
ANDREA GLANDON: Good morning, good afternoon, good evening. Welcome to the Registration Data Policy IRT call being held on Wednesday, June 3rd at 17:00 UTC.

In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room. If you were 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.

As a reminder, those who take part in ICANN's multi-stakeholder process are to comply with the expected standards of behavior. With this, I will turn it over to Dennis Chang. Please begin.

DENNIS CHANG: Thank you, Andrea. Welcome, everyone. I hope and pray that every one of you are okay, your family. So much is going on around us, it's just incredible. I'm based in Los Angeles and I was here during the 1992 riot, and to see this again is just heartbreaking.

On the other hand, I am very fortunate and grateful to be in the Internet business with you all where we are doing our part to share information and support the good causes for our humanity and improvement for all.

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.

So that's enough of that. Sorry, but I think I needed to get that off my chest to tell you how I feel. And you should probably know that at ICANN, we having this wholesome dialog with all our employees, and most grateful to the community for the support that you're giving us. Especially for us, this implementation project, of course.

So let's get started. Today, June 3rd, we have this agenda. We have the GNSO reply to the board letter on Rec 7. I sent that out as a task for you all, basically to make sure that you can find it on our list, and it's task item number 100. My goodness, we did give you a lot of work, didn't we?

I think it's important that we talk about that, so I want to give our GNSO council liaison, Sebastien, some time to talk to us directly about it. I'm sure there are maybe other members of the IRT who were involved in that. We'll do that first, I think that's important.

Number two, our session nine and eight, the alternate language that we asked you to review. I talked about it at our last meeting and you asked me to kind of write it out and show you. And I did that, and I think that in the action that we are doing, we found a further way that we can simplify and communicate to the implementers. And we'll talk about that next.

And section five, we haven't talked about yet, but section five is the one about the DPA, give you a chance to discuss that a little bit, and then I want to talk about the timeline. We haven't looked at our timeline for a while and I want to show you something and get your feedback and input. And finally, believe it or not, this is our session just before we

have an ICANN meeting. And I wanted to have some time for us to discuss that and collect your input on what we should do, what we might do, what we shouldn't do. It is an important IRT session where we open it up for the public, and I have some ideas, but of course, I want to hear from the IRT. It is our working session is one hour on Monday. That for me is Sunday night, so I just have to keep reminding myself and get to work on Sunday night, like a lot of you, which I haven't been doing.

So with that, any comments on the agenda? I see Sebastien raised his hand. Go ahead, Sébastien.

SEBASTIEN DUCOS: I raised my hand right before you said that you were going to give me the mic anyway. So I'll let you finish, I don't want to jump in.

DENNIS CHANG: Okay. I am done, but I was kind of waiting for if other IRT members have comments on the agenda, this is your time to bring it up. Is there something on your mind that is urgent and hot and you want to make sure we cover today at our session? If there's nothing else, then Sebastien can take over and tell us about the GNSO council meeting.

SEBASTIEN DUCOS: I just wanted to discuss the letter. I don't know if you all had the opportunity to read it. I know that a number of you were on the GNSO call when we discussed it, so you would be familiar with it. But essentially, the GNSO's answer to the board is that following the GNSO process, they're asking me as your liaison with the GNSO to first come

back to you and see if there's no way to resolve the issue internally. So putting the ball back in your court, not so much as a copout but putting the ball back in your court, IRT, just to follow the process and give you the opportunity to resolve this internally. Obviously, if it's gone beyond, there's probably limited chance of it, but we need to try to start that before.

I had a discussion yesterday specifically about this with the GNSO ExCom without the chair who recused himself on this particular topic, but with the two vice chairs who, again, reiterated and asked me to find with you a solution, if we could find a solution internally, or if at least we could describe the differences in order to better circumscribe the problem, the issue.

And in this particular first phase, I'd like to address and have basically the views of the IRT. And no offense to the ICANN team, [but to understand what the community first and your representation to the IRT] intended and wants to see out of this.

Now, just because of my own background from the Registries Stakeholder Group, and because of or thanks to the letter that was issued, Sarah, you need to help me here, but that was issued two weeks ago to the GNSO, I have a fairly good view of what the CPH is. I have probably not as clear view of what the other participants in the IRT is. I don't know that we need to take a huge amount of time today to discuss all this, but basically, I wanted to have this as an open invitation for discussions, maybe outside of this call right now, for you to reach out to me and propose in writing, officially, openly or privately, I don't mind, whichever way you want to do it. I'm also ready to take

phone calls and discuss that in a Zoom call or something like that, but to better understand everybody's positions in order to try to find a compromise.

I'm not here, again, to arbitrate, I'm not here to decide who wins or doesn't. I'm here to listen and to understand what the views are.

I'm also motivated to do this because of other members of the GNSO, not specifically the ExCom, representing other groups than mind, invited me to do that publicly and privately, because in their view, we're not that far from finding that compromise. And it might be just a question of clarifying everybody's point of view and finding out.

So that's all I wanted to say today. If anybody wants to comment or talk, I think it's a good time to do it. But again, if you want to find another time or if you want to have a conversation one on one, I'm open and available. Just reach out to me and I'll organize the time for you. Thank you.

DENNIS CHANG:

Are there any questions? If you don't have an input, this is a good opportunity for you to ask questions. Is everybody clear on what the issue is? Marc, go ahead.

