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STEPHEN DEERHAKE:

Good morning, good afternoon, good evening and welcome back, especially those of you who are enjoying the last vestiges of summer in the northern hemisphere, as I am. And for our colleagues in the southern hemisphere, I hope you're seeing the need of winter and a hint of the spring that will come your way shortly. I can't wait for fall myself. And I will presume that my northern hemisphere colleagues have managed to squeeze in a bit of holiday time here over the summer. I sincerely hope that you and yours are well and continue to be so, and I want to thank you, of course, for joining today's teleconference.

Kim, for the record, this is the 20 August 2020 edition of the ccNSO PDP working group tasked with developing ICANN policy with respect to the retirement of ccTLDs from the root zone, and we have convened this meeting today at 19:00 UTC. And I sincerely want to thank those of you who have either stayed up really late or gotten up really early for your participation on today's call. I also wish to thank Bart for staying up late and also Kimberly [inaudible] for her usual Zoom magic, and Joke gets a well-deserved night off.

Kimberly and I and the Americas participants are enjoying the sweet spot for this call as it's early evening for us, but we'll be paying the price next time around, so I'm not gloating here. Assuming staff is taking attendance in the usual manner, so if there's anyone on audio only, please identify yourself, etc.

I've got two apologies that were submitted to me personally. The first was from the vice chair, Eberhard Lisse, and the second from

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

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Nigel Roberts who apparently has a board-related call conflict and, Kimberly, if you have any more, add those two to the list.

Administrative announcements, I don't have any. Bart, Bernard, Kimberly, anything I'm forgetting?

BERNARD TURCOTTE: No, I don't think so.

STEPHEN DEERHAKE: Excellent. With regards to action items, I have none either as well, so Bart, Bernard, Kimberly, what's my COVID brain forgetting?

BERNARD TURCOTTE: Nothing as far as I know.

STEPHEN DEERHAKE: Okay. Great. So before we get into the heart of this meeting, we need to discuss the idea of carving out the work of this group and pushing forward the retirement policy to the ccNSO community and then to the board rather than wait for the output for the review mechanism working group.

I'd like to do this. I think it makes sense. It's still under the auspices of the same PDP. But I'd like to hear input on this, and obviously, we won't finalize this decision on this call, but would love to hear what people think about this. And if we do elect to split this work product out from the review mechanism working group's work, then we're going to have

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to consider scheduling a public meeting for our community prior to putting it to a formal vote of the community. And a public meeting in this day and age would obviously be in the form of a webinar. In all fairness, at least two webinars to cover the time zone issue. And presumably, these would take place between ICANN 69 and ICANN 70, hopefully with a community vote on the work product of this working group prior to ICANN 70.

With that, I throw the floor open for comments from those who are in attendance to solicit their thoughts on, A, the carve out, and push this working group's work product forward. [inaudible] we still have some work to do on it. But the idea of not holding it back and combining it with the review mechanism working group but pushing it forward.

So anybody with any comments on how to proceed, I would appreciate at least a hand or two. And I have one from Patricio. Thank you, sir.

PATRICIO POBLETE:

Hi everyone. I think it's reasonable. I don't think further work will impact on this policy, so we wouldn't need to go back and change it. The only drawback I can see is that if we enact this policy and it goes into effect, ccTLD manager whose ccTLD is being retired and feels that they have reason to complain, could invoke their review procedure and that could trigger the equivalent of 404, not found, because that review procedure is not there yet.

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STEPHEN DEERHAKE: Yes. I appreciate that. I think that's a really extreme edge condition personally, because retirements are not going to be happening boom boom, as soon as council, community and board approves it, I don't think.

PATRICIO POBLETE: Other than that extreme edge case, I don't see a problem.

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

BART BOSWINKEL: Yeah. I would say the following. If you would follow Patricio's logic, you would have the same issue with the revocation as defined by framework of interpretation working group. That's explicitly listed as subject to whatever review mechanism as well.

STEPHEN DEERHAKE: Right. They're both really extreme conditions. Anybody else have any comment on this proposal to carve this out and push it forward? I've got Bart again.

BART BOSWINKEL: Just to be on the safe side, what it means is going back to, I would say, the community and the council at one point to make very clear that this will be treated as a separate result and separate PDP, because if you go back to the—it means carving out this part of PDP 3 and turning it into, I

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would say, PDP 3A and continue with the review mechanism as PDP 3B. The reason is if you go back—and that was after extensive discussion by both the membership and the council, they were combined to save time at the time to just have one round of membership vote. And that’s all documented in the issue report.

So you need to go back to them to suggest it, there needs to be an adjustment in that sense in the decision by council that is carved out. That is the, I would say, procedural caveat. And again, nobody knows how it works because it’s never been done. So yeah, we’ll find our way through the actions. So that’s, again, something to keep in the back of your mind. But I think—and looking at this from an issue manager perspective, the arguments to combine the two, they no longer stand, and the argument to combine the two was indeed first do both to avoid a very lengthy two-sided membership vote, because that can take two, three months, and this way, originally, the community and the council hoped to save some time. Thanks.

