordingly with wave one in delivering that to the GNSO.

I also promised an update on wave two which we have in progress and this includes the policy recommendations that are in the process or were in the process of being implemented but not yet in effect which are proxy-privacy and the translation/transliteration recommendations as well as the procedures. So, not things that are GNSO consensus policies but things like Trademark Clearinghouse or data escrow processes, things that we're taking a look at in terms of what the impact is so that we can identify that.

I think that's the update. I'll pause for any questions.

DENNIS CHANG:

Sara, you have your hand up.

SARA BOCKEY:

I did, thank you. And thank you, Karen. I think I actually don't have a question because I was looking at the document as you were speaking. So, I was going to check in as to whether the timing in the milestones chart had been updated. And I think there was a question on the list about which wave the privacy and proxy was in. But, scrolling through the document now, it looks like those things have been adjusted since we last talked about it. Maybe you could just confirm. Thank you.

KAREN LENTZ: Thank you, Sara. So, in regards to proxy-privacy, this is in wave two. The milestones that are in that document as an annex I think is the work plan that we provided back in, I don't know, July or August or something. So, the dates have changed as well as some of the sequencing. But, yes, confirming that proxy-privacy is in wave two and our timeframe for that is most likely around June.

DENNIS CHANG: Marc Anderson?

SARA BOCKEY: Sorry. Could I come back with a follow-up question? Sorry.

DENNIS CHANG: Of course. Go ahead.

SARA BOCKEY: Thank you. And sorry, Marc. I'm just confused. I still see the proxy and privacy part in wave one, so does that need to be updated or is that ... What am I missing? Thank you.

KAREN LENTZ: Yeah. Sorry, Sara. Maybe this is confusing people. So, the annex to the report, which is at the very end, is just pasted in the original work plan that we shared with the GNSO Council and with the IRT several months ago. In that original work plan, proxy-privacy was in wave one but it is

not in the current wave one report. It's in progress new which means Internet's in wave two. I hope that makes it clear.

SARA BOCKEY: Yeah. Thank you. That's very helpful. Sorry. Is there a list of which things are in ... No? Okay. Thank you. I'll just look through the document.

KAREN LENTZ: Okay. Yeah. We can send an update if it's helpful as far as what the contents are in wave two.

DENNIS CHANG: Marc, go ahead.

MARC ANDERSON: Thanks, Dennis. Just had a question on how you're handling transfer since that's—in-flight scoping is currently going on there. So, I was wondering how you're dealing with that in this report for the Council.

KAREN LENTZ: Thank you, Marc. So, the transfer policy section is one of the ones where a lot of items were identified in terms of the level of impact. So, we've noted in that section that there already is within the GNSO an effort to scope out a review of the transfer policy in general. So, because we're delivering this report to the council, they can take these items into account in terms of whatever policy work gets undertaken. If we get to a point where there is no additional policy work completed

regarding these issues while we have the EPDP policy going into effect, then we will need to create some guidance I guess in terms of how we are treating the existing policy requirements and how they'll be treated in the interim. But it's really for the ... The report is being delivered to the council and it will be up to them to determine how to take into account those items in the transfer area.

DENNIS CHANG: Susan, go ahead.

SUSAN PAYNE: Thank you. Can you remind me why the privacy-proxy was pushed back into [day two]?

DENNIS CHANG: [inaudible].

KAREN LENTZ: So, the items that we looked at, we tried to look at in a couple of areas. One, the things that were likely to have a high operational impact on an existing process, like for example the transfer example. We kind of ... We packaged the ones that were ready to be able to include them in wave one. We are still in the middle of identifying, going through the proxy-privacy recommendations and there's a lot to go through because there is the original GNSO policy recommendations as well as implementation work that was already in progress. So, we're trying to

be comprehensive in looking at both of those aspects [and it] took longer than some of the other examples.

DENNIS CHANG:

Are there any other questions for rec 27? Otherwise, we'll move on. Okay, let's move on.

Next item was the timeline. So, here is the timeline input document we have created and I put in as a reminder what we are up against and that is when there is an exception to the default six months, policy implementation is up to the staff because staff is the ones who have to decide on how much time the implementation is to be allowed. This is why staff is indeed trying to take input from the IRT and any other impacted parties, so we can carefully evaluate and provide rationale for why deviation from six months is needed. It goes both ways, by the way. It could be shorter or longer, but if it does, then we need to provide some rationale. I think we all know this.

So, the way we were thinking about it is from day one start is the publication of the policy and it ends in the policy effective date, and we have gathered input from CPH in two forms. One is that within this document CPH had submitted this comment and this is what I'm referring to right now. And it says this is within 18 months is what we [referred] and it's due to ... The rationale provided is [inaudible] different tasks. So, listed [inaudible] and extensive [inaudible]. This is a whole document list of tasks that have to be done by the contracted parties. So, we understood that. Thank you for that input.

Then there was another form of input. It came as an email, again from CPH, and this one says it's a minimum timeline of 18 months, so let's be very, very clear about this. When I hear minimum timeline, I have to think about whether that means we should be thinking more than 18 months because it says minimum. So, we wanted to talk about this a little bit.

