
ANDREA GLANDON: Good morning, good afternoon, good evening. Welcome to the registration data policy IRT meeting being held on Wednesday the 10th of March 2021 at 17:00 UTC.

In the interest of time, there'll be no roll call. Attendance will be taken by the Zoom room. If you're only on the audio bridge, could you please let yourselves be known now? Thank you, hearing no names, I would like to remind all participants to please state your name before speaking for transcription purposes and to please keep your phones and microphones on mute when not speaking to avoid any background noise.

Please note the raised hand option has been adjusted to the bottom toolbar reactions section. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior. With this, I will turn it over to Dennis Chang. Please begin.

DENNIS CHANG: Thank you, Andrea. Welcome, everyone. Thank you for joining to support this policy implementation. We'll get started with reviewing our agenda. Today, I'm going to talk about ICANN 70 plan, and I'll show you some things that we're preparing. And I want to talk about the IRT Wiki, because IRT Wiki will be used again for the ICANN 70 session, and I want to make sure that we are all aware of what's on there and how we're using it.

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.

The important substantive discussion today will be a drafting [inaudible]. We're going to use expiration date as an example, but I sent you the IRT task to review the whole section five in public comment document, and I'm going to introduce it, use an example to discuss it, and then leave you to carefully examine every word, because this is a very important section in the public comment, and of course, our policy language.

Then we'll look at OneDoc. There is a section 7.6 in particular that we worked on, we want our IRT to review, and then we have three RedDocs that we can review together too.

So let's get started with the ICANN 70. ICANN 70 session is going to be on the March 25th, and by now, you should have registered and signed on in the session so that we can all see you joining. And I would appreciate you all doing that. And of course, this is what it looks like.

And our session is listed on the full agenda. It'll be Thursday. No, that's not it.

ANDREA GLANDON: The 25th, Dennis.

DENNIS CHANG: Yeah, sorry. The 25th right here. As you'll see, this tool that we're using for the ICANN meetings has been improved. I think it's getting better and better and it's easier and easier for us to use. So the registration data policy, this one, is our session here. So please register and once you register, you will show up in the list of agendas for the community to see

that you're working on this document. And then of course, we can have conversation here too.

The way I plan to manage the ICANN meeting is the same way we did before, and I'm going to maximize our IRT working time and just do what is necessary for the fact that it is a community forum and then it's an open session so that community can participate, so we will do what we did before and have a quick overview and tell them how we work and where they can find information.

So the background, three stages that we have developed, and this is a new page, I thought it would be nice to tell them what we have been doing and kind of make a list of deliverables, and then we get into the scope which hasn't changed, and then here, we'd tell them that there's a Wiki workspace and our agenda and all the documents are here in our Confluence Wiki page.

And likely, we will use the Wiki agenda, as we always do, for our ICANN session too. So for the IRT, there isn't much change that you should expect, so be prepared to come so that we can make this session work for us rather than we're putting on a presentation for the community. So that's my plan.

In terms of the IRT Wiki which we are looking at now, I'm going to go ahead and—or we are going to go ahead and make some changes to maybe better organize things. For example, we have these documents which I'm going to remind you of that these documents are already public, and then one of the things that I like to do is things like the FAQ, we have been copying and pasting the FAQ from our IRT FAQ document,

and one of the changes for efficiency and lowering our overhead and conserving our resources is that we are going to start taking our documents and make them more viewable from the public.

So one thing that I did here is add this note in red, note to viewer, if you're using view only mode, you will not see the redline and comments. And thanks for the IRT for pointing this out. This is what happens if you're viewing only. And then when we provide access to outside of the IRT for view only, as it was suggested for transparency. We [were not seeing] these documents.

So I thought before we go ahead and share it outside, I wanted to make sure that this is the first thing that they see so that if you happen to share the link with people outside, that they will see this too, so I'm sure you'll take precautions in sharing this document with proper caveats, but I think that this will help.