STEPHEN DEERHAKE:

Thank you, Bart. I believe it made sense at the time. We’re still operating under the single directive from council with regards to the policy development process. It’s just like, can we cut this one loose and push it forward? And I think we can. I’m soliciting input from fellow working group members on this topic, and ...

BART BOSWINKEL:

Peter has his hand up.

STEPHEN DEERHAKE: Yeah, that we can do this. Peter, your comments are well respected, so go ahead, sir.

PETER KOCH: Thank you for the advance [flourish,] so to speak. I think Patricio's point is very valid, but at the same time, we don't expect to run that other working group for too long. Also, the hints given by Bart regarding procedure may or may not get into our way.

But that said, I think to the best of my knowledge, we don't have any current candidates that we would expect to retire with a one-year retirement in the near future, so it is a good point in time to make this decision or put it in front of the membership because there is no clear case that needs to be dealt with immediately. So we can do this independent of any urgency and so on and so forth. At the same time, if we get this through the membership and get approval, there's ample time to prepare the processes and whatever accompanying documentation needs to be set up by PTI. So I'm all for carving out this part or declare 3A a success and bring this to the membership.

STEPHEN DEERHAKE: Thank you, Peter, for that. Any other comments? I realize I'm kind of running this out of sequence from the agenda and I apologize for that. But Nick, you've got your hand up. Go ahead.

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NICK WENBAN SMITH: Yeah. I agree with Peter. I don't think it's anything particularly controversial which has come up. I think it would be good to put this to bed, and I think the review part of the PDP is not just about this, it's about a whole bunch of other things, not the least this. But I'd try to get some stuff done rather than have it parked maybe for another couple of years, if that's possible.

STEPHEN DEERHAKE: Yeah. [inaudible] I think we need to put something out there, present some evidence of progress.

NICK WENBAN SMITH: I mean, none of the public comments said that this needs to be put on ice. Public comments broadly saying this is all very sensible, go forwards with that.

STEPHEN DEERHAKE: Yeah. Patricio. Thank you, Nick.

PATRICIO POBLETE: Yeah. I agree. I think it is very important that we deliver something after all the time that we've put on this. So that's a very pressing reason for delivering it now rather than later.

STEPHEN DEERHAKE: Okay. Thank you, Patricio. Not seeing any other comments on that, can we go actually back to item four, which is staff report on the comments

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received on what we did publish? Kimberly, if you can bring that up. I don't know whether Eberhard gave you something or we're back to ... Okay.

I myself will tell you that four-point type does not work for me in my dotage, so that's going to have to be a little bit larger. There we go. I want to thank everybody for that discussion. We've got staff report up. Thank you, Kim.

I do want to make clear before we dive into this that this is draft response to the public comments we received from the ICANN community, and the summary has been prepared, authored by our staff support, so if anyone on this working group has an issue with any of the comments contained within this draft document, please speak up when we get to that area of concern.

At the end of the day, it's important to realize that it does need to reflect the viewpoint of the community working group, and that's us and this is important.

We touched on this thing in our last call, but we need to revisit particularly comment number five, and that will have to be subject of at least another meeting or two, as we do need to consider and think about implementing the Business Constituency's stress test proposals that they've outlined there.

So Bart, I think I will turn the floor over to you so you can walk us through the staff report [inaudible] comments.



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BART BOSWINKEL: Bernie will do it this time.

STEPHEN DEERHAKE: Okay. Bart stands down, Bernie takes over. Bernard, do you want to run through it all, then take questions afterwards, or are you happy to be interrupted?

BERNARD TURCOTTE: Let's be interrupted.

STEPHEN DEERHAKE: Okay. We're going to interrupt the pleasant Canadian. The floor is yours. Carry on. Thank you.

BERNARD TURCOTTE: Thank you. Can we have the first one, please, Kim? All right, so you'll remember this first one, the ALAC request to consider two points from the end user perspective, removal of a TLD will mean less likelihood for [confusion] as usually, the removal of one would make room for a new one, which has a big presumption, and retirement could pose a problem for some registrants when they are used to an old address which then becomes obsolete after retirement.

There are several references we thought were relevant in the paper. In Annex A stress test two, domain names under management at removal date, whether there is a significant number under management or only a limited set is not relevant. There is a need to avoid gaming the system.

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Rationale for retirement process is to accommodate new ccTLDs per RFC 1591.

Annex A, stress test 12, unforeseen technical consequences, significant consequences affecting other TLDs, DNS in general. Nameservers for domain names not under ccTLD are still under ccTLD to be removed. Communication to customers is part of the retirement plan. In addition, the removal of a ccTLD is a predictable and foreseeable process. There should be no surprises. Customers should know where essential services are hosted.

One of the things, as we run through this, Bart and I talked about it, that we'll be doing some edits on the stress tests to make them a little bit more readable.

