| STEPHEN DEERHAKE: | Good morning, good afternoon, and good evening everyone. I want to thank everybody for [pitching] up. Hope everybody [and yours] are doing well. And I want to thank you again for joining today's teleconference. |
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| | For the record, this is the 3rd of September edition of the PDP Working Group tasked with developing ICANN policy with regards to retirement of ccTLDs, and we've convened this one at 5:00 UTC. |
| | I want to thank those of you who've either stayed up really late or have gotten up really early. We should thank Bart and Joke for getting up really early and also Kimberly for being out of bed, being up late, staying up late for her usual Zoom magic. And also, I want to thank Bernard who, like me, is also staying up very late. |
| | Just by way of forewarning, I've already had three hours of Zoom and I've got another after it, so I'm getting a sense of what my college student daughter's going through and how much she hates it. So, I don't know how you as staff do it. |
| | Kimberly, I'm assuming the staff will be doing attendance in the usual manner. So, if there's anyone on audio only, please identify yourself so you are properly recorded. And I see Bart already has his hand up. So, Bart, the floor is yours. |
| BART BOSWINKEL: | Yeah, Stephen, it's more for the group. If you look at the level of attendance, do you want to proceed? You've got, including yourself, five |

members, participants. That's a very low number. I don't mind either way, it's up to you, but I just want to raise it.

STEPHEN DEERHAKE          That's a very good point. I do have one apology from Sean. I'm not sure of any others.

BART BOSWINKEL:          Yes, I see from Sean and Patricio as well.

STEPHEN DEERHAKE:          Yeah, this is the end of summer meeting and it's at a bad time for both North America and Europe.

BART BOSWINKEL:          What we could do, and maybe because the recording is available anyway, may I suggest that for those of you who, especially for those who stayed up so late like Allan and yourself, that we run through, see if people will join. If they don't, then we stop, we don't discuss it, but that we at least for the recording run through the changes that Bernie and I have made to the previous document. And there's Eberhard. And let's take it from there, see if people will join but that we start with that part.

STEPHEN DEERHAKE:          I think we're probably about it with regards to participation, if you want to do the presentation for the record.

BART BOSWINKEL:     Yeah. And people can refer to it because otherwise we lose, again, two weeks and that's …

STEPHEN DEERHAKE:     Yeah, I'd rather not because then that kicks us into the ICANN 69 meeting and I'd really like to get those two meetings. I mean, if I could get what would be like a first read of the changes now, on the 17$^{th}$ meeting, and hopefully a second reading and locked down on the October 1 meeting, that would be nice because then we can go into ICANN 69 with actual revised work product that's locked down that we can talk about.

So, even though we've got really poor participation, if you're up for doing it, why don't we just have you run right through it? But with regards to any subsequent discussion, let's play that as it may and we'll have a public recording.

BART BOSWINKEL:     Yep.

STEPHEN DEERHAKE:     All right. It's good, I'm glad you raised that. I have no administrative announcements, and I have no action items to report. Am I incorrect on any of those two points?

BART BOSWINKEL: With the admin, Bernie, you raised a no. Don't want to do it? oh, no action items. The only one was the update of the document, so that's done. And Bernie reached out to the business constituency, as you will see. That was an action item as well, so that's for the record. And just as an information, the PDP retirement has been scheduled now for ICANN 69. So, you can see that in 7.3. These were the three action items.

STEPHEN DEERHAKE: We actually have a time and place on the schedule. So, that being the case, I know we're not going to get a first read closure, but at least get it all on the record. Not going to go into the carving this out because there's nobody to talk to about it except Peter and Barrack basically.

I've got nothing else to say at this point, Bart, so if you want to dive into it, I see Kimberly is ahead of me, she's read my mind. So, take the floor …

BART BOSWINKEL: Yeah, thanks. Can you go to the next page, please, Kim? It's the marked area and increase the size and maybe Bernie, I don't want to put you on the spot, but you are the main driver of this section. Can you run us through what you've done and etc.? So, I just edited a little bit, but say that the background of this section, why is it included?

BERNARD TURCOTTE: Sure. As of our last call, we noted that there's some comments which made it painfully clear they weren't familiar with the ccTLD so we agreed to include sort of a background section on the ccNSO, what we

can and what we can't do before going into each comment. So, this is my attempt at doing that. And since it's all new text, as is the usual thing, we'll just read it.

"Some of the comments indicated that the commenters may not be completely familiar with the relationship between ccTLD managers, ICANN, and the ccNSO. Firstly, it should be noted that only a limited group of ccTLD managers has entered into an arrangement with ICANN ranging from sponsorship agreements to accountability frameworks or an exchange of letters. As such, agreements are voluntary, enforceability is limited, and may only apply to sponsorship agreements. These arrangements are mainly focused on ensuring the security and stability of the Internet." Peter.