So let me show you what I'm going to do, and I want to maybe pause here before I do this so that you can advise me. Last time we talked about this, nobody had any objections, but there was a bit of a concern about the view only mode section. But I want to change this document for viewing only for anyone who has this group. So, anyone with the link can view. So IRT members or anyone can share this document directly. I'll pause here and get your input. If you have any objections, I'd like to hear them now. And please advise me. I think this is the right thing to do, and some of the members of our ITT have requested to me to make these documents more public and transparent, because it's hard to get to them if you're not on the IRT. And I'm trying to make that happen, but cautiously.

All of our meetings are documented, recorded, so it is open to anyone who wishes to view, but this just makes it more convenient for us to share. For example, like EPDP2 team would like to see what languages are being used right now, it would be easier for any member of our team to just give them a link and let them view the document. So let me see. I'm pausing. Any input, comments, thoughts?

Yeah, we are far from being done. Alex, I agree with you. That is probably my primary worry, that when you are looking at it, it only looks like we're done. So that is worrisome. We don't want to mislead the community in thinking that. But before you share, please make sure that you warn them or give them proper guidance. If we all do that, then I think it's okay.

Okay, then I'm going to do this. Anyone with the link on this document can do this. So we're done. So this one is done. Okay, thank you, Marc. So I'll keep doing this with our documents so that—we have a ton of documents that we worked on on our drive, right? But there isn't one sweeping way to do this for the whole drive, but individually for specific documents, we can make this happen. And the only ones who can change this setting are me, Andrea and Isabelle. Three of us can make this change. So you'll have to contact one of us and I will let you know when these things happen so you're aware that you can start using this link to share the documents. So this is our first one, it is our main one.

And the second one I'm going to do that is the FAQ. This is our FAQ document, and—so I'd like to change the setting to the FAQ document as well, which I think is already posted here. If you look at it, we've been

copy and pasting, but if we just put a link to our document, I think that will be easier.

So let me do that, and now you know what we're doing. So that is a new way of doing our work, changing a little bit of process for being more transparent and easier to share, but at the same time, we want to be very clear on what we're doing as a team in sharing things with the outside. So that's all. I wanted to cover that because during the ICANN 70 session, this is what we will be talking about, and then we're going to direct them to the Wiki to find all the documents and the link thereof, and we'll put the link of the policy in this Confluence somewhere so that they can come in here and click on the link to get to our policy document, which is this.

That's the process, so now let's get into the drafting errors section. I think this is one of the most important things that IRT does, and it is a challenging item. Now, when we are talking about—on the surface, our job is easy, to implement what's given on the recommendation and copy those recommendation words down, now we have a policy document. But this is probably a good example why we cannot do that. An IRT is counted on, thinking about the recommendation language, and make sure they make sure they make sense for implementation.

So this is important work, and one of the things that we have to do is when we look at things that we believe it was incorrect, and people make mistakes—we all do, so we're not blaming anyone here, we just recognize that with the given amount of time that the EPDP team had on the phase one, they were under a lot of pressure to produce, and it's remarkable that they did produce the document, the recommendation

within a year. That's the first time I've ever seen it happen and done. So it is quite an accomplishment.

With that, of course, we know that especially towards the end, they were rushed and they may not have done the things that they wanted to do if they had more time. And this is where we come in. We certainly don't want to make any kind of policy requirement, if we believe that we're incorrect.

So I was thinking about how to best do this, and we did try to look for where this happened, and our back transcript, but it proved to be time consuming, so I think what I found was our team—and thanks to Isabelle who's editing this document here in preparation for the public comment, and this is section five drafting error identified in phase one recommendation. So what I realize is this: if I cannot explain [myself, I'm me,] and if every member of the IRT cannot explain why this item is a drafting error, then we are not—this is inadequate. So what we must do, especially for—think about the community who's coming into this and reviewing public comment and saying, “Hey, here's something that we did and this is actually inconsistent with the recommendation,” they're going to be questioning why and looking for the rationale so that they can either agree or disagree. We may get comments from the public that says they disagree with our direction. And that's fine, but it would be reassuring for community to review our rationale and agree, yeah, that I'm glad that you guys found that, and yeah, I agree that implementation is obvious that we have to do it in an inconsistent manner. And it is really not worthwhile for us to be sending it back to the GNSO council, for example. That is one option we have. We have to say this doesn't look right, can you go and confirm this? And we can