So our draft response is the working group thanks the ALAC for the comment. The working group has discussed and considered the issues of the impact of the removal of a ccTLD from the root zone database file extensively as parts of its stress testing of the policy. Does paper need to be amended? The draft response we're suggesting is no. So I'll wait for a second here, see if there are questions or comments. Peter gives me a green tick. Nick, over to you.

NICK WENBAN SMITH: I totally agree with that.

BERNARD TURCOTTE: Excellent. Thank you. Number two, the ALAC noted that the replacement of a nonfunctional manager should be transparent and

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follow due process. In addition, the IFO and the functional manager should work together in good faith and ensure the interests of registrants are taken into account.

Let's go down to the proposed response here. We thank the ALAC for their comment and agree—need to fix that—with the observation as the working group noted in its interim paper section three, final two sentences of page five, and Annex A, result of stress test five. So we're basically politely telling them that yes, that's clearly covered in what we've proposed, and we're not proposing any changes because it is well covered in the document. Any comments or thoughts on this one? Peter.

PETER KOCH:

Thanks, Bernie. I agree with the outcome. Maybe the hint could be amended by—at least that's my understanding—saying that this is no different from a non-retirement-related replacement of the operator.

BERNARD TURCOTTE:

Well, that's not quite true, because we've got an exceptional trigger situation to avoid the deadlock scenario, if you remember well. So, except for the exceptional trigger, the process is set to follow the same. So maybe what we could do in line with what you're saying is actually instead of pointing to that text is actually copy that exact text in there, and that would answer that. Would that be okay?

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PETER KOCH: And I'll blame it on the time of the day. So yes, you're absolutely right. I stand corrected and yes, I like your suggestion.

BERNARD TURCOTTE: Thank you. Okay. We'll take that as a note and we will fix that. Number three, finally, ALAC noted that the review mechanism to be used is not clear, nor is it clear what exactly will be subject to a review mechanism.

Draft response. The working group notes that the decision that could be subject of the review mechanism is explicitly listed in the policy with respect to the second point. The working group notes that the review mechanism itself is not part of the work of the working group, but will be dealt with in the second part of the ccNSO PDP 3. So again, trying to be diplomatic in saying, yes, we wrote that in there. So there's no changes proposed to our text. Are there any questions or comments? Nick gives me a nice green tick. Not seeing anything else, so I'll take it as we're okay with that.

The registry group suggests clarifying that, one, the proposed policy is not retroactively applicable, and two, the policy does not apply to non-ccNSO members but can be used as a model.

Draft response. The working group refers to section 3.1, first paragraph, page five, section 5.1, first paragraph, page eight, Annex A, result of stress test per identified situation number [8 to 16.] The working group notes that the policy clearly states that the policy shall not be retroactively applicable. With respect to applicability to non-ccNSO members, the working group reiterates that the ccNSO scope policies are limited and only directed at ICANN, Annex C, ICANN bylaws. So

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we're pointing out the points that we feel have this covered and staff [are proposing] that there are no changes required to the policy. Questions or comments? Green tick from Vanda. Peter.

PETER KOCH:

Apologies. Blame it on the time of day again. I recollect some discussion we had, but not the result of the discussion, where we said that it was not on the working group to make statements with respect to the applicability of the policy because that derives from ccNSO—or sorry, ICANN bylaws. Doesn't change the outcome, but could be an additional hint if my memory serves well.

STEPHEN DEERHAKE:

Peter, it does not derive from this working group. The whole applicability of what the ccNSO does for non-ccNSO members is at a higher level and at the moment, I can't tell you where that is, but it's well established that if you're not a ccNSO member, it does not apply to you. And if you are a ccNSO member and you withdraw from the ccNSO, then it will not apply to you either. I can't, off the top of my head, unfortunately, unable to elucidate on that, but yes, that's what we'll establish. Thank you. Nick.

PETER KOCH:

Sorry. I think that part is well covered. The question raised here was retroactively applying the policy independent of ccNSO membership. And that particular part, I think we talked about and thought that it is

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not for the group to decide because there is no wiggle room for that or no decision power to retroactively apply in the first place.

STEPHEN DEERHAKE: I do not see any avenue for retroactive application of this policy, whatever it is that we finally adopt. Is that your understanding?

PETER KOCH: Yeah.

BART BOSWINKEL: That was explicitly discussed as one of the stress tests.

BERNARD TURCOTTE: Which are listed here, yes.

BART BOSWINKEL: Yeah.

STEPHEN DEERHAKE: Nick.

NICK WENBAN SMITH: Yeah, the question about retroactive applicability was definitely discussed, and I totally agree that we covered it. And I think nobody

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thought it could possibly be applied retroactively to, for example, the SU situation. I think that's not really within scope.