MARC ANDERSON:

Thank you, Dennis. And thank you, Sebastien. Appreciate the overview. I'm wondering, after you've received input from people, what you anticipate as sort of what comes next, and also what kind of timeline you're ambitioning. And I sort of note that the Contracted Party House

position was pretty well summed up and shared with the board, so I won't rehash that now, but I am curious how you see next steps of this entire process unfolding and what else we can do to help with that process.

SEBASTIEN DUCOS:

My intention, as discussed with the ExCom yesterday, was to come back to them in a first instance with the first findings that I have from discussions with you. I don't have any particular timeline. I certainly don't have a deadline, but I would assume that we should be able to gather everybody's point of view in the next week, let's say, max. I don't want this to be dragged on for longer than it needs. I think that everybody pretty much knows where they stand and it shouldn't take that long to review.

Again, then with these elements in hand, I've been asked to go back to the ExCom and we will discuss the next steps after that. If it happens that there is agreement, there's not much else to be done apart from the GNSO confirming there is agreement and confirming it to staff that everybody in the IRT is in agreement. If it's not, I don't quite know what the next step is, but we will take these elements and discuss that with the ExCom.

And to be clear, I appreciate that indeed, there is a fairly clear position from the CPH, because it was sent from the GNSO, but this doesn't impede the CPH from participating in this too. If you have more to say, I'm more than happy to listen to it.

MARC ANDERSON: Thank you, Sebastien. I appreciate it.

DENNIS CHANG: Alex, go ahead.

ALEX DEACON: Thanks, Dennis, and thanks, Sebastien. Yeah, so I liked that this letter focused on the process versus assuming an outcome. And I think with regards to next steps, the last paragraph that's currently being displayed is the key one, requesting the GNSO council liaison to engage with the IRT to attempt to resolve the disagreement and better understand the potential impasse. I think that's backwards. I think we have to first better understand the potential impasse and determine if there is disagreement. And once we've done that, I think we can determine what the next steps need to be. So it seems—Again, Sebastien, I don't intend to tell you how to do this, that would be totally up to do, but it seems the immediate next step is to describe the impasse, determine whether there is a disagreement. I don't even think we're at that point yet. And then if there is a disagreement, determine what the next steps would be.

So I think we have some work to do, we as the IRT, you as the GNSO council liaison, to kind of tee up to make sure we're all on the same page about kind of what the issue is and then what to do moving forward. Thanks.

SEBASTIEN DUCOS:

Thank you for the comments. And by the way, I think that I can honestly say that you all are a lot better versed in this work than I am. So I'm always welcoming input also on the process. Apart from that, that's exactly my intention. So again, I'd like to hear it from every party individually to understand what your understanding is. Again, I have a point of view that just comes from my background and I've heard the discussions for, now, a number of months. But I'd like to understand more clearly where each and everybody's angle is, if not everybody, at least every different party around the table in order to better assess that. Bringing that back to the IRT in the form of a report before I go back to the ExCom is fully possible if you feel more comfortable with it. It's what I seem to understand. But my first need now is to understand from everybody where you stand.

DENNIS CHANG:

Roger next.

ROGER CARNEY:

Thanks Dennis. Yeah, I think Sarah put it in there from my standpoint anyway is the recommendation in the final report and the OneDoc, the policy language, don't match on this. I think that's the major part of the impasse, is that the recommendation clearly states a legal basis and data processing agreement, and the policy agreement does not.

I haven't heard a reason why the policy language—or I don't remember, I should say, why the policy language does not carry that language through. To me, that almost clears up the whole impasse. Thanks.

DENNIS CHANG: Beth, you're next.

BETH BACON: Thanks, everybody. So I did want to note, Sebastien, thank you for coming on and soliciting views. And I think it's important to note that not just the members of the IRT need to say where we are. I think if staff is experiencing any split views on how this should be implemented or having concerns with regards to how it would impact or work with existing policy, I think that's really important to know because that contributes to the conversation.

I will say that I do think that registries and registrars—not going to speak for them but I'm just going to throw them in there—are comfortable with the language in the recommendation as we've worked on it for a long time, and that's what we've all decided to do. So I think that's where we are landing right now, and then we'll also obviously share that with the GNSO.

With regards to Roger and then Alex's connected comment in the chat, I realize the DPA is not done. At this point, we're waiting on some conversations with ICANN staff. I know everyone has been very busy and they're working internally as well. So we are working on that. A little bit of a hold as folks at ICANN work inside, which is understandable, and totally fine. And we'll share that as soon as it's shareable. Right now it's kind of a draft.

But I don't know that it has too much—obviously, it's connected to the transfer of data and we do need it to support it, but I will also say that our view, Alex, is that in that smaller group, it would be a fairly standard DPA. So I think, just keep that in mind. It's fairly standard, I don't think there would be surprises at this point, but again, we're still in conversations about that. So it's definitely something to keep in mind for the larger IRT consensus policy draft, that that's a piece of it. Thanks.

DENNIS CHANG: Sebastien.

SEBASTIEN DUCOS: Just a quick note to answer your comment, Beth. I was specifically asked first to get the point of view of the IRT separate from staff, and I will have a conversation also with staff. And full disclosure, I've had that conversation partly early with Dennis before this. I think from at least an ExCom and GNSO point of view, there is a difference between a situation where there is a disagreement between the united IRT and staff on how the wording should end, and a situation where there are disagreements within the IRT.