What of course we are looking for is a timeline that would suit all the impacted parties. So, we've heard a great deal from the contracted parties both in writing as well as the discussion last time. And I want to go ahead and open it up for discussion again one more time, but I would like to know if there is any other voices regarding the time duration that deviates from the six months. Does anybody have any thoughts, any inputs regarding the implementation timeline? Please raise your hand and we'd like to hear from you.

Go ahead, Laureen. Sorry, Laureen. We can't hear you if you're speaking.

LAUREEN KAPIN: Can you hear me now? Yeah?

DENNIS CHANG: Yes.

LAUREEN KAPIN: Okay. I appreciate the contracted parties input and absolutely they are the experts in this regard, and my comment actually is not second

guessing in any way the timelines, as they are best positioned to identify that. My comment is more to be mindful of the fact that we make sure that whatever interim measures are in place between the time when this is fully implemented, that there continue to be effective ways to provide access to non-public information. And I just say that because this is something the GAC has been emphasizing in its advice and we want to make sure that, particularly, that law enforcement has an effective way to make these requests and basically knows how to make those requests. So, that's my big picture comment.

DENNIS CHANG:

Thank you. Anyone else? Reading the chat [inaudible] we are going to use the rainbow bridge. Phase 2 is a rainbow bridge. What that means is that no matter how long the period we decide on, that contracted parties will be allowed to switch over to the policy and implement policy as soon as they are ready. So, that's one thing to keep in mind. Go ahead, Marc.

MARC ANDERSON:

Quick question for you. You've mentioned the default six months about a dozen times now. I'm just wondering if you can explain where the default six months comes from. Is there somewhere a default that it takes six months to implement policy regardless of what that policy is? I'm not sure where that's coming from, so maybe you could point to that.

DENNIS CHANG: Go ahead, Karen.

KAREN LENTZ: Hi, Marc. So, this is probably ... The link that Dennis is referring to I think is in there. It's called GDD policy change calendar and that's something that came about probably, I don't know, five years ago maybe. Yeah, 2015. It actually originated from the contracted parties asking us to make sure there were at least six months.

Also, I think part of the request was to have predictable cycles so that policies went into effect at certain times during a recurring period of the year.

So, as Dennis was saying, it does provide that ... It's a case-by-case analysis where we look at the policy, we look at the inputs from the IRT as far as the work that's needed and what's a reliable estimate for the amount of time that it would properly take to implement that policy. So, that's where the six months came from to answer your question. Thanks.

DENNIS CHANG: Marc, did you want to speak again?

MARC ANDERSON: I want to follow-up on that. I was involved in this and I'm looking at the document and I guess it's been a while, but this [inaudible] as I recall, it was not about six months to implement. It was about ... You can see it on the top. They talked about bundling the requests. At the time, we

were frustrated by a large number of requests for changes being sent out and we asked that those changes be bundled and sent [more often] than six-month cycles, which is what this is talking about.

So, as I recall, this wasn't about default six months to implement. This was about bundling and [inaudible] implementation changes on six-month cycles.

So, I guess I'm still a little confused on where that's coming from but maybe I can reread this document if the confusion is on my part. But I don't think the intent was ever to ask for a standard six months. I think it's always been the intent that policies be considered on their individual case-by-case basis. Each policy is obviously going to be different and require different windows to implement, and the six month ask was more just to try and bundle these together so we can normalize our development cycles when we have to make changes to our systems.

DENNIS CHANG:

Thank you, Marc. Just to give you a point of data, I'm working on the IGO/INGO policy and [it'll] be working to an answer and publish it this month and calling for effective date in August. So, using the default six months. So, when I do that, from our understanding, six months was a time period that is acceptable to the contracted party if there's no [exception] cases involved, then there does not need to be any kind of a rationale or justification for six months. For the Red Cross names update, I think we all agree that it's going to take a lot less but we just went with the default six months just so that there is a lot more

predictivity and repeatable expectation in the policy expectation, implementation.

So, in this case, we already know it's going to be I think more than six months as a default. So, we are going to try to put in some narrative or some rationale, put together some language. We need to do that for the public comment because when we put out a public comment, we will have to share what our implementation plan is and that plan must include the implementation duration. Beth, do you want to speak on this?

BETH BACON:

Thanks, Dennis. I think you sort of answered my question there, but I was curious, where are folks leaning towards with regards to ... I mean, we can talk about a default six months until we're blue in the face but I think the accepted from the comments and the things that we've waited on, six months is not on the table at this point, I think. It's j going to very practically take longer. So, where are you guys leaning, do you think? Because I think that's important to nail down and it would be good for us to know two days before we have to go to comment and then worry about it.

DENNIS CHANG:

Are you asking you guys meaning me?

BETH BACON:

Well, you just said that ICANN staff determines the length for implementation, so yeah, you.

DENNIS CHANG:

Thank you, Beth. Yeah. We're still discussing it and we're trying to gather in for all the inputs that we get. And one of the inputs that we get is this: "Dennis, this is supposed to be an EPDP. We told you this. Dennis, we actually told you to get started even before the Board took a resolution. Do you remember that you took a pre-IRT [inaudible]?" This is supposed to be an expedited policy that we're supposed to do quickly and that's why the community went to that and produced a development PDP working group work to produce a recommendation in one year. So, we expected that it's going to be ... Implementation would take a short time. [inaudible] definition. Of course, some of the expectation and most of the expectation, it came from the PDP Working Group. The expectation there then was 29th of February. That's the first community expectation that is set. Now, we've already communicated that is not feasible, so then when is it?