In terms of the applicability to non-ccNSO members, I think that's a quite interesting point. And we did discuss it. I wondered whether the comment could refer to the fact that both of the topics had been discussed at length, because they're kind of saying, oh, you haven't thought about this or that. Both of these points came up and were discussed. And I must admit, non-ccNSO members being bound by this policy, it does leave me a bit uncomfortable that we could just resign from the ccNSO and then sort of stick our fingers up at PTI about whether or not they could retire the ccTLD. That doesn't seem a sensible policy outcome, and maybe we should be clearer about what would happen in that situation.

STEPHEN DEERHAKE:

Nick, at the end of the day, it has been the case that what the ccNSO laboriously adopts as policy applies to ccNSO members. They have the option to withdraw, and presumably as a result of that, are no longer bound by what the ccNSO has adopted as policy. How do we handle that?

NICK WENBAN SMITH:

[Well, are we saying] it's someone else's problem, in essence? If it is somebody else's problem, then just be straight about it. purposely, the working group was wider than just ccNSO membership, because we understood that there are questions like this, which it's useful to have everybody's input on.

BERNARD TURCOTTE: I'll channel Eberhard here for a second.

STEPHEN DEERHAKE: Uh oh.

BERNARD TURCOTTE: On this point, I seem to remember him clearly stating if you're a member of the ccNSO, then you know the rules apply and you know exactly what's going to happen and how it's going to happen. If you're not, good luck. And exactly what's going to happen or how it's going to happen by whom, that is not covered by us. But it doesn't mean nothing's going to happen.

STEPHEN DEERHAKE: Yeah.

NICK WENBAN SMITH: Yeah. So I must admit I thought that it would be better to be a ccNSO member because you've got the protection of a minimum of five years and an agreement up to ten years as opposed to potentially a Yugoslav situation where you only had two years, right?

BERNARD TURCOTTE: Right. Exactly.

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STEPHEN DEERHAKE: Okay. Nenad. I see your hand's up, and you're next and you've been patient, so go ahead.

NENAD ORLIC: Just two things. First of all, the language in the policy, as you remember, we've talked about it, is more—my stance was that [it must own as a group, must, or] clear obligation, but language such that it's mostly "should." It's what should be done, not what must be done, even for ccNSO members. So basically, it's a guidance in lots of ways. But since it's a guidance, if the ccTLD that is retiring, its manager is not member of the ccNSO, it's also a guideline for IFO what to do, especially in some of the critical situation that we have covered. So basically, it does help, even if somebody is not a member of ccNSO or exits ccNSO. I hope I made my point.

BERNARD TURCOTTE: I think so, Nenad.

NENAD ORLIC: Or maybe I should put it as a question. Can IFO follow some of the defined act in defined situations of this policy regardless of membership of ccNSO of the retiring ccTLD? Maybe I should form a question.

BERNARD TURCOTTE: I think that's a question that may not be for this group, is what we've been saying, I believe. That's the whole point. And that was the point of Eberhard's comment, is because it's not for us to answer, if you are a

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member, you know what you get, you know what the deal is. If you're not a member, you leave yourself open. We cannot do anything for you, and the rules don't technically apply.

So I think going down this can be a bit of a rabbit hole because we just do not have any kind of control over that. What we do—and we're very clear in our mandate—is we develop policy for the ccNSO that goes to ICANN. That's where our line stops. After that, that's something else but it's certainly not for us to break into. Does that make sense to you, Nenad?

NENAD ORLIC:

Formally, yeah, [inaudible] but I think there are times where we should stick to formality and times where we maybe shouldn't. Okay, formally, that's all true and all clear. There's no doubt in that. But again, should we stick to pure formality here?

BERNARD TURCOTTE:

That's a question probably when we get together. We can have a long discussion about it physically. If there are no other comments, I would propose we move on, if that's okay with you, Stephen.

STEPHEN DEERHAKE:

Seeing no other comments, let's move on, sir. Carry on. Thank you.

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BERNARD TURCOTTE:

All right. Thank you. So on four, what I've got is a note that will include that both of those topics that have been extensively discussed by the working group, and then wrap it around some of our conclusions. There are no changes.

Number five, that's the Business Constituency suggesting the two additional stress tests. The [confluence in the] retirement process by end users is guaranteed, and two, migration, that critical data is properly archived and stored for historic research purposes. With respect to the latter test, it is suggested that ICANN, ccNSO be responsible for archiving the data. Okay. That brings up a lot of questions. It's unclear what data is talked about here. Let's all be clear, whether you're a ccNSO member or not, there have been some very hard-fought battles about user data and that's not going to change. Peter.

PETER KOCH:

Maybe I raised my hand a bit prematurely, but I was going to ask whether I understand this correctly. The first suggestion is, yeah, I don't know how to really check that, the confidence by end users to be guaranteed. That needs to be softened a bit, I believe. But the more important point is the second one, and I was going to voice a concern that it would be strange that while, first of all, ccNSO cannot be responsible, and ICANN might not be the right entity. If at all, then IANA or PTI, but ccTLDs do not have an obligation to share zone data with anyone. Introducing this obligation in the retirement process seems a bit inconsistent to me, but maybe I'm reading that suggestion wrong.