If there are disagreements within the IRT, we need to resolve those. If the IRT is in agreements on everything, and then the differences are just with staff, I think it's almost a question where then we would kindly ask staff to understand [inaudible]. And the very fact that the IRT is united in that position would also serve to be able to come back to the board and a number of other instances and explain that's what was decided by the IRT.

So that's why I'm considering first the discussion within the IRT and in the second phase with staff.

BETH BACON: I've put it in chat, but that makes sense. Thank you. And I just didn't want to ignore staff because they've been working super hard on this also. Thanks.

SEBASTIEN DUCOS: No, we all know how hard they work and appreciate it. Absolutely.

DENNIS CHANG: Roger.

ROGER CARNEY: Thanks, Dennis. From my perspective anyway—and maybe I've missed it—I think the IRT has been clear that the language is the big thing here. I haven't heard any IRT disagree with that. At one point, I know we had the language in the OneDoc specifically as it was written in the recommendation and it was removed by staff at some point later.

So honestly, I don't know if anybody else in the IRT disagrees with using the language from the recommendation or not. I've only heard everybody in the IRT say that it has been or needs to be that way. If others don't agree with that, I'd like to hear that as well. Thanks.

DENNIS CHANG: Alex.

ALEX DEACON: Thanks. Just to respond to Roger, I think we do agree that the language that I think you're referencing, provided an appropriate legal basis exists and data processing agreement is in place, is important. I think there may be disagreement as to what that means. And again, I don't think we should at this point in time dive down into those details. I think I understand what I need to do based on Sébastien's earlier comment and the letter from the GNSO to the board, and I think we just need to, as we mentioned up front, given that, explain what the impasse is, perhaps if there even is an impasse, and determine, agree as a team where we are and then figure out what to do about it, if anything.

DENNIS CHANG: Thank you, Alex. Roger, you're next.

ROGER CARNEY: Thanks, Dennis. Thanks, Alex, for that. And I think that really, the step is—the interpretation will be interesting because I'm not sure that this IRT is the ones that need to interpret. Some of us will be interpreting it for our own businesses, but it obviously will be interpretation by ICANN Compliance and the contracted parties, how they interpret it is what will come down to agreement or not.

But yes, I agree that the interpretation is an issue, but I'm not sure that we can resolve that. But without the language being in there, I don't even see how that even becomes a talking point. Thanks.

DENNIS CHANG: Anyone else? So maybe I'll end that agenda item number one. But just so that every IRT member is clear, Sebastien, maybe you could explain why Keith as the chair has ... What's the word? Go ahead, Sebastien.

SEBASTIEN DUCOS: I think I used the word "recuse." I need to be a bit careful here, suddenly. So I had a discussion with Rafik and Pam as the two vice chairs yesterday. I think that is the term that Keith used, but I don't want to quote it either. Let's say he wasn't on the call yesterday, and I understand that was by design, but let me not quote him on this and he'll decide it.

Why, no, I don't think it's for me to discuss why he decided not to be on that call. [If the instructions,] I'd like to remain neutral here.

DENNIS CHANG: Okay. Thank you. And there's one more thing, Sebastien. Do you think that IRT has all the material to review? So if we can just go over, we had the letter from the board and the reply letter, and I think Sarah put in the chat the CPH position, but we don't have any other position from any other—

SEBASTIEN DUCOS: I don't know of any other on the record, no. So maybe the last item is how to contact me, and I'm happy to put my e-mail address in the chat for anybody.

DENNIS CHANG:

Yeah, that would be good. I think the other thing is regarding R7, there was an input from [Marc] on differing interpretation that was written sometime ago, item 82. So I think that I probably want to point you to there, and I'm trying to see if there was anything else.

I think we did a OneDoc on this. I'm not sure whether we did. No. Okay, we didn't do a OneDoc. So let us know, certainly, Sebastien, if you need anything that staff can do to support you with background information, data, procedure, and the rationale that we have in trying to put forward the policy language.

But let's wrap that up as an agenda item number one. And I want to let you know that agenda item three is actually the language and alternative language that IPT has come up with for you to review, and we wanted to throw that into the mix of your consideration thinking about all this. Of course, the staff as part of the implementation team is looking to resolve this at the IRT level and not have to escalate if we don't have to. So we're looking forward to supporting you and working with you to do that.

So on agenda item two, and I did this intentionally because I wanted to switch [nine and eight] because I thought it would be easier to cover nine first, then eight. So this came about in one of the suggestion I think that was made by Roger who said that one of the items on [what if—] I think I forget now, but it doesn't matter. One of the items on data element item in the transfer to the data escrow, he suggested that we went from "must" to "must if."

So the original language had a “must only” section, and 9.2, “must if” section. They're two different sections that we treated differently. And I think the argument that one of the IRT members made is that if condition satisfied, then it's a “must” anyway, so there is no need to have a separate section that says “must only.”

We thought about that, and that made sense to us. And on top of that, we are sharing the OneDoc with different people at staff and getting their feedback, and their feedback was we have all these data elements and you have way too many sections. Why do we have five different sections, and can we just have one list to make it easier for us to understand and implement?

So we took a look at that, and we took the idea of moving one data element to the other section, but then we ended up thinking that we could actually combine “must” and “must if” and the requirement would still be good.