PETER KOCH: Yeah, good morning, or good evening in your case, I guess, Bernie. I think the overall introduction is very helpful and to the point and in line with what we agreed.

Just because it's so early in the morning on this side of the pond, I'm trying to be a bit diplomatic or increase the diplomacy here. "May not be completely familiar with a relationship," maybe that can be toned down a bit. I mean, I fully agree with what you're saying, but as the first sentence is like, "Why did you comment and didn't do your homework?"

BERNARD TURCOTTE: Yeah, we can bring that down one or two notches.

STEPHEN DEERHAKE: Well, it may be one louder at 11, but I wouldn't go much below nine on the stereo.

BERNARD TURCOTTE: A slight drop, we can do that.

STEPHEN DEERHAKE: Thank you, sir. Thank you, Peter, for that. That's actually a good comment on your part.

BERNARD TURCOTTE: I was actually waiting for that one.

STEPHEN DEERHAKE: But you felt really good writing it at the time.

BERNARD TURCOTTE: No, I wrote it in and I looked at it, I said, "Oh, yeah, okay. That'll give them something to shoot at."

STEPHEN DEERHAKE: It shows that somebody's awake. This is good.

BERNARD TURCOTTE: Secondly, almost all, if not all …

EBERHARD LISSE:           Sorry, sorry …

BART BOSWINKEL:           Eberhard has got his hand up.

BERNARD TURCOTTE:         Okay, Eberhard, sorry, I didn't see your hand up.

STEPHEN DEERHAKE:         All right, sorry.

EBERHARD LISSE:           No problem. If it just change the tense from past tense into current tense, that already mellows it down something to me. "Some of the comments indicate that the commenters may not …" But anyway, word smith …

BERNARD TURCOTTE:         I'll play with it. Yeah, let's not wordsmith at this time of the day.

STEPHEN DEERHAKE:         Yeah.

BERNARD TURCOTTE: "Secondly, almost all, if not all, ccTLD managers agree that they are subject to RFC 1591 to be administered by ICANN. And most of RFC 1591 is focused on the delegation and transfer of ccTLDs, including transfers for issues of significant misbehavior. Any additional policies developed by the ccNSO are limited in scope to add, change, and delete of ccTLD entries to the root zone. See annex C of the bylaws for details on that the applicable scope for ccNSO policies.

"A simple example of this is that neither RFC 1591 nor ccNSO policies can affect registration policies of a ccTLD or require any type of access to ccTLD data. As such, neither the ccNSO nor ICANN can require ccTLDs to undertake any specific actions with respect to their registrants."

STEPHEN DEERHAKE: Nicely done.

BERNARD TURCOTTE: Peter.

PETER KOCH: Yeah, and apologies, maybe I'm stumbling across another tripwire here. What you say is perfect. There's one thing in the first sentence that I think might be confused: "ccTLD managers agree that they are subject to RFC 1591 to be administered by ICANN"? I don't get the reference. Who or what is administered? Is it interpreted by ICANN or what?

| | |
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| BERNARD TURCOTTE: | Well, the only thing that is meant here is that it's ICANN via IANA/PTI that is making the changes in the root zone file. |
| EBERHARD LISSE: | Just wordsmith it a little bit. Otherwise, I think it's extremely good. I think Peter has a point, but we have time to think about it, finesse it in your usual way, and make a note of it that you must finesse it and then send it to the list. But, otherwise, I like this paragraph very much. |
| BERNARD TURCOTTE: | All right. |
| STEPHEN DEERHAKE: | Thank you, Eberhard. |
| BERNARD TURCOTTE: | I can take out the finesse pen and run it over that. |
| PETER KOCH: | Yes, thank you. |
| BERNARD TURCOTTE: | Thank you, Peter. All right. And, "Thirdly, policies developed through the ccNSO are only applicable to ccTLD managers, which are members of the ccNSO. Although a ccTLD manager which is not a member of the ccNSO is not subject to policies developed by the ccNSO, ICANN can still act with respect to such as ccTLD management. It simply means that |

ICANN is not constrained to apply the relevant policies in the same manner as it would to a ccNSO. member." Eberhard.

EBERHARD LISSE:     I'm not sure that the sentence "It simply means" is correct because it means that the ccTLD member manager is not bound to it. The easiest way is to leave that last sentence, to strike that from "It simply means."

BERNARD TURCOTTE:     Okay.

EBERHARD LISSE:     I don't agree that ICANN will be allowed to say okay, "Our policy for retiring ccNSO ccTLD managers is different from the ones of non ccNSO ccTLD managers. And that's what this could be read to say. Just think about it, take your marker on it. I personally don't think we need that last sentence, but finesse it a bit.