So, I am getting the feeling—the pressure or the expectation—that we have to do it quicker than that. Otherwise, I have a lot of explanation to do. And that's the input that I'm looking for.

And the other comment is this is a policy that cemented the temp spec and temp spec has been in place for a long time and everybody should have already been compliant to the temp spec, so most of the work is done, so why does it require so much more time?

So, it probably is not technical. If it's not technical, then what is it? If it's an administrative process that takes 18 months, then we should probably understand why it takes so long. And that's the input that I'm

trying to look for. Of course, I can't do it or we cannot do it at the [inaudible] level, so we are looking for how [inaudible].

So, to answer your question, I don't know. We are still discussing. I think that we are fairly convinced that it's going to be more than six months, and therefore I'm trying to build up a rationale. If we thought it was going to be six months, I wouldn't be asking for rationale. I don't have to explain it. We just put it out for a public comment. Beth?

BETH BACON:

[inaudible]. Thank you, Dennis. I know that you ... I'm sure that the folks that are saying, "We thought this was supposed to be an EPDP," all that is internal pressure [inaudible] other folks who are not as involved.

I know Jody and Sara put together some of the timelines and required task lists and things that are technical. I would say that there's a little bit of ... I would push back a little bit on the fact that, yes, it's cementing the temp spec, but also ... So, when we think back to the EPDP, it was to accept or reject or amend the temp spec and there's been a lot of amending. It's the most recommendations I think I've ever seen, unless we start looking at the CCTRT or whichever one just did like 200 recommendations. It makes me want to kill myself because it's so long.

So, it's not necessarily just a cut and paste of what we're doing. Just looking at ... I mean, we talked a little while about rec 18 in detail. Even that is taking a long time. We had drafted it out and we made edits. We had to put it up on our page. We have to make sure that we have the actual technical backend to do that. We have to figure out who's doing what. Anyway ...

So, it's not just a [inaudible] cut and paste. And I agree that I know you guys are thinking about this and you're going to put it in the rationale but I think we're very supportive of you explaining away that stuff, so if and when you want more help with that, we're on board simply because we want to make sure that it's done correctly. If we rush it too much, the technical stuff isn't going to work as well and then nobody gets what they need. So, that's my ... Dismounting soap box. Thank you.

DENNIS CHANG:

Yeah, I wholeheartedly agree, Beth. Whatever we do, we come up with ... We are going to have to draft and share our draft of the public comment forms that we're going to release with you all, and in that form, there's going to be a narrative explaining the deviation from the default six months. So, we are going to actually ask you to read that and review it carefully and help us so that it is good and we all agree—the whole IRT team agrees—and stand behind whatever time realistic schedule that we come up with and will be transmitted a lot of people.

But I have a feeling right now and I would have liked to have done that on the webinar on the 24th later this month but I probably won't be able to get there. But we're looking at it. We'll let you know as soon as we decide on what number, what month duration we will go with. But we're not going to surprise you, okay? We're going to review it with you before we take those outside of the IRT. So, we first want to get your support on whatever it is that we decide. Marc, did you want to speak?

MARC ANDERSON:

Thanks, Dennis. I was just going to ... Beth covered most of what I was going to say. But just to reiterate, you mentioned just now a number of questions that you anticipate coming in and I think it's great that you're planning for that and trying to preempt those questions ahead of time. But I do hope it's clear that implementing this policy—the phase one recommendations—is not just cementing the temporary specification. There are a number of technical [inaudible] between the temporary specification and the EPDP Phase 1 recommendations.

Sara mentioned in chat the admin contact is changing, which involves changes to how registries and registrars pass data to each other. The RDS output changes. The touchpoints between registries and registrars change. And these are not insignificant differences between the temporary spec and the Phase 1 recommendations.

So, I took what you're saying to be planning ahead and being proactive to try and address those questions but I do hope you have those answers lined up, and where you don't, I do hope you reach out to us to help plan those answers out because there are quite a few differences.

DENNIS CHANG:

Thanks, Marc. Yeah. So, if it wasn't clear before, this was my personal attempt to reach out to you to help me because this is how I work. Right now, I am sort of demanding and challenging you on the 18 months. Once the IRT and we all decided 18 months, I am going to be the one who is out there defending our decision and explaining why it takes 18 months and not 17 or 16. This is the whole point of subject matter experts that we have got put together here as an IRT to help us

formulate this plan because we know that this is an obligation and it is going to put on a burden imposed on the contracted parties and we want to be very careful with this. But there is also a broader community that we have to satisfy.

And by the way, Marc, you said that I as anticipating these questions. Believe me, there's not an anticipation. I have already been asked these questions and my response has been, "I'm working on it." You should know that, as the program director, people come up to me either individually or small groups to ask me questions and communicate directly and there are reasons why they may not want to do it in a public forum, but I do get all those inputs. I'm just sharing with you openly the inputs that I am getting so you have a feel for what we are going through.

Again, we'll line up the rationales and see if we can formulate something that we can all stand behind it because this team has to be a one team [inaudible]. I am certainly not going to say that I think it's this but they decided this. That's not how I work as the program director. Susan, you have the floor. Go ahead.