So the way that the proposed language is now structured, we have three sections. The section two did not change at all, it's exactly the same “may” section. “Registrar may,” but we combined the “registrar must if” and “registrar must” to “registrar must if.”

So registrar have two obligations, requirements. Registrar must if do these 15 data elements, and then registry must if on these 33 data elements. And we are trying to provide some of this rationale here so you can kind of see why we're doing what we're doing.

So let me hear from the IRT. What do you think about this? Marc Anderson, go ahead.

MARC ANDERSON:

Hi Dennis. Thanks. First, I appreciate the effort to try and make it cleaner and easier to read. In reviewing this though, I went and looked at the new proposed language, and I compared it against the workbooks in the final report. And specifically, the workbooks for purpose four, there's two of them. There's a purpose 4A and a purpose 4B in one of the appendixes of the final report.

Those workbooks lay out all the different fields, and whether they're required or optional to escrow. This new proposed language differs significantly from what's in the workbooks. So while I do appreciate the effort to simplify and make it easier to read, I think in the process, you've changed what's required and optional, and really differed quite a bit from what's in the final report. So I think I might suggest or I'd like to suggest that you go back and look at the workbooks in the appendix, specifically for the escrow purpose which is purpose four, and maybe that will help.

DENNIS CHANG:

Thank you. So that we can all be looking for it, can you maybe provide one example where the requirement actually changes with this presentation versus another? What I'm trying to say is, let's say if it's a must if, on the tech contact information, these three do not change, obviously, because the requirement still says "must if." So I'm really looking at these 12 data items. It says "must" in this presentation and it says "must if" in this presentation. And for example, the "must if" is collected or generated, so domain name for example would be collated

or generated, and therefore it would be “must.” And that was the argument, the reasoning that we actually received from the IRT. And it made sense to me. So, do you see one data element obligation requirement change from one presentation to another?

MARC ANDERSON: Absolutely, Dennis.

DENNIS CHANG: Okay. Thank you.

MARC ANDERSON: Do you want examples?

DENNIS CHANG: Yeah, just one.

MARC ANDERSON: So basically, by saying “must if,” you’re basically saying if it’s collected, then it must be escrowed. And by my read, that would apply to the nameserver field, the DNSSEC fields, the nameserver IP addresses, phone, fax and fax extension. Those are all listed as optional/registered name holder.

DENNIS CHANG: Hold on. Can you just give me one? I’m looking for it from here, in this list. Give me one data element.

MARC ANDERSON: Sure. All of them. All of those are listed as optional-contracted party. So those are optional fields for 4B, which I think covers registry escrow. But it's different for registrars, which is covered in 4A where those are required fields.

DENNIS CHANG: Yeah. Okay. So let's talk about registrar or registry. Let's focus on one item. For example, let's see if this works: so domain name, presented here, it says registrar must submit domain name, and in this presentation, registrar must submit, if collected or generated. Does the obligation change because of this?

Maybe I'll ask Alex to speak. I think he's been chatting. Can you talk to us, Alex?

ALEX DEACON: Yes. Happy to chat to you. So I read this several times, and I think the kind of fundamental issue here is the use of this construct, "must if." I think it's just wrong and confusing and adds more, I don't know, uncertainty to this language. Again, I always feel like I'm pointing to this RFC 2119 that describes this normative language. There's no construct "must if," it's kind of an oxymoron. You must do something if something happens.

So I think it would be better for us to stick with "must" and then "may" for those ones where "must" doesn't apply. And will that mean we have three or four sections with similar information? Perhaps. But I think it'll

be much clearer in the end and create less opportunity for confusion by making it clear that we're talking about transfer, separately from talking about escrow, separately talking about registrar requirements, separate from talking about registry requirements. And we may end up having a lot of words, but I think in the end, it'll be clear. And if we want to consolidate all those words into a table, maybe that's what we do. I don't know if that makes sense, but I'll stop talking. Thanks.

DENNIS CHANG:

That's okay. As you guys know, I'm an engineer so I look at requirements in a pretty black and white fashion. If there is a conditional that satisfies [the same as the require must requirement,] so I thought it was a good change and I'm trying to gather your reaction here. Anybody else want to speak? Brian, go ahead.

BRIAN KING:

Thanks Dennis. I was hoping to be constructive there with the "as," and I might be missing this, but in case I'm not, if I remember this correctly, if the data elements are generated or collected, then they need to go to data escrow. So that's what I was trying to get to with the "as," [inaudible]. So maybe the "as" does that?

DENNIS CHANG:

No. I think that the reason that we created section 9.2 is because we could not put the tech contact into the 9.1 because the tech contact may not be created or generated. It may not exist, so it wouldn't be possible to require a registrar to "must transmit" as a firm requirement.

That is not reasonable or possible. That's why we created the 9.2, to put in a condition that if collected or generated, right?

that's what we tried to do, and I think the IRT in the past has understood that, that there's a reason why we have 9.1 and 9.2, and also, it applies to the same thing, the registry operator. Registry operator, these are "must," and everybody agrees. And then these are "if must." So these are data items that if you didn't collect or generate, then you cannot force the registry operator to submit.