BERNARD TURCOTTE:     Yeah, I'll just give a background before I go to Peter. I had a chat with Sam Eisner about that. And this is essentially what came out of that chat. So, I mean, really that last part is not critical to our analysis of the comments, so I'm not going to die in the ditch over it. But her take on it was that if it's not a ccTLD manager, ICANN has somewhat more flexibility in interpreting the same policy and they have a requirement to keep some sort of fair treatment between ccNSO members and not. But that's my background. Peter.

EBERHARD LISSE:        I don't agree with that assessment.

BERNARD TURCOTTE:      Okay.

PETER KOCH:            So, along the same lines, I think this last sentence is inviting a reading to the extent that "Oh, yeah, I'm not a ccNSO member, so ICANN has now the flexibility to give me 20 years instead of 10." And I think we want to avoid that impression.

BERNARD TURCOTTE:      That's a very good point. Thank you, Peter. Stephen.

STEPHEN DEERHAKE:      Thank you for that background regarding your conversation with Sam. I thought what our intent here was is to provide policy for the IANA PTI at this point in time, and any successor, with regards to ccNSO members. But to also set up a pretty serious structure of guidance for how non-ccNSO TLD managers would be handled.

                       So, in that regard, I kind of got that's what Sam was saying to you.

BERNARD TURCOTTE:      Right.

STEPHEN DEERHAKE:     I believe that's probably at variance with what Eberhard's about to say, but that is my thought on that. So, thank you.

BERNARD TURCOTTE:     Eberhard.

EBERHARD LISSE:     If we say we're making two policies, one fixed one for ccNSO members, and one flexible one, which is not written down, hence not a policy, that would be new.

My view on this is we make policy for ICANN. ICANN has to abide by the policy, the ccNSO members have to abide by the policy, the non-ccNSO members may or may not want to abide by it. And we have always used the analogy if a ccNSO member wants ICANN to go away, verbally avoiding rudeness in the record, to do unnatural acts on themselves, let's put it like this, they just need to leave the ccNSO

So, I don't think we want to start looking at watering down our policy like this. And if so, then we have to go and start it from scratch, review it in considerable detail and numerous times, and send it out for public comment.

BERNARD TURCOTTE:     Which we don't want to do. Okay. Stephen?

STEPHEN DEERHAKE: You echoed my words, which we don't want to do, and I don't want to see us go off into the weeds here at 20 past the hour.

BERNARD TURCOTTE: Yeah, so I think we did really good with the first two paragraphs. I have no issue with striking that last sentence and that would allow us to move on. The first two paragraphs, of course, have those finesse pens to get to, which I will not do right after this meeting.

STEPHEN DEERHAKE: No, it generally looks great. Thank you, Bernie.

BERNARD TURCOTTE: All right, so any last comments before we leave that introduction? Going once, going twice, done. All right. Let's go down to the next block of yellow, please, my dear Kimberly.

STEPHEN DEERHAKE: Thank you, Kim.

BERNARD TURCOTTE: All right. Sorry, we're going to go back up a bit just to make sure we're talking about the right thing here. The comment itself, a little further up. Yeah, there we go.

"The ALAC requests two points be considered from an end user perspective, removal of a TLD would mean likelihood for confusion as

usually the removal of one would make room for a new one, and the retirement could pose a problem for some registrants when they are used to an old address."

Okay, so we've updated this a bit. "The working group thanks the ALAC for the comment. The Working Group has discussed and considered the issue of the impact of removal of the ccTLD from the root zone database file extensively as part of his stress testing policy, and believes that the time allocated for the retirement of a ccTLD will significantly mitigate any issues associated with using old [inaudible] domain names." Stephen.

STEPHEN DEERHAKE:        Nicely word smithed. Thank you.

BERNARD TURCOTTE:        Okay. Anybody else? Eberhard.

EBERHARD LISSE:          If we thank one submitter for a comment, we have to thank all, or is this intentional?

BERNARD TURCOTTE:        I don't think it's intentional.

BART BOSWINKEL:          No, it wasn't.

BERNARD TURCOTTE:     And I agree with you, Eberhard.

BART BOSWINKEL:     I was polite when we started drafting this.

BERNARD TURCOTTE:     We will [inaudible] …

EBERHARD LISSE:     Yes, but to the wrong party.

BERNARD TURCOTTE:     No folks, this is a recorded call. We'll amend so that it's consistent all the way through.

BART BOSWINKEL:     [inaudible] Yeah.

BERNARD TURCOTTE:     All right. Number two, the ALAC noted that the replacement of non … Sorry.

EBERHARD LISSE:     Quickly, why don't we put the thanks in the beginning of our response paper?

BART BOSWINKEL:          That was that was the intention.


EBERHARD LISSE:          Excellent.