SUSAN PAYNE:

Thank you, Dennis. I'm not going to disagree with the 18-month timeline, but I am concerned and I voiced this in a couple calls previously, that 18 months doesn't turn into 17 months and 29 days, "Oh, we started." Because we have registrars right now that are—and again, I'm always harping on not the ones at ICANN and not the large registrars but we have registrars now that I don't know why they don't

respond. I'm assuming they don't have a process but they request [go un-responded to].

So, what I would hate to see is ICANN, at the end of 18-month implementation period, then says, "Hey, what's going on with you?" I think I had suggested, recommended, a check in by ICANN Compliance and I want to make sure that we sort of flesh that out, and for registrars that are doing the work, it should be very cursory, just, "Yes, we're here and we expect to be here within some general timeframes." Or with the registrars that are not paying attention, after a couple check-ins, they're like, "Oh, we really do have to do this." So, I think it's a mechanism that needs to be included in part of this timeline and I'm hoping that it is something that ICANN Org will take on.

DENNIS CHANG: Sara, go ahead.

SARA BOCKEY: Hi. Thank you. I really appreciate hearing that the other people on this call do not disagree with the 18-month timeframe. I think that's very helpful to understand. With registrars who are not responding to requests, of course they should and I hope that those are being escalated to the compliance department.

I just need to say, a bit more generally, I'm not really clear on what Dennis is looking for. I would be happy to provide more information but I think we've already given what I think is a reasonable amount of information about how much time it would take I think to implement

these things. We can't provide non-public business information about our product pipelines or what really is in our roadmaps for the coming year until it's appropriate to do so. I just don't know what else we could contribute at this point that we haven't already done. Thank you.

DENNIS CHANG:

Okay. So, from my experience—and this isn't the first time we're doing this—when a timeline is being challenged and you need to provide explanation, what works best is to talk about critical path. In other words, take a long duration, split up into small pieces that are dependent on another. And this is an example that I put together if you're looking at the screen is the rule number seven. If we say that [inaudible] changes, it's going to take a lot—is the reason why it takes so long. We could change things like to change the [inaudible] takes three months and we have to test it for three months and we have to provide a 90-day notice per the registry's policy that they have, so then we end up with this much duration. This is called a critical path and this is how the long duration is explained and it's a lot more digestible and understandable by people who are not intimately familiar. That's what I was looking for.

But I understand that contracted parties is not able to do this, and that's okay, too. Only thing that I can ask is, if you should have some way to explain the 18 months and the way that you have delivered it is this document—and I appreciate this. So, I would use this as much as I can to put up a rationale and then we will share that with you and maybe you can, at that point, provide some feedback.

And then FAQ, somebody mentioned, yeah, we may utilize the FAQ document to provide those rationales. Some of these questions that we have been getting and maybe we can work on that during the FAQ as well.

So, I think that's all for the timeline now. I don't think there's any more discussions to be had. I appreciate all of your inputs and we'll move on to our next topic.

One more point. Susan's comment about check-ins by the contract enforcement. I just want to make sure that's really clear. Our contract compliance cannot act before the policy effective date. Contractually, the implementers have until the date of the policy effective date to implement their policy. So, again, like many of you have pointed out, we have no way of knowing whether they can implement this policy in one day or 18 months. We do not make that judgment. And we don't know whether they've been doing it in the background and they can switch over on the last day or they're gradually doing it.

In any case, contractual enforcement—compliance—cannot get involved at that level. However, we do have the other arm of the, I would say, engagement managers with the contracted party. I think all the contracted parties know who their engagement managers there. We have designated engagement managers for every registry and registrar. And what we will do is, as part of the implementation, we will put together an educational document, educational material, and we will be going out proactively working with them to encourage them to implement the policy as soon as they can and help them wherever we

need them to [inaudible]. And at that time, we may [inaudible] come back to the IRT to help [us there] too.

So, I just wanted to make sure that is clear. But if you thought that contractual compliance can implement some sort of a check-in in the middle, that is not the case today. For something like that to happen, we would have to restructure and re-charter compliance, their role at ICANN. That I wanted to make clear. But Susan, go ahead.

SUSAN PAYNE:

So, I guess I'm okay with it being a different part of ICANN, but if it has no teeth and the registrars—and it looks like it will be small registrars—will be ignoring all of your ... I mean, there's registrars out there right now that are not adhering to the temp spec. And have I personally recorded these? No because I'm not sure it would do any good.

But it seems like if you have a policy that ICANN should have a mechanism to go out there and ensure that your accredited registrars are doing what they should be doing ... Now, in some ways, that is the audit of the registrar which is not continued right now.

So, I would just hate to get 18 months down the road and then find out that, yes, all the major registrars have done this. They spent the money. They spent the resources. They spent the time and you have some bad players out there that just says, "Yeah, we're not going to even read that email or that notice from ICANN." There's got to be something else that makes these registrars that are either not paying attention or choosing not to pay attention to understand the seriousness and the requirement here.

DENNIS CHANG: Beth, you have the floor.

BETH BACON: Thanks, Dennis. Susan, I 100% appreciate the need for these policies to be enforced. We don't do them for giggles because registries and registrars want clear deadlines as a business. You guys want an enforceable recourse and I understand that for your business.