So that was the idea of having a "must" section and "must if" section. We wanted to be very clear, and I think that was clear. But having thought about what really is the difference in requirement, if we took all of this "must," the 12 items, and put it listed under 9.5, there would not be a difference in the requirement for the domain name even if you put in for example into this requirement "must if," because you know that they have been collected. So that was the thought, to make it simple and instead of five sections, three sections, and having instead of—breaking it down to, "This one I have to do, and this one, I have to do it if I collect it." If we just say, "Okay, well, you have to do it if you collect it, then here's a whole list," it'll be clearer which ones you have to collect, which one you don't have to collect and those are the optional ones and you would follow that requirement. Theo, go ahead, help us.

THEO GEURTS:

Actually, I think I'm going to complicate it. Can you scroll down a little bit until we get to the DNSSEC? The other way around. Yeah, there we go. 5.19, DNSSEC elements. What are those?

DENNIS CHANG: That's a different conversation.

THEO GEURTS: We can do this conversation at a different time, but ...

DENNIS CHANG: We really need to. We've actually had that discussion long ago when ...

THEO GEURTS: Yeah, but there's two parts to it, right? You've got public elements and you've got known public elements.

DENNIS CHANG: Let me try to focus this conversation on the merging of "must" and "must if" concept. Does this make it more clear or more confusing in terms of presentation? We tested this with the people who are new who have not been following us, and we got the feedback that combining them is easier for them. But then we wanted to hear from the IRT. Alex.

ALEX DEACON: Yeah, I was going to type this in the chat but I might as well just say it. I think in my opinion it makes it less clear, not so much in terms of presentation but in terms of understanding what the obligations are. and I think that's the issue.

DENNIS CHANG: I see. Thank you, Alex. Any other comment? Marc, go ahead.

MARC ANDERSON: Thanks Dennis. I agree with Alex. And just to reiterate the point I was trying to make earlier, in doing this, you've changed the recommendation, you've changed fields that were optional to escrow to be required to escrow if they're collected. So that, to me, is different from what the recommendation says. So that's my fundamental issue with the reworded language.

DENNIS CHANG: Okay. Let me see if I can follow your logic there. So let's take an example. This is an "if must" category, 9.5. So 9.4.1 is a "must." So if we took 9.4.1, domain name, and moved it down to hear and added to it, that doesn't make it optional anymore, right? It's not like you're going from "must" to an optional, you're still a "must if." Am I following you? Not sure if—

MARC ANDERSON: My issue isn't with any of the 9.4 fields, it's with the 9.5 fields.

DENNIS CHANG: But 9.5 field stays the same. The requirement still says "must if." What we're really doing is taking 9.4 and moving it into 9.5.

MARC ANDERSON: Yes, so what I'm saying is I went back and looked, and those fields in 9.5 should not be "must if." Recommendation doesn't say "if the registry operator collects or generates, it must escrow them." It says "optional."

DENNIS CHANG: I see. You're bringing up a different point then. Okay. I know what you're saying, but that is not what I was trying to get feedback on. So you're objecting to 9.5 as is. You're not really objecting to the combining, you're objecting to 9.5 and saying this should be a "may" or something like that, right?

MARC ANDERSON: A "may" would certainly address that, and I think that matches what's in the recommendations. But I also agree with the points Alex was making.

DENNIS CHANG: I understand. Thank you. Sarah, let me hear from you.

SARAH WYLD: Thank you. Hi. I hope everyone is well. I just want to thank Marc for raising this as a topic, because it is not something that I had noticed, and as you can see from the chat, I'm a little bit confused. But definitely, this is an important question. And I know this now that Marc is explaining it, that there are similar issues in the registrar section. And I'm focusing on the new language. I could look at the old language. I don't know which one to look at. But the tech, name, phone and e-mail.

In the recommendation—you're in the old section and I'm looking in the new section, but either way, in the recommendation, those are yellow, which I think means optional to escrow while, in here, if they exist, then they must be escrowed, which is not the same thing. So thank you, Marc, for bringing that up. I do agree that this needs adjustment.

DENNIS CHANG:

I think in a roundabout way, we came back to probably the essence of the issue, perhaps, of why there exists maybe a disagreement. So up to now, we haven't received any comment that this now must be a “may,” and that's a new argument and this is very important. “Must if” is a very different requirement from a “may.” May, yes, it's like this. 9.3, we have a “may.” Reseller is a completely “may.” And I don't think there is any argument. I think all IRT agreed. And up to now, I thought the IRT agreed that tech name is not in the same category of a requirement as reseller. Tech name, if the registrar has collected, that they must escrow them. I thought that was a clear requirement.

And Alex is agreeing, I think, here, that it's not a “may.” So I'm not sure why this, when I was trying to present the consolidation—and maybe that made it more easier to see. But this is a point that we have to be very careful about, and before we try to combine an language and improve the readability for our consumers, the implementers, we have to be very clear on what the requirement is.

So I think what I need to do is stop the conversation of consideration of combining, but maybe give you some time to go back and look at the requirements, and we may have to discuss this 9.2 again. 9.2 as far as

the baseline language has been, it's a "must if" and has always been like that. And it was not a "may." But if I'm hearing new arguments here ... Let me see. Alex, do you want to speak, maybe? Beth has her hand up. I want to give Beth a [inaudible].

BETH BACON:

Thanks. I don't think that anyone is disagreeing between registries, registrars, and Alex and others. I think that the issue that we have discovered is that 9.1 through—I don't think we're, at this point, discussing making it more readable, we're just trying to see if it's actually reflective of the text of the recommendation.