BERNARD TURCOTTE: I read it a little bit like that too. Nick.

NICK WENBAN SMITH: The thing about the data, I think, comes from a gTLD perspective where there's a requirement to escrow. They perhaps don't realize that ccTLD don't have that requirement to escrow registration and WHOIS data for the registries. So I would just wonder whether they're making a comment across purposes not fully understanding ccTLD policy in that respect.

STEPHEN DEERHAKE: I would concur with that.

BERNARD TURCOTTE: Yeah, I think we should make that clear. Patrico.

PATRICIO POBLETE: In addition to that, it's unclear to me what data [are expected to be archived?] if it is the very last version of this all when the domain disappears, we'd hope that there will be very few domains in that zone at the time so that it will not be very interesting. If they expect a whole number of versions from way back we archive, I think that's way outside what the ccNSO or ICANN would be expected to do.

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BERNARD TURCOTTE: I think a lot of people would be upset if we just even slightly opened the door to ccTLDs having to give data to ICANN or anybody else. Those wars have been fought, those wars have been won, and it is done.

STEPHEN DEERHAKE: That's a nonstarter.

BERNARD TURCOTTE: Yeah. That's a nonstarter. I think we'll rework our answer on number five and we'll go over it on the next call. We wanted to get a feeling for people, we were trying to be accommodating in our response saying, "Well, we can work through this stress test and see if they mean something," but from the responses we're getting tonight, we'll take another shot at it.

NICK WENBAN SMITH: it doesn't really make sense to me, that comment. I'm wondering, is it worth you just having a quick chat with Steve DelBianco, who's pretty sensible, just to try to understand a bit more what they're getting at here?

STEPHEN DEERHAKE: I agree with the idea that you just proposed, Nick, to reach out to Steve directly and ask him, what are you guys thinking about?

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NICK WENBAN SMITH: Yeah. I'll have a chat with Steve, who I know very well from the transition work. Nenad.

NENAD ORLIC: This is an interesting point. I also do not know what they meant. But I had one situation for example with respect to—maybe that's something what they meant. My domain was dropped that I held on for many years because the registry company I was holding it with did not inform me about expiration of domain. So I wanted to sue them. And I wanted to see when [they registered the] domain. But domain was originally registered as .yu, and it was transferred to .rs, and there was no way that they could see [whether or how,] there was no WHOIS or anything regarding or getting .yu domains information was unavailable.

So maybe that is what they meant. There is a specific use when you need to see something about the retired domain. And as a bonus, archive.org dropped .yu. This part doesn't have anything to do with the working group, but just for you to know. archive.org dropped .yu domains from the archive. Although it held it many years, but after the last revision of their software, they dropped the domain. So .yu doesn't exist in any way in any archive anymore.

That is not a good thing. But is any of that problem part of this working group? I'm not sure.

BERNARD TURCOTTE: I think those are very good points, Nenad. But I think as we've agreed here, I'll have a chat with Steve DelBianco and we'll report on our next

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meeting about exactly what they were thinking. Maybe they'll throw some light on this. I would propose we move on, Stephen.

STEPHEN DEERHAKE: Yes.

BERNARD TURCOTTE: All right. Six. The BC suggests that IFO should include in its notice of removal a statement that the registry should refrain from registering any new domain with validity beyond the proposed date of retirement. The draft response, the working group notes that both the proposed policy and stress test number three deal with the situation described.

I would probably add in there, as has been noted on some other points, that these points were discussed at great length by the working group and that we're comfortable with having reached the best solution we can. Does that make sense?

NICK WENBAN SMITH: Yeah. And I think—sorry, just to cut in, [inaudible], the ten year thing was a specific request, I think, from me because that's the maximum I know that most registries give as a term. It's the maximum in a gTLD, it's the maximum for UK. I don't know of any others which have a maximum. And that's where that number comes from.

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BERNARD TURCOTTE: Right. Okay. Excellent. Any other comments? All right, so with that slight modification, then there would be no changes to the document proposed. Is that okay with everyone? Stephen.

STEPHEN DEERHAKE: Yes.

BERNARD TURCOTTE: Bunch of green ticks. Stephen, your hand is up.

STEPHEN DEERHAKE: What Nick said, I think—I don't know of a CC that does more than a ten-year registration. So that's our window. I think we've got that covered. Thank you. Back to you, sir.

BERNARD TURCOTTE: Excellent. Thank you. Seven, the BC also suggested that IFO should mandate a periodic review of the ISO 3166 MA standard to create a predictable process that triggers the notice of retirement. Probably should reword that summary because I don't think they're suggesting that the IFO should review the ISO standard, but rather, the entries in the standard.

The draft response, the working group notes that this is an operational issue and should not be part of the policy. It's also important to understand that the IFO is informed on a regular basis by the ICANN representative on the ISO 3166-1-MA of the changes in the standard.