I do think that if we continue to say there's issues ... To start, I don't think that we ... We could take this conversation out of this particular IRT call and maybe ... I suggest, Susan, maybe we could get a group of folks together and talk about how to fix this—I think I suggested this before—and figure out how to get to those registrars that are not responsive.

However, I do feel the need to say if they're not being responsive, we can't know that compliance isn't working if we're not telling compliance about it. So, maybe there's something that we can talk with registries and registrars can get together along with you guys and talk about the issues, the actual issues, the ignoring, the non-response, all that sort of stuff that you're getting and then figure out how best to present that to Compliance so that they can figure out how to notice to them. Because they're not going to ... I mean, they're going to ignore it if they're not getting yelled at I think. If they're getting away with it, they're just going to keep getting away with it.

So, I do want that problem to be solved for you guys. That's the whole point of going through this whole EPDP process and getting all of this written down on paper and making sure that it does have teeth and it is enforceable. So, I think that that is a conversation we can have maybe outside of this, but I 100% appreciate the struggle and I think we need to find out a way to make sure that doesn't continue as we go into an actual consensus policy. Thanks.

DENNIS CHANG:

Thank you, Beth. If we are ready, let's head on to our OneDoc. Are we ready? So, you are looking at it there. I am there now. You can join me there in the shared doc.

The first thing I wanted to show you at the table of contents is that now you see appendices A, B, and C. So far, we added three appendices and this was the decision made at our last couple of calls ago where we said that we're going to use method one and that is to put in the instructions for changes that are in other areas within this document and not make the changes to those documents directly. So, we are implementing that as we had agreed, and therefore since we have agreed to that, I have determined 23 and 24 have been turned green as we have agreed to those approaches. So, let's look at it together, starting with Appendix A.

So, Appendix A is for URS and we see one comment on 1.2. Let's see. This is from Susan. Since Susan is here, do you want to talk about this? No? Okay.

Let's see. So, deciding on a timeframe for compliance, timeframe for compliance is the same as the policy effective date, isn't it? Whatever

this is exactly what we're talking about. When we plug in this policy effective date here based on whatever time duration that we have, that is the time for compliance. Did you have something else in mind, Susan? I see.

So, if you're talking about how quickly the URS service provider has to react or respond to the complaint, that is not part of this policy. We're not making any changes to that rule. That was not a part of the recommendation and that kind of a change belongs in the RPM Working Group, PDP Working Group. And it's there that it may be more appropriate for such a change to be affected. But as far as this implementation is concerned, the reaction time from service provider is out of scope. Is that understandable or did I misunderstand what you were asking, Susan? Go ahead. Did you want to talk about this? No? Okay. Then, Susan, if there is no further questions, we are going to resolve this comment. Thank you very much. And that will be done by Isabelle, our resolver.

On the URS rule, we have a comment from ... Oh, this Rubens. We have decided that we are not going to make [in line] suggestion but use [comments]. That's why I pulled it out and put it that way. So, Rubens suggested that complainants shall treat the [RNH] contact detail received with due care according to the applicable privacy regulation. Okay.

So, Rubens suggested we add a sentence like this. I thought about this and said that maybe we should change the language as a requirement for the service provider. Do you really think that this addition is needed? What are your thoughts? I'd like to hear from the IRT.

One more note. I think we got this from temp spec, right? So, I think it's pretty much verbatim. So, unless we had it wrong there, I think it's satisfactory the way it was—it is now. So, we want to go ahead with it if there is no strong objections. Any comments? Okay. Isabelle, go ahead and resolve that one.

Let's look at Appendix D. This was a UDRP. Susan, same comment as I made to the URS [inaudible].

MARC ANDERSON: Sorry, can I [inaudible] for a sec?

DENNIS CHANG: Yeah. Go ahead, Marc.

MARC ANDERSON: Sorry. I have a question still on the previous, the URS rules.

DENNIS CHANG: Yeah. Go ahead.

MARC ANDERSON: So, first, I guess I'm not sure how you decided to resolve it. Are you just closing the suggestion?

DENNIS CHANG: Yeah. I asked for comments and there wasn't any comments. So, when there is nobody speaking when I ask is there objections to resolving and I don't hear anything, we resolve it. Did you have an objective for resolution?

MARC ANDERSON: Okay. So, I guess by resolved, you meant you were just going to delete the comment, then, right?

DENNIS CHANG: Yeah. Delete the comment.

MARC ANDERSON: I do have some thoughts on this one.

DENNIS CHANG: Okay.

MARC ANDERSON: This is interesting because this is creating a disclosure of non-public registration data where previously disclosure didn't exist. So, I think maybe this is in scope for us to consider, but I'm not exactly sure how this interplays with the other recommendation on URS that ICANN enter into data processing agreements with the URS provider because I think, in my mind, the proper place for something like this would be in the data processing agreement which would dictate what the URS provider

can do with the data its processing. In this case, the non-public registration data.

But this recommendation allows the URS provider to take the non-public registration data and provide it to the complainant in the URS proceedings. So, I think it's certainly prudent that the complainant who is receiving the non-public registration data should be expected to treat that information confidentially, and that I think should be covered under a terms of use agreement of some sort associated with your URS proceedings.