BERNARD TURCOTTE:        Excellent. All right. "The ALAC noted that the replacement of a nonfunctional manager should be transparent and follow due process. In addition, the IFO and the functional managers should work together in good faith to ensure the interests of registrants are taken into account."

New response. "We thank the ALAC comment and agree with the observation as the working group noted in the above references, such a transfer should follow the standard IFO transfer process where possible. As to the second point, section 4.1 of the draft policy states there is a good faith obligation for both the IFO and the manager of the retiring ccTLD to ensure an orderly shutdown, and the retiring a ccTLD which takes into consideration the interests of its registrants and the stability and security of the DNS."

So, we've brought the quotes into the response so it's very clear. Comments. Eberhard.

EBERHARD LISSE:    Besides the fact that due process is a legal term restricted to the treatment of citizens by their governments, which is a separate thing, we get the meaning, how can due process or a similar principle be applied in the replacement of a non-functional manager when the very essence is the manager is nonfunctional? [If what happens is they're not] communicative.

And the idea is probably that this should be extensively documented so that nobody can say, "Oh, I decided we don't like the way this goes, we just replaced the manager as being non-functional." That's probably the background to this.

BERNARD TURCOTTE:    Okay, we can make that a little clearer. I think I know how to do that quite easily, actually. Okay, good comment. Anybody else? Nope. Okay, three.

"Finally, ALAC noted that the review mechanism to be used is not clear nor is clear what exactly the subject is. The working group notes the decision could be the subject of a review mechanism as 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 this working group, as noted in the background section of this document but will be dealt with in the second part of the ccNSO PDP 3." So, I think that we've just added that little line. Eberhard.

EBERHARD LISSE: Like the yellow part. And just write, with respect to the second point, "The working group noticed that the review mechanism itself will be dealt with in the second part of the ccNSO PDP 3." That avoids confrontation.

BERNARD TURCOTTE: I'm not sure why this would make it confrontational. And we explained in detail in the background, or at the top of this section, why there are two parts and I think it's very relevant to refer to that, Eberhard.

EBERHARD LISSE: Another point is we are telling them, "You didn't read the document." [Inaudible].

BERNARD TURCOTTE: No, not in this case.

EBERHARD LISSE: Yeah, that impression I want to avoid.

BERNARD TURCOTTE: Okay, in this case, we're just saying it's explained in the top part of this document.

EBERHARD LISSE: Then you must make this a little bit clearer of this document is all I'm saying.

BERNARD TURCOTTE:     Okay. All right. Sorry. No, no, I'm tired. Yes, I was referring to policy document. Yes, they obviously didn't read it. I'm tired, 1 a.m. Sorry, folks. So, I'm open to removing that. Stephen, your thoughts?

STEPHEN DEERHAKE:     It's 1:30, so yes, I'm tired, too. I kind of concur with Eberhard that you are referencing, and so just a minor tweak there and I think you'll have that nailed down.

BERNARD TURCOTTE:     Okay.

STEPHEN DEERHAKE:     Yeah. I think generally it's fine, though. Thank you.

BERNARD TURCOTTE:     Okay. Four. "The [RrSG] 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."

So, what we've done is re-include some quotes as we discussed at our last meeting. "The working group notes that both these topics were discussed extensively regarding the first point about retroactivity. Annex A results of stress test per identified situations. Number 16 states that, 'The working group believes the applicability of the policy to existing situations or those emerging before the proposed policy becomes

effective is out of scope of its mandate for situations prior to the policy coming into force. Responsibility lies with the IFO to create a suitable procedure. The working group suggests that such a procedure could be based on and anticipates the proposed policy.'"

"As to the second point regarding applicability to non ccNSO members, the ICANN bylaws section 10.1 states, 'Policies that apply to ccNSO members by virtue of their membership are only those policy developed according to Section 10.4 I and section 10.4 K.' Please see background on the ccNSO the top of this document for more detailed explanation."

Questions, comments? Check from Stephen. And Eberhard.

EBERHARD LISSE: There was one thing that we just go through again. Suggested such a procedure could be based on and anticipate, not anticipates, the proposed policy.

BERNARD TURCOTTE: Yeah, I think I just copy pasted from what we wrote originally, so that's an edit in the policy itself.

EBERHARD LISSE: We should do that because it makes more sense if you put in the same temporal tense.

BERNARD TURCOTTE: Yes. Okay, noted. All right, that's it. Okay.

Five. "The BC suggests two additional stress tests, one, the confidence in the retirement process by end users is guaranteed, and two, migration of critical data is properly archived and stored for historical purposes. With respect to latter test, it is suggested that ICANN ccNSO be responsible for archiving."

So, I had a good chat with Steve DelBianco regarding this. He was very sympathetic to our reading of this, I would say. His point was, "Listen, just end by saying ICANN could consider or offer to a ccTLD to archive the zone file if the ccTLD wants." And he goes, "We'll be perfectly happy you don't have to worry about anything else." So, I tried to weave that in.