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Does the paper need to be changed? No. I think we've got that one very clearly covered. Any questions or comments? No? Okay.

STEPHEN DEERHAKE: All good with me. Thank you.

BERNARD TURCOTTE: Excellent. And a bunch of green ticks. All right. I think that makes sense. Eight, the BC and LOR noted that neither the proposed policy nor the stress tests measure how registrants and key national values on the retiring ccTLD domain/servers would affect the retirement process especially in light of multiple data privacy laws.

We have no relevant sections in our paper. Draft working group response. The working group notes that the issues the BC and LOR raised are outside the scope of the policy mandate of the ccNSO as defined in Annex C of the ICANN bylaws. the ccNSO is not in a position to develop policies directed at ccTLDs with respect to their registration policies and hence registrants.

Does the paper need to be amended? No. I think that says it all. Yeah, I'm seeing some green ticks.

STEPHEN DEERHAKE: Any questions or comments? None? Okay. Lots of ticks. Thank you.

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BERNARD TURCOTTE: All right. Nine. The BC and LOR also raised the question whether any ICANN bylaw changes are envisioned or mechanisms need to be restructured to help make this process effective. No references. Draft response. The working group does not anticipate any bylaw change, nor does it anticipate major implementation issues. The proposed process takes into account and builds on the procedures used to date leading up to the removal of ccTLDs from the root zone file database.

So they're asking if we're thinking there are going to be some. We don't think there are going to be any, and there should be no changes. Questions, comments?

STEPHEN DEERHAKE: Peter, I see a tick mark. You're agreeing, I assume, as is Nick. I'll assume that is a yes.

BERNARD TURCOTTE: Vanda. All right, I think we're doing good here. Okay, we're making up for some time as the clock ticks away here. LOR notes that as brands made massive investments in various domains, they should be provided ample notice to migrate. Draft working group response. The working group has discussed the impact of removal on registered domain names. The working group believes that registrants, registrars and others will have ample time to make the necessary changes given the duration of the retirement process and the cause of triggering event. Significant change of name of the country or its dissolution.

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So again, no changes proposed. Does that seem reasonable to everyone? I think we can add in the working group has extensively discussed the impact [inaudible] impact. Patricio.

PATRICIO POBLETE:

Yeah. Of course I agree with the proposed response. But this is one of the number of times that the references mentioned this thing about the rationale for retirement process which I was proposing that we shouldn't have put in the final report. If you remember, I suggested that in an e-mail.

It says rationale for retirement process is to accommodate new ccTLDs. Well, yeah, but a code will not be reduced for such a long time that that could hardly be said to be the rationale. I think the better rationale is to maintain consistency between the ccTLDs and the ISO list. I sent again this old e-mail when I first saw this summary. I think I would again propose that we remove that rationale. And besides, if that was the rationale, putting it in the middle of the stress tests is not the right place to have it.

BERNARD TURCOTTE:

All right. Good points, Patricio. Stephen.

STEPHEN DEERHAKE:

Thank you for that, Patricio. Yeah, well, we need to obviously take that into consideration. I see Peter's got his hands up, so Peter, the floor is yours.

PETER KOCH: Yeah. Thanks. I would respectfully disagree with that suggestion. We need to state this rationale or this point, and there might be different rationales, so I have no problem with adding others, but it's important that people understand that first of all, we can't really rely on the practice because that has changed over time, the practice of the ISO 1366-MA, but then of course, we can't codify that in the policy that we can't trust them. But we know that we had to put a ceiling there. And it is exactly about that, exactly because we have precedent where codes have been reassigned. And I understood the MA has learned from that, but still, to allow for ample time where dangling reference so that old TLD can be phased out, which was the reason why we didn't go for 20 or 30 years, even if the 50 years were promised.

So I still think this is an important point. And there might be others, but this should remain in here. Thank you.

STEPHEN DEERHAKE: Thank you, Peter. Patricio, do you wish to come back with a comment?

PATRICIO POBLETE: Yeah. I think that Peter may have a point. If so, if we keep this one, I would suggest we add the one I propose, which is the consistency between the ccTLDs and the ISO list, which I think is a much more important rationale. But in any case, I would suggest that the point in our report, to explicitly say what the rationale is, is somewhere in the main body of the report and not in the middle of the test results.

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STEPHEN DEERHAKE: Okay. Appreciate that. Thank you, Patricio. Bernard, I turn it back over to you.

BERNARD TURCOTTE: All right. I've scribbled this down, discussion between Patricio and Peter. We'll take that under advisement, see what we can do with that.

STEPHEN DEERHAKE: Yeah.

BERNARD TURCOTTE: All right. 11, with respect to the duration of the proposed process, LOR notes that under some circumstances, five years may not be long enough if for example ten-year registrations are allowed. LOR also notes that limitation of the duration makes it impossible for a registry to allow for even longer registrations, and as a result, that ccTLD manager may seek redress of that situation.