So, I guess I think the suggestion is a good one but I'm not sure we can decide whether or not this should be here without understanding more about the data processing agreement that exists between ICANN and the URS provider. I'm sorry, I got a little longwinded there but I hope that point makes sense.

DENNIS CHANG: Let's see if Roger can talk on this. Go ahead, Roger. You go first.

[ROGER CARNEY]: Thanks, Dennis. Actually, I had nothing else to add on that. I think Marc is right. I think we need to look at that. I actually had a comment about 1.1 and 1.2, so I'll wait.

DENNIS CHANG: Okay. So, Marc, feel free to make another comment. It's okay if you do. Then we'll look at it. And whether or not we add to this requirement

here or we change the language here is really up to us. We can do that. But what I was trying to do is stay consistent with the temp spec language if there's no strong reason to change that based on the recommendations that we have received. But if the recommendation does not say one thing or another, I think our default position is we don't change it from the temp spec. So, that's my line of thinking, but if you do have a good reason, we would like to hear that.

Also, URS in particular, you should know that ICANN Org does not have a contract with a URS service provider. We work under MOU, so we'll have to figure out how all of that works.

Then, of course, the URS service provider, they also have to work under GDPR if they want to stay in business and not [inaudible] and stuff like that. So, we expect that they do [certain] things in terms of personal data, like any other business. Whether ICANN is the one who enforces that with the DPA, that is something that we have to work out.

So, there's a lot of additional work we have to do, but as far as this policy scope is concerned, let's be very careful that we don't overreach our remit and start delving into the business of RPM that's going on right now with the PDP working group. Go ahead, Susan.

SUSAN PAYNE:

So, I guess I'm not very clear on what Marc is advocating here, but I especially agree with your last comment, Dennis, that we don't delve into what the RPM is doing. Right now, with the URS or UDRP, that registrant information is public and displayed once the decision is made. But, I don't think it's the remit of this group to make changes to comply

with GDPR or not to comply. I don't know why ... I don't think GDPR relates to actual decision there. But, I think we should be careful about that. I agree with that.

The other issue was, unfortunately, I was dealing with my daughter's barky dog and so missed your comment on or your review of my comment on the URS. So, I was hoping we could revisit that a little bit. I was just saying that there should be a timeframe. URS is supposed to be quick. And we would want to make sure that that data is received in a timely manner and probably put some timeframe around that. So, what was your response to that, Dennis? Because I missed it. Sorry.

DENNIS CHANG:

My response was simply that I didn't see that as a part of the scope for this policy implementation as it was not addressed in terms of recommendations. Then we were not going to delve into changing or anything in terms of enforcement about the time that's required to respond or anything like that. That was my response.

This language, as I stated earlier, was copied over from temp spec and we were trying to stay consistent within the scope of this policy implementation. So, sort of the same logic. But if you have suggestions on what we could do here, we'd like to hear it. But for us to now, as staff, [inaudible] coming out with some sort of a mechanism to ... Timeline, allow for them to respond, whether it should be 24 hours or one business day, that discussion just cannot be part of our conversation here. That's what I'd say.

SUSAN PAYNE: So, I guess I do ... I can understand your reasoning there. What I'll do is go back and look at the UDRP and the URS because there is language that does pertain to a registrar that does not respond and provide ... I mean, the situation happens right now with proxies, right?

I guess what I want to do is reserve my ability to make that comment again. At the very least, I think we can rely on the response timeframe that we have dictated in this document for requests. It shouldn't go beyond that timeframe, though. It should be much shorter, in my opinion. So, I'll get back. After I've reviewed the URS and the UDRP with comments in the document, then.

DENNIS CHANG: Okay. Thank you, Susan. Marc Anderson, you have the floor.

MARC ANDERSON: Thanks, Dennis. So, a couple of points. Susan, I believe the existing URS language already has timeframes. So, I think if you review the existing language, you'll find that that's accounted for. I also want to very respectfully call you out a little bit and point out that you, under Rubens comments on the respondent, you said we should just stick with the requirement. Then, on your comment, you said we should add new requirements. So, I just want to very respectfully point that out to you that you're advocating two different positions there on sticking with the language of the recommendations.

But that aside, I do think your concerns ... I think if you look at the existing URS requirements, your concerns will be addressed. I think it is in the existing language and that's accounted for already.

But, Dennis, back to your point on the respondent on Rubens comments. I think the intent of the EPDP Phase 1 recommendations is that this issue would be addressed by having a proper data processing agreement between the ICANN and the URS provider. You pointed out that currently there's only a Memorandum of Understanding between the two and that is exactly the problem. If there's not a proper data processing agreement in place, that could put the contracted party in a position where they cannot disclose the data because they would be risking being out of compliance with GDPR if they're disclosing data and can't be sure it'll be properly ... There are proper data processing agreements in place dictating how that data is treated once it's disclosed.

So, I do hope that that will be accounted for in the data processing agreements that should be in place, but I'll just leave it at that for now.

DENNIS CHANG:

Thank you, Marc. I think rec 27 is another [inaudible]. We are trying to go through not just the URS but everything that is impacted. So, yes, we do still have to do a lot of work there. I think that's URS.

Let's see. Jody had a comment on Appendix E or ...? Oh, Appendix A still. Okay, Jody. No? Okay, let's move on to Appendix B.