write a series of requests or activate our GNSO liaison to have that conversation with the GNSO council. But then if we believe that that's not warranted and that's not a good use of our community support, we shouldn't be doing that. And henceforth, what I'm asking to do in terms of process here is let's use section five to capture all the things that are in question that could be categorized as inconsistent with a recommendation or drafting errors, and review these rationale. And please help me—help us—to add words. Initially, what we had in the words were, "Rationale, IRT all agreed that this was inconsistent," and I thought, wait a minute, that doesn't really explain why. It's good that we may have had a discussion and we all agreed, and then people will be asking for, where's the transcript where the rationale was discussed? It gets back to the same thing we encountered, and realized that. So I think this is the place where we have to provide sufficient rationale, as much as we have to put down the words in the most clear sense that we can explain, and we really need the IRT to help us with that.

Now, I think this is the one Marc volunteered. I think, Marc, you said that you were going to provide some words. Yeah, this one. Marc provide writeup on the rationale. So I was waiting, but I didn't see it, so we just put down the words that we had, and then please feel free to go ahead and suggest it here or send me a documents. Does that make sense? I'll pause here and take questions, comments. Marc, if you want to make a comment here. I don't know if this is what you had in mind, or maybe you can be a lot more eloquent or specific with your references. But this is where we would like to capture all of your thoughts permanently. Go ahead, Marc.

MARC ANDERSON: Hey Dennis. Sorry I didn't get the text to you. I will take a look at the text you provided. And if I have any comments or feedback, I will happily provide them.

DENNIS CHANG: Excellent.

MARC ANDERSON: I don't have a whole lot—I think everything you just said made a lot of sense. I don't really have anything to add other than to just agree with what all you said. So I think our task is clear and it makes sense. So I'll just give you a plus one.

DENNIS CHANG: Thank you, and I do appreciate not just Marc but all of you. And I've been giving you a lot of homework, and I do appreciate your inputs, of course. It's tremendous help to us to know that what we're doing is in line with what we expected and the right thing to do. Thank you so much. So that covers the drafting error, expiration date when org field—let me just delete this. org field is something that we wanted to talk about today, but we need more time to research this. Never mind.

So Andrea, if you can delete the org field from here and move it to our next section. We're not going to discuss the org field. It turned—it's a very interesting discussion the more and more we peel the onion. It's like, what should we do with the org field and what was meant, and what is really the ... I hate to say the right thing to do or common sense because everybody has different definition of this, but what will we do

eventually as an implementation team is still—I'm still going back and forth looking at the different evidence and arguments and I'm trying to present to you a comprehensive and complete story to make it easier for the IRT to weigh in and give us your advice. So that's next week. Not next week, but next session, so look forward to that. That should be an interesting discussion. And we get to have that discussion at an open session, which I think is also very good.

Next item is OneDoc section 7.6, so let me get there. So we made some changes here and what we are trying to do is to make it clear and deal with some of the things that we were talking about. So first, we shortened this section, but we added a whole lot of words here to communicate what we were trying to communicate up here in a lot more detail and more explicit, but then at the same time, as we were writing this and we wrote this after that, this looked more like an implementation note rather than a policy language. So what we want to do is ask you if you think that you would agree if we moved this to the implementation note. So I'll open it up for discussion and comments here.

Sarah, go ahead.

SARAH WYLD:

Thank you, Dennis. Hi everybody. Thank you for making these changes, which I do think that moving that information to a paragraph underneath 7.6.2 is helpful. That seems useful to me. I will need some time to consider this as a whole. I kind of thought that we were waiting to hear—weren't we waiting to hear back about how the org field is to

be handled? I thought there was something preventing us from finalizing this.