So I think maybe not just pausing on combining, but let's pause on discussing this, and then I do think that maybe staff and then also IRT members should go back, look at the recommendation and section 9 and make sure it's reflective of it, and then we can talk about, does it make sense, could we make it more readable? But it needs to be factually correct first.

DENNIS CHANG:

Agree. That's exactly my point. And I thought we were beyond that, and I have a feeling that we're maybe taking a step back and going back, and we may have forgotten all the time that we spent on discussing section 9 and have come up with this language.

So there's got to be a time where we have to stop discussing and go to the public comment, and that's the point where we have to say that

enough of a time has been invested on the baseline language and it's time to go to the public comment.

BETH BACON: Dennis, I think we're not saying the same thing.

DENNIS CHANG: Oh, we aren't?

BETH BACON: No, you're saying stop the conversation full stop and just put the text out for public comment. What I'm saying is that right now, we're not in disagreement, I just think that when we drafted this—and we did discuss it and we moved a lot of stuff around. I think we as a group made a mistake. I think we changed it too much and it's now not actually reflecting the recommendation language.

So I think we do need to take another look at this and edit it before it goes to public comment. And what I think I just heard you say is full stop the conversation and just put it out for public comment. I don't think we're having an interpretation problem, I don't think we're having an agreement problem within the IRT here. I think it's just that we've edited all this language a whole bunch, and by nature of that, sometimes we all make mistakes and I think we accidentally, in an effort to make it more readable, changed the meaning.

So I think maybe we could ask to just look at this one more time within the IRT and see if we do feel like it agrees with the recommendation.

DENNIS CHANG:

It does, yeah. So I can see the divergence within the IRT already, and my point is this, Beth: we have allocated a lot of time in discussion and coming up with a baseline language, and we cannot continue to revisit the same thing that we have talked about because maybe in essence, there was not an agreement. And there's got to be a time where we say we have spent enough time and we need to now move along.

I'm surprised to hear that we made a mistake in 9.2, because I certainly didn't think so, and I thought we were beyond that. But I hear you. It looks wrong right now and you want to look at it again. Of course, that's fine. You can look at it now and before we go to public comment. The whole public has a time to look at it after the public comment, and during the public comment, feed in the inputs, and we'll have to deal with it again after the public comment.

So we'll have time to keep working on it. I just wanted to avoid that we go back to the same issues and talking about it again. And sometime, we have to stop circulating and move forward.

Go ahead, Marc.

MARC ANDERSON:

Thanks, Dennis. I'm sensing a little bit of frustration from you, Dennis. It sounds like you felt like we had the language in section 9 locked down and we're pointing out to you that that is not in fact the case. And looking at it, we can see that it clearly does not reflect what's in the recommendations.

So I appreciate your frustration. I appreciate you're trying to move things around and it feels like we're revisiting things. But a very basic look at 9 shows that it does not reflect accurately what's in the phase one recommendations.

DENNIS CHANG:

I understand your input, and that's fine, Marc. You're right, I am sensing a bit of frustration because we worked so hard to address the issues and inputs, and we came up with 9.0. And we were, I thought, at a point where we are now trying to improve readability, simplicity, and try to improve it. I didn't know that we were going back to arguing about the basic requirements of data elements again. And that's where I'm coming from.

For example, here's section 9 original language. Clean, no comment. Here's section eight. Section eight, understandably, this is the thing that we were talking about with the board and GNSO council. So look at the amount of comments that we have in section 8 and section 9. So I thought there was a difference. The transfer from registrar to registry, absolutely. It's a highly debatable item even for us now. But I thought that transfer to the data escrow has been dealt with and we worked on it enough and we got to a point where we can work to improve things.

But apparently, that is not the case. So we will have to do what we have to do, and I will give the floor to Beth.

BETH BACON:

Hi guys. I think I do sense frustration, but I think it's misplaced. I don't actually think we have disagreement. I think that 9 is good. The only question we're asking is in 9.2, I think it doesn't reflect the recommendation language. And I don't think that anyone on the IRT when we went through this—I don't think there was any dispute about the recommendation. I think it was good. We agreed, the recommendation is good, let's make that the language.

And we did that, but it just looks like maybe we tweaked it weird so it's not [fully agreed.] So I don't think we're scrapping nine. Dennis, I don't want you to think that we're scrapping nine after all of this. I think that we're okay, but maybe we just take a minute, take this time, review it, and see if we all feel comfortable that it's reflective of a recommendation.

I don't think there needs to be a big faff about this.

DENNIS CHANG:

Yeah, because what I heard very clearly is that 9.2 as we have it in our baseline is either right or wrong, and I just heard that it was wrong and we made a mistake. And I guess I'm disagreeing with the point of view that we made a mistake. This was discussed a lot and we came to this. So Alex, to answer your question, I think Beth is addressing the [whole] 9.0, which I'm pointing to right now, which you're seeing.

So okay, let's step back from the OneDoc on 9.0, go back and look at the requirements and recommendations. and if you do believe that 9.2 is wrong, then I want to hear from you. And that needs to be documented and maybe we need to have one more discussion on this. But at the

moment, I'm pretty positive that I've spent enough time on 9.2 and know that this is the requirement. But I could be wrong. So, convince me.

So let's stop on 9.0 and we're going to try 8.0. That will be more fun, I think. Okay. To Sarah's comment, the baseline language that we have is the result of all of our work to date. So 9.2, as we have in the baseline language, is our product of the implementation team's work with the IRT to date. So I think it's fine, but I think that it needs to be looked at again, and that's fine.