[ROGER CARNEY]: Hey, Dennis, this is Roger. I had a comment on Appendix A still.

DENNIS CHANG: Go ahead, Roger. Sorry.

[ROGER CARNEY]: That's okay. 1.1 and 1.2, they completely ... I sent an email on Monday I guess to the list, so we don't have to spend a lot of time on this because I detailed it in the email on the list, but 1.1 and 1.2 completely remove the text from the recommendation around thin registries and I think it needs to go back in there because it's not saying what the recommendation actually says. Again, I don't know that we need to spend a lot of time on this. I sent an email that details everything out on Monday to the list so ...

DENISE CHANG: Okay. It had something to do with thin and thick. So, one comment that I wanted to leave with you, the IRT, we have this one policy language, without mentioning thick or thin and that was by design. I don't think that we should be getting into a thick-thin-thick-thin discussion. That discussion has been had already years ago and [policy exists] and we are being reminded by the Board that policy still stands until the GNSO Council does something or GNSO changes the policy, the community—it's up to the community to change things like that, not us.

So, that's why I am going to say that thin or thick is not going to be referenced for this policy here at this language, but I do want to go ahead and hear from you and others if you think that is so important

that we have to actually get into that discussion because I'm trying to stay out of that thin and thick discussion because I spent years doing that in that implementation group [inaudible]. Seems like we shouldn't be getting into that discussion again. Marc, you have the floor.

[ROGER CARNEY]:

Dennis, this is Roger again, just to follow-up. I don't want to get into a thin or thick discussion either, but the problem is this is creating requirements that the recommendation doesn't create. It's not consistent with the recommendations. And I don't want to get into that discussion either. I just said it's not consistent with the recommendations and it needs to be put that way. Thanks.

DENNIS CHANG:

Oh yeah. If it's not consistent with the recommendation, that is an issue. Thank you for pointing that out and I'll have to look at that more carefully. I think it's an issue where if the registry operator doesn't have the data, then what do we kind of a situation, do we have to ask the registrar for that data or not? I think that's sort of the decision space. But let me look at it carefully and come back to you on this. Marc Anderson, do you have a comment on this?

MARC ANDERSON:

I do. Thanks, Dennis. I can certainly appreciate not wanting to get caught in the middle of thin versus thick here. Hopefully, I have a middle ground here. I think Roger's point is that the current draft in the OneDocument actually is a change to existing policy and not in line with

the phase one policy recommendations. And what the phase one policy recommendations were trying to accomplish, the way the policy is written currently, the provider goes to the registry to get the data and the registry only.

What in the phase one recommendations we were trying to address the fact that the registry might not always have the data, so the provider could go to the registrar to get the data if the registry does not have the data in question.

So, the draft language as written changes that to just say that the provider goes to the registrar. So, that's not what we intended by the recommendation. We weren't trying to shift the obligation from the registry to the registrar, only provide the ability for the provider to go to the registrar if the registry operator does not have the data being requested. Sorry, I feel like I'm longwinded here.

So, I think the middle ground here is to say that the ... I mean, the intent was that the provider would go to the registry and the registry would provide whatever data they do have, and that if additional data is needed, they could go to the registrar to get it. So, I think that can all be said without mentioning the words thin or thick, and not shifting that from a registry obligation to a registrar only obligation which is what the language currently says. Does that make sense, Dennis?

DENNIS CHANG:

Yes. Thanks, Marc. I think I got it. It's a simple matter of explaining that you get your data from the registry operator but in cases where that data is certainly just not available, you go to the registrar to get that data.

Are you guys okay with that kind of logic? It makes sense to me. I would like to hear from registrars. No comment? Okay. Then, we'll work on that as we have just discussed. Oh, Theo, welcome. Theo, go ahead and speak. Are you okay with that logic?

THEO GEURTS: Yes. Thanks, Dennis. I'm sorry I was late. I sort of didn't have the call in my calendar. Just to point out what Marc has said, I think it's a great suggestion. I think it's a good path forward without ruffling any feathers or creating any problems down the road. So, from a registrar perspective, yeah, I'm good with it. Thanks.

DENNIS CHANG: Thank you, Theo. We have some good times, huh?

THEO GEURTS: Oh yeah.

DENNIS CHANG: Okay, let's continue to Appendix [D]. So, Appendix [D], the first comment I see is 1.1, what is highlighted by ICANN and I think it's the same comment as before by Susan. So, we understood that so we'll move on to the 1.2 comment.

This is the Rubens suggested language of adding the same statement. It's basically a repeat of the same thing that we have seen. Is there any other comments for Appendix [D], UDRP? If not, we are going to resolve

these comments. We're going to have Appendix A and B clean in terms of comments, but we're going to work on the language to add, to go to the registrar if the data is not available from the registry from the URS. That's [our action].

Appendix C, I gave it to you and it's not due yet, so there is no ... I already see a comment here. Jody, while we are here, do you want to talk about this or we can wait until our next call?

JODY KOLKER:

I can talk about it quick, Dennis. I'm just curious. Is there someplace that shows the best practices for generating and updating the auth code? I'm not sure that there is. I'm curious that we should be creating something like that. I'm just throwing that out for discussion and as a question to you. Thanks.