But actually, what I wanted to say is 7.6, if the registered name holder enters a value for the organization, registrar must inform them that the organization will be published. Now that does not match my memory of what the recommendation said. I thought there was an option that the registrant could provide an organization but not opt into publication. So I will want some time to review that in looking at the rec. Thank you.

DENNIS CHANG:

Yeah, I think I see your point. I think maybe then [I'd give it to you] for next session, we will have an in-depth discussion about the org field, whether we should have it, whether we should transfer it, whether we should publish it, and maybe within that discussion, we can review this also. This 7.62 is a key element of what will happen or what we should do with the org field and how it happens now and how it's being treated, but it is an in-depth discussion on the org field.

So if everybody is okay with it, we will go ahead and postpone the discussion on 7.6 changes then. We will go ahead and add that as a part of the org discussion at our next session. is that okay with everyone? Then we'll move on. Thank you.

Yeah, Brian, the org field, the org field, the [ultimate] deletion of the org field, that is a narrow decision, I think, narrow discussion that the Board and the GNSO council is having. And initially, I thought no discussion on the org field until this decision is final, but then we were looking at this and we thought we could make progress, because there are separate

and different issues with the org field that we can work on, so that's what we were trying to do.

Yeah, Sarah is right. [I agree with ...] Thank you, Brian. Yes. So we will move to, then, our next topic of discussion. Okay, thank you. Our next discussion is RedDocs, and this one is registrar transfer dispute resolution policy, and I am now looking for IRT comments on this policy. And please feel free to raise your hand and take me there directly if you would like. I see some comment from Sarah. Did you want to talk about this, Sarah, you suggesting a change?

SARAH WYLD:

Yeah, I think I was responding to the previous comment that you can see there talking about the SSAD, and I just don't understand why we're bringing the SSAD into this at all. But also, I will say I don't see the SSAD mentioned in the actual text of the changes. I only see it in the comment that I'm responding to. So perhaps [inaudible] the whole thing. I don't know who wrote the original comment either.

DENNIS CHANG:

Yeah. I think the author here is one of our staff members probably copied something from earlier IRT. But I agree with you. I don't know whether SSAD has any bearing. We shouldn't be talking about SSAD at all here. So if you don't mind, Isabelle, can you clear this comment? I'll make a note for Isabelle. Nice. This helps out with so many things going on.

Okay. And searching. Oh, okay, flagging this for discussion at an IRT meeting. Thank you for making that note. This is helpful to guide us. Okay, so we have registrant/contact data is published in the authoritative RDDS, and ... Was it this one? Did I get the wrong one? It's this one, right? Beth, you have your hand up. How are you, Beth? Welcome.

BETH BACON: Hi Dennis. I'm great. How are you?

DENNIS CHANG: All right.

BETH BACON: How is everybody else? Great?

DENNIS CHANG: We're having fun.

BETH BACON: I mean, we have an ICANN meeting next week. How could I not be just at the edge of my seat? So I was just going to say that not on this comment, but just in general, we have a lot of redlines in this. So I was just wondering what the status of those were. Are they agreed? Were people okay with the redlines and additions and deletions? And if so, how can we mark those as ready to resolve?

Because I think sometimes when we come into these, while it's great record and it shows that we did our work, at some point we need to just clear them up so that we're only focusing on open items.

DENNIS CHANG:

I see what you're saying. And now that I'm thinking about this, maybe one of the tools that we should use is a clean version. So we need to maintain the redline version because we need to publish it with a public comment. A public comment is required and we want to be able to publish it for public comment so that people can see what the changes are.

BETH BACON:

Yeah, no, that's cool. My thought is just don't create another version because we'll all lose our minds. But if we could just—like you do for Isabelle and highlight the redline, say, this is approved, so you don't have to resolve it, but it's clearly like IRT approves, because I think if we have another version, we're all just going to [throw ourselves into traffic.]

DENNIS CHANG:

I see. Okay. For every change, make a note that IRT reviewed.