Let's look at section eight. So this one, we took a step back. And I know it's highly controversial and the IRT is going to discuss this, and that's fine, but what we wanted to do is to offer you an alternative proposed language to see if this could help. For example, what we decided to do and what we realized is getting 8.1 to 8.5, all five sections, and we said that registrar must transfer to registry operator data elements collected or generated pursuant to section 7 with the exception that the registrar may transfer to registrar operator of the reseller. So reseller data element is the only one that we took out, and we put basically all five sections into one category and we do not even make a list again, but we're simply pointing to section 7.

And section—I'm sorry, the recording has stopped. Andrea?

ANDREA GLANDON:

It hasn't stopped though. I'm not sure why it said that.

DENNIS CHANG: That's funny. That's fine. So let's keep going. So section 7 is in pretty good shape, and this is the section where we collect or generate, and we worked on this a lot and this is the language that we come up with, so I'm not touching section 7 here but I am changing the section 8 and pointing to section 7 and leveraging the section 7 and putting the requirement this way.

And this is, again, an input that we receive from someone who's new and asking, why do we keep listing the same data elements again and again if you collected it in section 7 and generated, shouldn't you just transfer it? So that was the idea. Does that make sense? Sarah, go ahead.

SARAH WYLD: Hi. Thanks. Yeah, I like the idea of consolidating the sections, but I feel like we can't really have a substantial conversation on this topic until the issues we discussed at the beginning of this call are resolved. Thank you.

DENNIS CHANG: Good point. Alex.

ALEX DEACON: Thanks. Yeah, I agree. I was going to suggest what Sarah said, that really, we should wait to mess with this section until we address the issues around Thick WHOIS and the impasse that we discussed at the top of the call.

I will say that I don't agree with Sarah that combining the transfer with collection is going to clarify things. These are two separate processing activities. I think we should keep them separate. And again, yes, we're going to repeat a lot of stuff, but I think if we mash those two important processing activities together in the hopes of readability, we're going to really shoot ourselves in the foot. Thanks.

DENNIS CHANG:

Yeah. I am super careful about what you just said. We should never sacrifice the requirement clarity for what we think is readable clarity. So even if it's difficult to read, we have to protect the integrity of the requirement. Thank you, Alex.

So the reason that we wanted to provide you this is of course, in our attempt to have you consider when you're thinking about impasses or disagreement, there are ways that we can come together. Because ultimately, we are talking about the language of the policy here. So this is something that I'm asking the IRT to consider. Yeah, I agree with what I'm reading. Thank you, Marc. Any other comments or questions about section 8, what we're trying to do here?

Okay, let's look at section 5. I wanted to briefly talk about section 5 and see if you have any inputs for us. The idea of data processing terms, we obviously are going to have a document. We often refer to it as a DPA, but we are going to adopt a DPT here for our purposes, and they are the same thing that you're thinking about.

And what we want to do is have a very brief section here to communicate that there is a DPT in play that has to do with this policy

implementation, but not duplicate what's in the DPT, because as we I think are imagining, there's going to be different versions and could be multiple documents that we may have to deal with. Any questions about or comments about what we are trying to do with section 5? Should we have more here, should we have less here?

“My day job.” Hey, Owen, this is your day job. Don't go. Oh, I'm sorry, are we out of time? We go to 11:00. Yes, that's right.

ANDREA GLANDON: It's for 90 minutes.

DENNIS CHANG: Okay, so I'm going to try to wrap up as quickly as I can. Hang on a little bit longer, guys. Any comments? Alex, go ahead.

ALEX DEACON: I'll just quickly repeat what I said on the last call, whenever that was. Our review of these terms would really be necessary for us to sign off on the IRT language as a whole. It's an important part of all of this language. So whether it's a separate doc or whether the section points to it or there's a summary, it doesn't really matter to me, but either way, understanding what that language is is going to be important. Thanks.

DENNIS CHANG: Got you, Alex. Thanks. Beth?

BETH BACON: I agree with Alex. I think it's important and I look forward to having that together. I will flag that I think there's been a decision as to whether it needs to go out for comment with the consensus policy. I have stated on a call before that I think it does, because as Alex said, it's important in the evaluation of the whole shebang. So I just wanted to say plus one to Alex, and working on it.

DENNIS CHANG: Yeah. So that brings me to this timeline business. We are here now and just let's keep this within the IRT for now. This is for us to be thinking about what could possibly be our timeline. We're in June, and I think the earliest possible date that we could go is August 2020 for a public comment for our OneDoc. Now, if the DPT comes in before then, of course, it'll be shared, but please see if you can consider a possibility, maybe DPT could come in a little later and still go out for public comment, and we might want to entertain that possibility.

But in any case, following our traditional timeline view of after the public comment, I think there's going to be a lot of work that we still have to do. So I think February of 2021 is probably the earliest possible implementation time, and I am, as you can see, adapting 18 months of the implementation knowing that six months is our default per the CPH recommendations. And thus we're kind of looking at here August of 2022 as an implementation effective date. Any comments on this kind of view? Does this seem reasonable or impossible? I'm not

going to share this outside the IRT until we all agree, but I do want to maybe get a quick feedback from you guys.

Alex, go ahead.