So, "Regarding the suggested additional stress test, one, the working group notes that it's unclear what the BC is seeking with this stress test. The purpose of the policy, once it is official, is the guarantee for all parties that from the date of the notice of retirement, that the ccTLD will be retired no less than five years and no more than 10 years from this date. With respect to the second suggested additional stress test, the working group notes there is no policy or requirement on ccTLDs relative to archiving of any ccTLD data or for ICANN, see the background on the relationship between ccTLDs, the ccNSO, and ICANN at the top of this document. However, ICANN could offer the retiring ccTLD the option of having its own file data archived for historical and research purposes." Bart.

BART BOSWINKEL: Yeah, just as a note for everybody on the call is last meeting we talked and discussed this item five and propose to add stress tests to the list of stress tests. Please be aware that if you agree with this text, there will be no addition to the list of stress testing. It is not necessary anymore. So, that's a change of what was discussed last time, which is not in the document itself but is implied by the proposed response. Thanks.

BERNARD TURCOTTE: Thank you, Bart. Eberhard.

EBERHARD LISSE: Move in the first sentence the words "That it is unclear what the BC is seeking with this stress test." In other words, regarding a suggested additional stress test one, the purpose of the policy once it is official is to guarantee so that you basically don't tell them you didn't read the document, you don't understand what we're saying, but you just give them the answer that we want to give them. Five to 10 years is all that we can do for the end users.

BERNARD TURCOTTE: Yes, okay. I agree with that. Not a problem. All right, let's move on six.

"The BC suggests the 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."

Yeah, so this is where we were getting into reasons why we created that section at the top. "The working group notes that, as stated in the

section background on the relationship between ccTLD managers, the ccNSO, and ICANN, neither the ccNSO nor ICANN can require ccTLDs to undertake any specific actions with respect to their registrants. The draft retirement policy in section four states, 'If the manager of the retiring ccTLD does not wish an extension to the default retirement date stated in the notice of removal, it is expected but not mandatory that the manager produce a retirement plan for the ccTLD,' which includes the following requirement:

"'The date when the ccTLD is expected to stop taking registrations, renewals, and transfers that exceed the date of removal from the root zones. It is important to note that there is a reasonable expectation that the date provided is the earliest practical date for implementing this.'

"If a manager does to wish an extension to the default retirement date, then the draft policy requires that the manager produce a retirement plan to obtain this extension." Questions, comments? Eberhard.

EBERHARD LISSE:    While I actually think I have could tell a ccTLD manager what the BC is suggesting, it sort of deviates from the true gospel because I have always not allowed really to tell any ccTLD manager what to do. But there is nothing wrong with saying, "please be mindful of the fact that you might consider in your renewal and registration plans the impending retirement."

It's of no consequence really if you put it in, other than it deviates from the true gospel which I am usually dying in the ditch for, but in this particular case, maybe we could phrase it slightly differently.

BERNARD TURCOTTE: I don't know on that. I think we're making a pretty solid case by referring back to the introductory section, which we've agreed to, and then the policy itself, which clearly goes beyond that.

I'd be worried, like you said earlier, Eberhard, that we'd be sort of creating a little bit of confusion if we went part of that way. Peter.

PETER KOCH: Yeah, thank you. I would opt for consistency here and suggest that we stick with the text as proposed.

The question of contracts between the ccTLD manager and the registrants is something that is not supervised or overseen by ICANN. And there's probably no accidental application of too long contract durations just because both the ccTLD manager and PTI, of course, will be reading the policy a couple of times. So, I think all the precautions are taken care of already and go for it as you, Bernie, proposed.

BERNARD TURCOTTE: All right.

EBERHARD LISSE: I can live with it.

BERNARD TURCOTTE: All right. Thank you, Eberhard. Bart?

BART BOSWINKEL:

Yeah, just one additional argument say not to use the response on, say, public comments to water down the policy itself. If you want to, you have to put it in the policy itself. This is just an addendum, a reaction. You clearly decided not to change the draft itself based on these comments. So, don't use this part of the document. It's explanatory, that's all.

My suggestion is not even to use it as an interpretation of the policy. The policy should be a standalone document. Thanks.

BERNARD TURCOTTE:

Okay, so I think we have a bunch of votes for leaving it as it is, and Eberhard can live with it, so it will stay as is Thank you. Next one.

"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." Steve Delbanco thought this was a very good answer on our part.

"The working group notes that this is an operational issue and should not be part of the policy. However, it is important to understand that the IFO is informed on a regular basis of any changes to the standard by the ICANN representative on the ISO 3166-MA." Eberhard.