BETH BACON:

And again, it's just me. I don't know if that makes sense to the rest of the team or if the rest of the team think that's a bananas approach, just please feel free to tell me I'm bananas.

DENNIS CHANG:

It will take a little bit of time, but we can go through and do things like—here's an example. Let me see if it's as simple as something like this. So that means IRT reviewed and there was no issue with this, as an example. I think if you came into this document and saw that, you knew that when the IRT review was held and then it was done. Starting here, from the top. Was it the top? Like this.

I think Beth is looking for a convenient way to mark this so that you know—oh, yeah, I looked at this [inaudible] so I'm okay with it. I think that's probably a good idea. And for the public, they don't need to see the comment. They will not see the comment, because for the public, they will see it like this as a redline, which is good enough, I think. I don't think we need to provide a clean version and redline version. Let's just stick with the redline version.

Yeah, I think it's a change. It's something that will take a little bit of time and we'll do that with every IRT meeting and every time we view something and review it, we'll mark the date with an IRT. And we all know that IRT date, this means that we reviewed it together today.

Thank you for the suggestion, Beth. It's accepted, so we will adopt that process from now going forward. I'm telling you, this RedDoc, on the surface, we went into this and saw this as no big deal, we just make the changes and move on. But the more and more we get into it, it is very—it's not easy. It's time consuming. So I do appreciate you looking at it in such a detail, and we did talk about whether or not it was worth the community or volunteer time, and I think that I was getting good

confirmation from you all that it is time consuming but it's well worth investing in it right now for our future.

So let's get on with this discussion. Sarah, you wanted to talk about it with the IRT, and I give the floor to you. Go ahead and open the discussion. What is it that you had in mind?

SARAH WYLD:

Sure. Thank you. Hi. So this is actually something that came up when the CPH team members met, so it's not only my personal comment, but operationally, registrars are not generally obtaining the contact data and doing a complete FOA at all. It's just not happening. That's the reality, because primarily, registration data is redacted and because that's what the temporary specification says, is that it's no longer required, and I believe that we expect the upcoming transfer PDP to take that issue and formalize it as the new policy, that we don't need the FOA for the gaining registrar.

So my concern here is just that adding this language in now is going to complicate things in terms of both current operations and the future PDP.

DENNIS CHANG:

Oh. I agree with everything you said, but do you think that what we're doing is complicating it for people now?

SARAH WYLD: So, if this policy goes live and then now we have a registrar who doesn't have the current practice of obtaining the gaining FOA because that's what the temporary specification says, but then this says—this, I think, just can be contradictory so it becomes very difficult.

DENNIS CHANG: Even with the word “if?”

SARAH WYLD: Yes.

DENNIS CHANG: Any suggestions? Let's see, what is the exact change here? We're adding this, right? That's the change?

SARAH WYLD: Yes, that was the change.

DENNIS CHANG: If the gaining registrar is unable to provide complete FOA. That was the original word, and then we are suggesting that adding “if the registrant/contact data is published in the authoritative RDDS and the gaining registrar is unable—” the fact that it's published, if it's published does not negate the fact that you're unable to get the information. I think this was done with the expectation that there may be redaction happening.

Anybody else have an issue with this complicating—we're going out of our way to make it worse? That's certainly not what we want to do. We want to make it easier and clearer for the registrar. So we're receiving input from the registrar that this actually doesn't help, this actually is worse. Anybody want to comment on that?

BETH BACON: Dennis, can we just have a second to read it and think about it?

DENNIS CHANG: Yeah, go ahead. Beth, are you ready to talk?

BETH BACON: No, [I'll let Sarah go.] Thanks.

DENNIS CHANG: Brian next.

BRIAN KING: Thanks, Dennis. Am I after Sarah? Sorry, I didn't understand.

DENNIS CHANG: Sarah doesn't have a hand raised, so it's Beth, then Brian, then Marc.