ALEX DEACON:

Yeah, I know we've had dates before that we've kind of rolled over. I like having something to shoot for. I think we're at a point where we kind of know—despite the conversation we had earlier—what's completed and what's still open. So I think it's my opinion that August should be doable, and we should pick a date in August and I'll work hard to making sure all of the open issues are closed and wrapped up, and that includes the issue that Sébastien is going to help us with. So that's my thought. Thanks.

DENNIS CHANG:

Thank you, Alex. So think about this for a minute, and maybe we'll have another talk. And that brings me to my thought about the ICANN 68. I'm not sure right now whether I should be sharing timeline at ICANN 68 or not, and this is something that we have to decide together. Marc, go ahead.

MARC ANDERSON:

Thanks, Dennis. It sounded like you see having the data processing agreements, at least a draft, ready as a prerequisite for public comments. I agree with that, I just want to make sure I got that right.

And then I think we've talked about this before and I think you get this point, but just to be clear, on the difference between the policy publication and the policy effective date, the policy publication date would be the earliest by which contracted parties could start following the terms of this new policy, and then the policy effective date would be the latest by which they must be following the terms of this new policy.

DENNIS CHANG: Yeah. That's a good point. It's our rainbow bridge.

MARC ANDERSON: Thank you.

DENNIS CHANG: You're absolutely right on that point. And the other point about DPA, actually, yeah, we have been talking about DPA as part of a prerequisite for the public comment, but I'm trying to see if you can consider DPA not at the opening but maybe following the opening so we could actually open up a public comment on the OneDoc first and then DPA could come in shortly after that, because the DPA obviously is outside of the IRT control and I think you all know that, and wanted to see if that could be a possibility. I'm trying to get our project moving as quickly as possible. Alex, go ahead.

ALEX DEACON: Yeah, I was hoping Beth would go, but I think it would be a mistake to go to public comment without the DPA also being published at the same time, and I think—

DENNIS CHANG: At the same time. I see.

ALEX DEACON: Yeah. That's what I would think. And if we set a date for going to public comment, maybe that'll give a little bit of motivation for those working on the DPA to do it sooner rather than later. Although, again, it's a black box to me. I don't know where that work is, how involved it is. So I'm just ... But it makes sense to me to have them go out, because it's so essential, they need to go out at the same time.

DENNIS CHANG: Got you. Thank you, Alex. Beth.

BETH BACON: Yeah, I think we covered this, Alex and I. There's even a "Thanks, Beth" in the chat so [inaudible]. So I think that the goal is to get it out, but again, it is a different group and we are trying to get that group—trying to light a fire there. And I think the real question is, can that group and this group kind of talk amongst ourselves and figure out what we would be comfortable with? And Alex, I agree, we do reference it a lot, it makes sense to see it with regards to the consensus policy, but also, I do think, if we have the consensus policy go out and it relies upon a DPA

but there is no DPA, then that's a question. Other than that, I think everything is good and we're super glad to see that we now have the official [inaudible] rainbow bridge, because otherwise, I wouldn't be able to accept this timeline.

DENNIS CHANG:

Thank you for the reminder. It's a useful tool. The names are important for us to communicate. One last thing I have is the ICANN 68 plan. Any inputs from you? I want to hear from you what we should and might do at the ICANN 68. We're going to have a one-hour ... Okay, I'm glad that—and I'm going to think real hard about whether to share this kind of thing with the public, but right now, I don't feel comfortable, so I need encouragement from you all if that's the right thing to do, because so far officially, we have not been sharing any target dates.

So yeah, okay, I'm getting you, Sarah. I think we know what we're dealing with, so I know how difficult it is to predict the time. And as soon as we do that, it may compromise the work that we do. [I'm not sure.]

The answers on the moving part is a key item, yes, you're right. Any input? Do you want me to just go ahead and conduct another IRT call as [we have?] We'll be looking at OneDoc together, so hopefully, we'll [have reviewed that and workbook.] Beth, go ahead.

BETH BACON:

It's on the 22nd—so, is it during the core hours? I'm sorry, I can't do UTC in my head. I'm not that bright.

ANDREA GLANDON: Hi Beth. Yes, it falls between the Kuala Lumpur hours. It's actually on Sunday night for the US.

BETH BACON: Okay. [That's a good night.] Awesome. Can't wait.

ANDREA GLANDON: It's not too late in the US though. Not middle of the night or anything. But yes, it's Sunday night US. There you go, Sarah, 8:00 PM Eastern.

BETH BACON: Thank you.

DENNIS CHANG: And maybe Andrea, when you send out your meeting invite again and reminder, maybe you can add the [UTC] time and the PST time.

ANDREA GLANDON: Yes. In fact, I'll add a link so people can just click on it and see what the time is in their time zone. I'll add a Time and Date link.

DENNIS CHANG: Thank you so much. So that's all I have today. Keep in touch, give me feedback on the ICANN 68 plan, and we're not going to have another meeting just before, let's just go right to the ICANN 68. But let's try to

get some stuff done online as we go. And I'm looking forward to hearing back from Sebastien on his progress too. Thank you, Sebastien, one more time. I knew that this policy implementation work will be difficult and hard, and you've really got a challenge on your hand. It is the most significant thing that we're doing right now in terms of policy implementation.

Thank you, everyone. Take care. Be safe. Bye now.

[END OF TRANSCRIPTION]