EBERHARD LISSE:

This is also interesting to note that as a little side issue that in the new version of the of the standard, there is a citation mentioning ICANN

IANA even though it's not quoted in the text, it's just in the bibliography. So, it's obvious that PTI has a method of finding out what change there is. In any case, ICANN is represented by an observer, and an able one at that, on the ISO standard.

BERNARD TURCOTTE: Thank you, Eberhard, but that doesn't change our response. I see Peter's comment in the chat. "You don't want to use MA, you should say TC 46 working group."

Okay, guys, let's not get wrapped around the axle on this one. When we say 3166-MA in the top part of seven, that is what the BC said. So, we're just quoting what they said. And the second part, thank you for that, Jaap, I think we'll copy paste that and add it in with the ISO 3166-MA because people know what that means.

STEPHEN DEERHAKE: Let's really go into the weeds here.

BERNARD TURCOTTE: Yeah, that's it. Would that be okay for everyone?

STEPHEN DEERHAKE: Fine with me.

BERNARD TURCOTTE: All right.

EBERHARD LISSE:          Write by the ICANN representative to ISO.

BERNARD TURCOTTE:        That's right. Okay, so number eight. We're getting there, folks. We're doing very well.

"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 service would affect the retirement process, especially in light of multiple data privacy laws."

The polite answer is, "The working group notes that the issues BC and LOR raise 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, enhance registrants. See background on ccTLD managers, the ccNSO, and ICANN."

Questions, comments.

STEPHEN DEERHAKE:        That works for me.

BERNARD TURCOTTE:        Going once, going twice, sold lady with the blue dress. Number nine. "The BC and LOR also raised the question of whether any ICANN bylaw

changes are envisioned." We didn't change that and everyone agreed the last time, so let's not worry about that.

Ten. "LOR notes that as brands made massive investment …"

BART BOSWINKEL: We went through that one as well, Bernie. It only has discussed the impact. Can you scroll down, Kim? Editorial, so.

BERNARD TURCOTTE: Yeah, editorial. No change. Eleven. With respect to duration and proposed process, references in the paper. A few minor changes.

"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. It was noted that the maximum registration period for domain names and mostly ccTLDs is 10 years, which the policy can allow for. With respect to the proposal of HPO. This is a matter of registration policy of the new ccTLD manager of the successor/new ccTLD [See background on the relationship between ccTLD managers, the ccNSO, and ICANN at the top of this section for more details.]"

Thoughts, comments? Going once, going twice.

BART BOSWINKEL: Bernie.

| BERNARD TURCOTTE: | Yes? |
|---|---|

| BART BOSWINKEL: | Looking at it, I would say that for domain names in most ccTLDs is 10 years. I think if not, this may suggest that most ccTLDs allow 10 years. So, the majority of the ccTLD managers, I think that is not correct. We don't know. |
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| BERNARD TURCOTTE: | Right, that is a good point. Okay. |
|---|---|

| EBERHARD LISSE: | Change it to "many." |
|---|---|

| BART BOSWINKEL: | Or some. This is what we know. |
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| BERNARD TURCOTTE: | "Some." Yes, this is a good point. I like "some." Stephen. |
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| STEPHEN DEERHAKE: | "Some" is good. You're being nice and polite here. This is good stuff. Thank you. |
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| BERNARD TURCOTTE: | Peter. |
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PETER KOCH:                 Yeah, I thought that what we wanted to say is we didn't find anybody who had longer terms, which isn't particularly true because we allow indefinite registrations, but then the point is how do we collect payment, which is a different thing.

BERNARD TURCOTTE:          Yeah. All right. So, would people be okay with "some," as the good doctor has suggested? Yeah, I think that's a good change. Thank you, Eberhard.

All right, 12. "LOR suggest that a retirement plan should be mandatory, even if the functional management does not want an extension of the duration." Yeah, right. [Let's impose things.] Going down to our 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. Please see the background and relationship between ccTLD managers, the ccNSO, and ICANN at the top of this section for more information." I think this one sort of says it all. Stephen

STEPHEN DEERHAKE:          It indeed says it all. Very nicely done.

BERNARD TURCOTTE:     All right, thank you. Thirteen, "LOR suggests mandatory auditing of domain name numbers by IFO to make sure the ccTLD is truly winding down and the system is not gamed."

Draft response: "The working group notes that this was discussed in detail, but that the reality of the relationship between ccTLD manager, the ccNSO, and ICANN would not allow for this. Please see the background on the relationship between ccTLD managers, the ccNSO, and ICANN  at the top of this section for more information." Eberhard.

EBERHARD LISSE:       And I would remove the words "that the reality of" because that's a little bit strong. The working group is of the view that the relationship between ccTLD manager etc. would not allow for this.

BERNARD TURCOTTE:     Yeah, we can do that. That's not a problem. It's a little bit aggressive, yes, but I was a little bit annoyed that this comment. Stephen.