BETH BACON: Okay. Sorry. I thought I saw Sarah's hand up. My fault. So I have a couple of questions here. Because this is part of the TDRP and not really part of the EPDP or the final report, I think the questions we need to answer here are, is this particular item directly addressed in the EPDP, and how is it directly addressed in the temporary specification? Because it does seem to change the practice of what happens now. And I think this is a much more practical question for registrars who are going to have to carry this particular process out. But I think those are the foundational things where we can maybe look at and then get to where this should be as opposed to being more complicated and just thinking about it in the abstract. I see now Sarah has her hand up. I knew it.

DENNIS CHANG: Yeah, but Brian gets to go first. Go ahead, Brian.

BRIAN KING: Thanks, Dennis. The way I think about this is, coming from an IP background, perhaps not surprisingly, corollary to the UDRP where it's kind of presumed that the provider will be able to get access to the data from the registrar, and this language seems to imply that they wouldn't for some reason, which I would find confusing and problematic.

So through that context, I would think that the language in XIX is unnecessary and would be better removed. Thanks.

DENNIS CHANG: Thank you. Next is Marc.

MARC ANDERSON:

Thanks, Dennis. Trying to wrap my head around this one, and I'm not a registrar and don't have to deal with transfer disputes or the TDRP policy directly. But I'll give it a try. I think that the problem came about like XX is designed to provide instructions to the dispute resolution panel, so how they should consider the facts of the case in so much as if the gaining registrar is unable to provide a complete FOA.

And that's complicated a little bit currently because registrars are not doing a FOA prior to the transfer really in any cases. But the edit here subtly changes the meaning. Instead of being an instruction to the IRP panel, telling the IRP panel how to rule if the gaining registrar is unable to provide a complete FOA, it instead sort of changes it subtly by saying if the registrant contact date is published in the authoritative RDDS, and the gaining registrar is unable to provide a complete FOA. And I think that actually changes the meaning and intent of XX if you look at it in sort of the entire context of the transfer dispute resolution policy.

That might make a little bit—the language you suggested might—put that in quotes—might make sense as part of a transfer policy edit, but this is the transfer dispute resolution policy. And in the context of the transfer dispute resolution policy, I think the edits are not in line with the intent of the overall context of this section of the policy.

So I do hope that helps. Again, I'm not an expert on this, but that's just sort of my read and a little bit my understanding of listening to what other registrars have said.

DENNIS CHANG: Thank you, Marc. I think I heard you say your judgment is that the additional words are not aligned with the recommendation for the policy recommendation. That's important input. Sarah, go ahead.

SARAH WYLD: Thank you. Yeah, so I do agree with what Marc was saying, that this is supposed to be instructions for the panel. I do agree that I think some change is needed to these sections, XIX and XX. I'm just not sure that this is the right change. So for XX, if the gaining registrar is unable to provide a complete FOA, then something has to happen. So, okay, we already know that the gaining registrar will not have the complete FOA, but I think what needs to happen in that circumstance is that the dispute resolution provider should communicate with the gaining registrars to find out why and to confirm that they did have some type of transfer authorization which will be in the form of a transfer authorization code.

And then so for XIX, I guess I think I heard the suggestion that the whole section should be removed, and I'm not sure I agree with that, but if the suggestion was just to remove the edit and to remove the new text, then that seems okay to me. Thank you.

DENNIS CHANG: Trying to think about what you just said, I'm getting the feeling that we put a lot of effort in adding these words to help the registrars and the panel, but it seems like we made it worse and I'm trying to figure out what we were thinking or why we went through the trouble of adding these words. It would have been so simple to just leave it alone.

And this is where maybe we're overthinking the whole thing. Instead of trying to help you, it turns out that it's actually damaging. And this is troubling me, that we neither—when we made the change, maybe we should have documented a rationale in a better way. And I just want to point your attention to this kind of thing where we are trying to provide you some of the rationale as we make the changes so we can communicate better the thought process that we were having when we make these edits. Now, I will provide the floor to Marc.