HPO considers that five-year period enough time. However, he suggests that if the retired ccTLD is replaced by new ccTLD that a grandfathering rule for domain names be applied, providing right of first registration.

Okay, so in our draft response, we've got a bunch of relevant points there. The working group has extensively discussed the duration of the retirement process considering the situations mentioned by LOR. The proposed duration was considered reasonable and balanced. With

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respect to the proposal of HPO, this is a matter of registration policy of the new ccTLD manager of the successor new ccTLD. Note that registration policies of ccTLD manager is outside the policy scope of the ccNSO. Annex C, ICANN bylaws.

I don't think there's much else we can do with that one. Does that sound reasonable to everyone? I've got green ticks.

STEPHEN DEERHAKE: Nothing that I can see, yeah.

BERNARD TURCOTTE: Yeah, I think everyone gets the hint. Okay, LOR suggests that a retirement plan should be mandatory, even if the Functional Manager does not want an extension of the duration of the retirement process. Draft response. The working group notes that the issue LOR raises was discussed extensively by the working group and is considered outside the scope of the policy mandate of the ccNSO as defined in Annex C of the ICANN bylaws. Pretty similar to the previous point where we cannot force people to do things. And I think everyone remembers our very extensive discussions on this.

NICK WENBAN SMITH: And that's true. The tone of the working—

BERNARD TURCOTTE: I'm sorry, Nick, Patricio has his hand up.

NICK WENBAN SMITH: Sorry.

PATRICIO POBLETE: Go first, Nick, Please.

NICK WENBAN SMITH: Sorry. I was just being lazy. It's late in the night here.

BERNARD TURCOTTE: It's very early.

NICK WENBAN SMITH: But I was going to say I think the working group's opinion is that it would be desirable. We agree that it would be desirable, it's just that there's no policy mandate to make that enforceable. But yeah, everybody wants an orderly process here, and a documented retirement plan would be beneficial, even if it was only fairly short because it's a small ccTLD and [they only need] a couple of years or whatever. It would be better for everybody for us to be all clear.

BERNARD TURCOTTE: And the draft does say that we recommend that one, that the manager does it even if they don't require an extension.

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NICK WENBAN SMITH: Okay. Maybe it's worth referring to that then.

BERNARD TURCOTTE: Yeah. Maybe we should actually throw that in. Patricio.

STEPHEN DEERHAKE: I agree. Patricio, go ahead, sir.

PATRICIO POBLETE: Yeah, I think our logic [in this process] a bit shaky because if it is outside our mandate to impose a retirement plan, why is it not outside to impose the need for a plan to allow for an extension?

BERNARD TURCOTTE: Well, I think the logic where we were going, Patricio, is if they want something, i.e. additional time, then they have to give us something up front, and that's the plan. But you'll also remember that the only thing we have to enforce that is returning to the minimum period if someone doesn't follow it. So technically, yes, there is no enforcement, so I think the logic went if you want extra years, you have to give us this document. If you don't follow the document you gave us, the IFO can go back to the minimum retirement period, is the best we can do. Nenad.

PATRICIO POBLETE: Can I reply to Bernie?



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BERNARD TURCOTTE:                 Sorry. Yes, Patricio.

PATRICIO POBLETE:                 Yeah, so then the real reason would seem to be not that it is outside our mandate but that we can only enforce it for the extension. If we had a way to enforce it since the beginning, then maybe we would have made it mandatory but we have no way to enforce it. That's the real reason.

BERNARD TURCOTTE:                 I think this is what we're trying to say. So maybe what we need to do is actually just redraft that response to make that clear. So I'll take a note on that.

STEPHEN DEERHAKE:                 Okay. Thank you. Nenad.

BART BOSWINKEL:                 Sorry, can I put my hand up in response? Yes, I do.

STEPHEN DEERHAKE:                 We've got Nenad in the queue, Bart—

NENAD ORLIC:                         Never mind. [Let them finish.] Bart.

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STEPHEN DEERHAKE: [inaudible].

BART BOSWINKEL: Okay. Thank you. I think as Bernie said, the starting point is, why can't you as the working group or the ccNSO suggest this? Because it is outside. At the end of the day, if somebody gets back to you, exactly as Bernie said, if there is a request for an extension, then you can ask for and suggest something like, yeah, make it mandatory. But you can't, as a starting point, make it mandatory. Even if the same enforcement mechanism could apply initially, but that doesn't make sense in the sense of it is a to-and-fro to get the extension. But if you don't have the mandate initially to ask for a mandatory plan, that's the reason why you have no compliance as well.

BERNARD TURCOTTE: I think it goes along the lines of our trajectory for what we believe for ccTLDs. We can't tell ccTLDs what to do with their registrants, and this goes along that line. But maybe that can be explained in a bit more. Nenad?