STEPHEN DEERHAKE:     Eberhard, you're being very polite tonight.

EBERHARD LISSE:       We need to get this done even if it's an individual. I like to be passive aggressive, but not on the record.

STEPHEN DEERHAKE:     All right, thanks Bernard. Carry on.

BERNARD TURCOTTE:     And our last comment.

STEPHEN DEERHAKE:     We're getting there.

BERNARD TURCOTTE:     CG and RIPN raised concerns about the proposed reversible impact of a trigger event leading to the removal of ccTLD from the root zone, in the 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 then United Nations, then the government of this state may show willingness and interest to go on with blah blah blah."

Let's go to our response. "The working group appreciates the concerns raised, however these are out of scope for the ccNSO. CcTLDs are a very special class of TLDs their very existence is predicated on there being a corresponding entry in the ISO 3166-1 standard. As stated in Section 1.2 of the draft policy, RFC 1591, IANA is not the business to determine what is and what is not a country and the working group believes these should be strictly adhered to." Thoughts, comments, questions? Green tick, and Eberhard.

EBERHARD LISSE:              Do we even need in the last sentence "as stated"?

BERNARD TURCOTTE:           The last sentence "as stated." Oh, okay, the whole … I thought it made the point, but I'm not going to die in a ditch for it. I like the fact that we're quoting RFC 1591 and that we quoted it in our introductory section, and it makes that link. Stephen.

STEPHEN DEERHAKE:           I think we should keep it. I agree with you. I mean, my feeling is any reference back to 1591 is not a bad thing to have, nor is any reference back to the FOI Final Report is not a bad thing to have, either. So, I would be inclined to keep it. Thank you.

BERNARD TURCOTTE:           Thank you. Peter.

PETER KOCH:                 I would also like to keep that sentence. I have a slight problem with a previous one. "The very existence is predicated on there being a corresponding entry in the 3166 standard."

First of all, I believe that the latest version of 3166 version 4 of 2020 changed the nomenclature a bit and we always have this confusion. And, of course, in this particular case, it's all about this obnoxious [exceptionally] reserved, whether or not that is in or not in the

standard. It is not in the code as per the 2020 standard, but what this can …

So, first of all, Bart already suggested the responses should not be fodder for further innovation or watering down the work of the PDP Working Group. I think what we're trying to say here is the gist is in the final sentence, actually. We should not make a judgment on what is the eligibility criteria and what point in time the eligibility criteria need to be met. Basically, retractive or extension or anything is out of scope for the working group. Maybe that is what I would like to suggest here.

BERNARD TURCOTTE:     Thank you, Peter. Let's hear from Jaap. Jaap, if you're speaking, you're muted.

JAAP AKKERHUIS:     Sorry. I forgot about …

BERNARD TURCOTTE:     We can hear you now.

JAAP AKKERHUIS:     For your information, there is discussion inside the MA about whether or not it will be said explicitly that reserved names are a part of the standard. The current thinking is they are not part of the standard and that's just because it takes place about the table for the term of reference, which is an internal document.

But the current reading of whatever the current standard is, I don't have a copy myself yet, is that reserved names are mentioned in the standard, but they are not part of the standard work. That's why it's also been officially assigned "And other" in the online database.

BERNARD TURCOTTE:       Thank you, Jaap. Eberhard?

EBERHARD LISSE:        I wanted to say something similar, but I then saw Jaap's hand and as he is the expert I wanted him to answer first. Technically, I don't think any name is part of the standard. The standard describes things and then it refers to lists.

I like the quote from the RFC, the ISO was chosen because the ISO has a list to decide what countries are on or has a process, and I would sort of maybe rephrase this. Also, I don't like a very special class of TLDs.

I would maybe say that it's out of scope and then quote from RFC 1591 that the ISO was chosen because they have a process to decide what a country is or not. Technically we should be absolutely correct in what we are writing if the corresponding entry is not actually in the standard, we can't write this in the standard and we must use the exact term where these things are predicated, and then we come into the exceptionally reserved and that makes it all too complicated.

So, we must maybe find a way of simplifying the answer to say exactly what you're saying here.

BERNARD TURCOTTE:     Yes, thank you. Bart.

BART BOSWINKEL:     Yeah, I just wanted to say, Bernie, let's take this offline because I think by now we do have enough input to amend this.

BERNARD TURCOTTE:     Yeah, I have a really good idea of how we can fix this.

BART BOSWINKEL:     And then cut the discussion because it's almost the top of the hour, I can hear that you're very tired.

STEPHEN DEERHAKE:     Really?

BERNARD TURCOTTE:     We sound like an old married couple at this point. Okay, thank you. That's about it. We have your input. It has all been great additions. And I see we still have two hands. Eberhard and Jaap. So, Eberhard. Oh, just Jaap.