MARC ANDERSON:

Thanks, Dennis. I reread it again, and I do think that these edits might make sense in the context of a transfer policy, but not in the context of the transfer dispute resolution policy. It almost—if I were to make assumptions about where this text came from, my assumption would be that somebody coming up with these edits lost track of the context of which the edits were—the document the edits were in and that this is for the transfer dispute resolution policy. And I see Susan asked in chat, if the registration is available, why wouldn't the registrar request the FOA? And I would say that's completely not the point of this document. This isn't about what practice you do for transfers. This is what happens in a context of the transfer dispute resolution policy.

It's, "If you're unable to provide the FOA, do XYZ." It's not, why do you have it, why don't you have it? It's, "This is how the panel makes its decisions."

DENNIS CHANG: That's an excellent point, a reminder of what we're looking at and what context. Thank you for that. Susan, go ahead. And before, I'm reminded to remind you to please state your name for the recording, starting with Susan. Go ahead.

SUSAN KAWAGUCHI: Hi. Can you hear me?

DENNIS CHANG: Yes, we can.

SUSAN KAWAGUCHI: Okay. I'm always surprised. So this language makes my—

DENNIS CHANG: And Susan, please state your name.

SUSAN KAWAGUCHI: Oh, Susan Kawaguchi for the recording. Sorry.

DENNIS CHANG: Thank you.

SUSAN KAWAGUCHI: [Yeah, I don't follow directions well, obviously.] So this language makes my head hurt, and I do sort of wonder if it belongs here. But in this case,

if they've requested an FOA that does not match the data in the RDS, whether or not this is a good way to do it or it's hard to code for a fork in the road, any of that, but what this is saying to me is if an FOA is requested and it comes back that it is not the same data as published, then the transfer should be reversed. That makes sense to me, because you've got data to validate, you get the FOA, it says—so maybe it's my data that's published. Susan Kawaguchi owns this domain. But it comes back that Tom Smith is now the owner or has completed the FOA. What does Tom Smith have to do with Susan Kawaguchi?

So I think this is a very edge case, maybe, at this point, because I agree, the FOAs aren't used. But I don't see this as a discussion of whether or not we do an FOA or whether or not a registrar does an FOA, requests an FOA. That's all I had.

DENNIS CHANG:

Okay. Thank you, Susan. So I don't know, what do you think about the note that we made or Isabelle made to [inaudible] IRT? We're trying to think about the panel who's trying to do their job, and all of a sudden, the information they need is redacted. So yes, if it doesn't match means that you have the data so you're trying to compare it to see if it's matched or not matched. But if you don't even have the data, then what do they do, is the question.

And we want to be consistent with the intent of what the panel is supposed to do, and we don't need to change that—we're not changing the policy here. So, what is the panel supposed to do, is what we were thinking about. So we wanted to instruct the panel that if it's redacted,

then you have to contact the registrar. You can't just say, well, there's no data so it's redacted and therefore I'm just not going to do something or reverse it, they make their own decision based on what they think in a random fashion.

And that's what we were worried about. Does that make sense, what I'm trying to say? And if there's anyone who wants to talk from the staff, please raise your hand. You can help us get to more clarity here. Amanda Rose, please. Thank you. You are well experienced in these important procedures [perspective.]

AMANDA ROSE:

Okay, I'm just going to add where we were coming from with these changes. So just to address XX mainly, is, what I think Sarah said, absolutely, there are changes that are needed, and maybe these aren't perfect, so we're open to taking suggestions on how to tweak them. But what we're trying to avoid is essentially there are several situations where an FOA is not used, whether that is because of the temporary specification or because of the Board [referral] of the requirement or enforcement of the requirement, I should say, in which case most do not use the FOA at this point. So the end result would be basically to—In not changing this language, the dispute resolution provider is going to be instructed to reverse this transfer in every case that the FOA is not used. So we're trying to find language to avoid that end result, which I think is definitely not what everyone wants to see here or what we want to see [be compliant] as far as under the current situation that we find ourselves in with those two issues.

So we're trying to find language to prevent that end result, which is if we leave it as status quo, right? Taking that into consideration, we're happy to get feedback on how it should be modified if someone has another idea, but I think it definitely is a situation where we do need to come up with a change here to avoid that end result.