NENAD ORLIC: Basically, I want to say, is there a need for us to educate those who made questions and suggestions? Maybe we should, maybe we shouldn't, but basically, the point of this policy is to put some predictability in a process that was unpredictable and unknown before. Every time, it was done differently. And basically, we have a retirement plan. We know that trigger event happens, after five years, domains will

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be shut down. If a ccTLD wants to fight for the domain or thinks that it should have more time, it can do it by writing the plan for that. But we should be clear to everybody that we cannot stop ccTLD to turn off its servers and DNS anytime. They can just say, oh, our country code has been removed from the ISO list, shut down the system. There's nothing this policy, ccNSO or anybody else can do about that.

BERNARD TURCOTTE: Yeah. I think we all gain if we provide a bit more explanation, so I've taken a note to, based on the comments that we've gotten, I'll see if I can add some meat on this bone and hopefully reply to that. But I like Peter's note in the chat which says I believe the suggestion is driven by gTLD thinking. Of course, we could suggest, but making offers one cannot resist won't be appreciated by the ccNSO members.

Yes, good point.

STEPHEN DEERHAKE: Yeah. [Is everybody good on that?] Can we continue, sir?

BERNARD TURCOTTE: Yes sir. LOR suggests mandatory auditing of domain name numbers by IFO to make sure that the ccTLD is truly winding down and the system is not gamed. Goes back to the same philosophy thing. It seems to be a gTLD mindset. Draft response. The working group noted it has discussed breach of agreement and other potential harmful behavior. The working group is of the view that the current policies provide safeguards against harmful behavior.

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We probably can increase that a bit, relative to the point we're going to make in the previous point whereby there needs to be some understanding of what the ccNSO can do and what the ccNSO cannot do. And it seems to me that some of these people only think at it from a gTLD perspective. And if we just use this opportunity to provide a bit more clarity, then I think we can get the understanding. But I think it doesn't change the outcome that there is nothing we can add to our paper relative to this comment. Is that okay for everyone?

STEPHEN DEERHAKE: Works for me. Thank you.

BERNARD TURCOTTE: All right. Last one, folks. CG and RIPN raise concerns about the proposed irreversible impact of a trigger event leading to the removal of the ccTLD from the root zone. In view of CG and RIPN, additional conditions should be taken into account, which may call for the preservation of the ccTLD. Specifically, the ccTLD can still be of commercial, cultural, historical or other relevant use for a broad community and/or if there is a clear successor state as recognized by the United Nations, then the government or the state may show willingness and interest to go on with supporting the ccTLD which otherwise could be retired.

Oh my. Draft response. The working group appreciates the concerns raised. As stated in the paper, the working group believes that the core principles from RFC 1591 that IANA is not in the business to determine what is and what is not a country should be adhered to. Further, the various aspects of the comments were extensively discussed by the

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working group, and the results of these discussions are reflected in the proposed policy and the associated stress tests.

I don't think there's anything else to say on this one. It's just the basic premise is I think when we started thinking about this was needing a very clear trigger, we found those, and after that, it's just process. And this is looking at expanding the conditions for triggering, and I don't see us starting up on that or it being useful. Nick's got a tick. Any other comments or questions?

STEPHEN DEERHAKE: I don't see any.

BERNARD TURCOTTE: Green ticks all around.

STEPHEN DEERHAKE: Green ticks, yes.

BERNARD TURCOTTE: All right, sir, we're done. Back to you. Thank you.

STEPHEN DEERHAKE: Thank you, Bernard. I really appreciate that. Once again, I'm sorry we've gone into a bit of overtime. Keep in mind that if you've got any issues with the language with respect to responses, formulate your particular language and get it to us on the list. Otherwise, we will go with what

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staff has written with regards to this. If you've got any additional thoughts, comments, suggestions for the way forward from anyone out there in Zoom land, that would be great. Kimberly read my mind, displayed the agenda.

Any Other Business? I'm not seeing a big waggle of hands. Next meetings, you can see them in front of you. I don't have the UTC times, but you can calculate them forward from our meeting tonight at eight-hour intervals. And we've got an ICANN 69 block thing, which I'm not quite sure what that is. But I believe that has to do with when we're going to be meeting.

BERNARD TURCOTTE: Wasn't that about if we decide to carve out?

STEPHEN DEERHAKE: I hope so.

BERNARD TURCOTTE: I think Bart was explaining to us that if we go to that, we probably have to present at the next ICANN meeting.

STEPHEN DEERHAKE: Okay. Yes. I would hope so. So, thank you, Bernard, for that. I want to thank everybody for attending, particularly since we went into overtime, which we don't usually do. If you've got any thoughts regarding how to proceed in this meeting format, please feel free to

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share them either with me or on the list. And with that, barring anything else—I don't think there is anything else—I declare this teleconference adjourned. Kimberly, you can stop the recording. Thank you everyone. Have a great day, evening or night, and please stay safe. [Look to be with you soon.] Cheers. Good night.

**[END OF TRANSCRIPTION]**