JAAP AKKERHUIS:     Yeah, I just wanted to remark that the official assigned codes are considered to be part of the standard by ISO. It's only actual contents is not part of the standard.

BERNARD TURCOTTE:     Yeah. Okay, great. I think that leave that section. Back to you, Stephen.

STEPHEN DEERHAKE:     Thank you, Bernard. Thank you, Bart. Thank you both, especially you, Bernard, for walking us through that. Thank you Kimberly, you read my mind. We're obviously skipping five. I'm going to go straight to AOB. If there is any other AOB and I don't see any waving hands. I never do, I see.

Next meetings, as you can see up there, I want to thank everybody for their comments as well. I think it was helpful to go through that and Bart, thanks for nudged me to not kill the meeting. Go ahead with it, I think it was useful.

Next meetings. We've got one coming up on the 17$^{th}$, one on the first, and then one in the middle of ICANN 69 there at beautiful block five. And that's UTC. That's actually a reasonable time because it's Hamburg, right? And hopefully by the meeting and the 15$^{th}$, we'll have some stuff locked down that we will be in a position to circulate to the community. And then on the 29$^{th}$, if necessary, or on the 12$^{th}$, we'll probably need the 29$^{th}$ meeting but hopefully not that one on November 12$^{th}$ and get this wrapped up.

|  | And at one of these future meetings, we should continue the discussion we had last time regarding carving this particular work product out and pushing it forward on its own. And Bernard, I see your hand is up, so, yes sir. |
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| BERNARD TURCOTTE: | Just a note, so if we keep the way we're going with these comments basically there are no changes to the policy document. As we've mentioned earlier, there are two other points still. There's probably some editing of the language, not change of content, but there are some grammatical fixes, especially in the stress test section, which we would like to do. |
| STEPHEN DEERHAKE: | Agreed. |
| BERNARD TURCOTTE: | So, we will work on that. And I'll channel Patricio here. He wanted to know if we could include the comment he made on the list relative to the policy, which he brought up at our last meeting. So, I'm just saying that we've got to deal with those things. Thank you. |
| STEPHEN DEERHAKE: | Let's not forget that as well. Are there any nomenclature changes that we might have to make to the document given the recent publication by the maintenance agency? |

BART BOSWINKEL:          No, because there's not a standard.

STEPHEN DEERHAKE:        Okay.

BART BOSWINKEL:          It's not been adopted, so you don't want to change anything.

STEPHEN DEERHAKE:        No, we'll stick with what we have.

EBERHARD LISSE:          Sorry, what has not been adopted?

BART BOSWINKEL:          Nomenclature changes. Jaap, have there been nomenclature changes?

JAAP AKKERHUIS:          Not that I'm aware of. I mean, there's been some editorial changes, but that's it.

BART BOSWINKEL:          Yeah.

EBERHARD LISSE: The final document is a standard that has been approved. This is final, this has been voted on, this is the new standard.

STEPHEN DEERHAKE: Peter's dived into it. He mentioned that on our last call, and I see his hand is up. So, let me ask him that same question. Peter.

PETER KOCH: Yes, thank you. Well, I did not follow the internal discussions. All I have done is have one and a half reading of the new 2020 version of the standard and compared it to the 2013 one, without having Jaap's expertise, of course.

I noted that the words "code" and "code elements," and especially alpha two code and code elements have been changed between the two versions of the standard and we might want to have a look into that. Whether or not we have to change our own work is something different.

Also note that the headlines in the online browsing platform, and the nomenclature used in the standard itself, is different. And that is also reflected in the standard which doesn't really improve things, but this is how it is. So, we can either be consistent with the online browsing platform or with the very verbiage of the standard. It's really legwork that needs to be done at some point but maybe not be designed by committee. Just have a look into that and brush it through.

STEPHEN DEERHAKE:     Okay, thank you, Peter. That's kind of along the lines where I was going with my question was there change in alpha two, and they now called it something else or whatever, and whether we want to realign what we've written to reflect that. So, that's good on that. I think that's it for that, Bart. Yes, Bernard, you have your hand up now.

BERNARD TURCOTTE:     We'll sit down and have a good go at it with Jaap when he's available and make sure that we're consistent.

STEPHEN DEERHAKE:     Okay, thank you. We've gone into extra time, which I was hoping not to do. We've got our meeting schedule set up, so keep those in your calendar. Just want to thank everybody again for attending. And, again, any thoughts about anything, feel free to share them on the list of course.

And with that, Kimberly, with one minute of extra time I declare this teleconference adjourned and you can stop the recording. I just want to thank everyone again. Have a great day, evening, or night, and as always, please stay safe and, again, thank you ICANN staff for getting up early and staying late and taking notes. Thanks. Bye, guys.

**[END OF TRANSCRIPTION]**