DENNIS CHANG:

Does anybody have comments on this? I think it's a fair request. If we don't, then we probably should have something. I know that this is the same language that we had on the temp spec, so we've been operating under temp spec and I don't know how people have been operating using this language in terms of best practices. But it's a good question and we'll see if we can get some responses. Anything else?

This reminds me, on the implementation [notes], last time we agreed that if you thought that some of this implementation was not necessary, that you would let us know, move it up to the policy language or not.

But I haven't received anything so we haven't done anything with the implementation [note].

So, I want to go back to this. We haven't had a chance to talk about this and we have ten minutes. We don't have to finish it but I do want to point out on the 10.6 to 10.8, this was the original language and we see many comments. What we are offering is replacing the 10.6 through 10.8 with only 10.6 and 10.7 with a condensed language and we hope that this is acceptable to you. So, I'd like to hear from you. I haven't seen any comments on this yet but I wanted to remind you. And if you did look at it and you found it acceptable, I want to replace this language right now, 10.6 from 10.8, to this new language and make that the baseline.

Alex, go ahead.

ALEX DEACON:

I missed this. I haven't had a chance to dive into this, so if I could request just a little more time to review and understand what's being replaced and why and what it's being replaced with, I would appreciate it. Thanks.

DENNIS CHANG:

Okay. So, why don't I just turn it into a task so that it's clear that this is what we are waiting on. On the policy language, we wanted to ... Which one was another one that we wanted to ... Is Mark SV here? Mark, are you attending? No? Okay. Because I see that Mark has submitted a comment on this tech contact and we wanted to resolve it, but since he

has not entered a comment, I think he is objecting to us deleting the tech comment in the log. So what we will have to do is then table that discussion for later, too. Sara, you have the floor.

SARA BOCKEY:

Thank you. Just before we run out of time, I wanted to check about the rationale documents so that we can better understand the thinking around some of those questions that have already been concluded. What's your expectation for the timing on when we'll see that? Thank you.

DENNIS CHANG:

I think that we've been working on them. Probably starting next week this part is going to start flowing to you. So that's what we're doing in the background. We wanted to make sure that we have all the known language captured as OneDoc first.

I might as well tell you right now we're thinking Appendix D and E and F possibly. So, I wanted to get a quick sense of the IRT for BRDA. Things like BRDA. Temp spec had a BRDA instruction.

Now, recommendation language [were silent] on BRDA. I don't know why but maybe some of you can explain it to me. But it seems like we need the same instruction for the BRDA in this policy language and appendix is the perfect place for it. I'd like to suggest that we add Appendix D as a BRDA and work on that and include that in the OneDoc for your review. Any thoughts on that logic or that concept? Anybody from the EPDP who worked on the recommendation for not mentioning

BRDA? Was it by design that you didn't want to see policy language or was it okay you think and it was really with the intention that we are going to include that? Go ahead, Marc Anderson. You were a part of the EPDP, right?

MARC ANDERSON:

I was. Thanks, Dennis. I guess I'm curious what your thinking is needed because we did exclude BRDA and we excluded it because we didn't think it was necessary for us to have policy language specific to this. So, I guess I'd be interested in hearing what you think would be needed here because we did note in our review that was in the temporary specification but something that was not included in the phase one recommendation but I think there was a decision not to include anything. I would be interested in hearing specifically what your concern there is.

DENNIS CHANG:

Yeah. This is what we would like to communicate with you. We were examining actually the ... It was the rec [2017] who was going, pouring through every policy, every document, every procedure to uncover, oh, BRDA does have an impact and we need to do something about that. And if we do, then where would be the best place to do that? And we concluded that the best place is the policy document. And when we looked at our temp spec, it was done there, too. So, it seemed like that was the right thing to do.

I think [that it is best] that we present to you the language—exact language—that we want to include and you can then tell whether it’s needed or not. So, let me do that.

MARC ANDERSON:

I’m happy to do that but I would strongly suggest taking this back internally and really discussing if policy is necessary. Because I’m very familiar with this, and really the language in question is that, in submitting BRDA data, the original contract language allows contracted parties to submit more data than the minimum required. And the temporary specification changes [inaudible] to make it so you must only provide the minimum data, as mentioned in the contract language.

I don’t believe that policy is the right avenue to accomplish that. In fact, I think today ICANN Org has validation in place on a BRDA submission that would not allow registry operators to submit more than just the minimum data. And I think that is ... I don’t think that is ... It accomplishes the same intent and is still in line with the contract language.

So, I would suggest taking this back internally and ask is policy really necessary to accomplish what you’re trying to do here? Because I don’t think it is. I think that’s the wrong tool for the job here.

DENNIS CHANG:

Thanks, Marc. Actually, thanks, Marc. That’s very, very helpful. I really appreciate your comment there. Yes. That is exactly precisely the discussion we’re having internally because we’re not all convinced that

it has to be there as a policy language, and if there's other vehicles that are more appropriate, we will certainly take that approach. And I appreciate the feedback. Thank you.

One minute left. Final remarks, comments? Otherwise, our next call is next week, right? So, we will see you again next Wednesday. Thank you very much for your support and goodbye to you. Bye-bye.

UNIDENTIFIED FEMALE: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

[END OF TRANSCRIPTION]