With respect to XIX, I think Dennis already said, but basically, it's not just where the data doesn't match but where there is no data, I think the dispute resolution needs to get that additional documentation in order to come up with a decision. It's kind of like gathering all the facts and figuring out what to do in this case. So we were trying to address that issue. So again, open to suggestions and other ideas, but that's what we were trying to accomplish here. Thanks.

DENNIS CHANG:

Thank you for that. Beth is next. Go ahead.

BETH BACON:

Thanks, Dennis. Thanks, Amanda. I think that's helpful with regards to background. I think I'm hearing a lot of consensus that, yeah, we think that XIX and XX do need some change to reflect the recommendation text, but these are just not those changes. So I would recommend that maybe we just take out the additional red language and then we can suggest some minimal change that's in line with recommendation 24 that would solve the problems that folks aren't using the FOA but wouldn't constitute substantive policy changes to a transfer dispute policy that that's not what this PDP is doing or this IRT is doing. So I think that we need to be careful not to go too far there, and we can just

do some very light, tightly scoped changes to reflect the recommendation language.

DENNIS CHANG: Okay. I think we're kind of getting on the same page here. Sarah, you have your hand up.

SARAH WYLD: Thank you. I also, as Beth said, appreciate Amanda's input. That is helpful. I do agree that right now, we should just be trying to figure out how to make these instructions align with the changes from recommendation 24 that will be helpful to the dispute resolution panel. So my understanding of recommendation 24 is that it says if the FOA is not happening—which is the case at this time—then we rely instead on the transfer authorization code to verify the transfer.

So perhaps the change here should reflect the same thing and say, so if the gaining registrar is unable to provide a complete FOA—which will be the case—then the dispute resolution panel should work with them to confirm that they did receive the transfer authorization code and that the registry verified that it was the correct code for that domain name. Like maybe that's the change that we need to make. Thank you.

DENNIS CHANG: Okay. So what I'm hearing is I think that we as a team do see need for some changes, and I think maybe now that we understand the situation and the purpose for the attempted suggested change, that maybe we

take some time to come up with different words that would be more aligned to the policy recommendation.

Now, I want to remind the IRT—and us too—that if we believe a change is more than what we used to call the terminology change or more than perhaps a policy consistent with the registration data policy implementation, then we do have the option to document those and provide it to the GNSO council for guidance. So I don't want us to forget that option.

So it may be that we have not exercised the idea, but it may be that these are the first ones that we may choose to go that way. In other words, don't make the changes here but ask the GNSO council to see if we should make the change or not.

The one thing that I wanted to avoid is this: the unintended negative consequences of us not taking action. In other words, when the policy goes effective and then this document gets updated in the effective date, all of a sudden, we somehow disable the dispute resolution panel from doing their job, and that was completely not what we had intended and that would be a bad thing to do. And that's the caution that I've been presented with, and I'm careful with both making the changes and not making the changes, because I think GNSO council has directed, and that's what we're trying to do. We're trying to make sure that we take time to avoid any unintended consequences of not making the changes, and that's why we're going through every document word by word to see how it would look different at the time of policy implementation.

Knowing everything we know about what's going on, but also, we have to consider the pure requirement and the time of people doing their job so that we don't disable them. Go ahead, Marc Anderson.

MARC ANDERSON:

Hi Dennis. I think your comments just now are spot on. When the CPH team was reviewing this, as a team, we ultimately just decided to flag it for discussion during the IRT call. I think the discussion we're having now echoes some of the discussion we were having when we discussed it. I think your comments are spot on. We have to be cognizant of unintended consequences of making a change and of not making a change and making sure we get it right, and unfortunately in this case, I think it's not so easy or straightforward. So I just think your comments are spot on, Dennis, you're right to be cautious and deliberate here, and I think we all have the same goal in mind and we want to make sure we get it right. So that doesn't solve our problems, [inaudible].

DENNIS CHANG:

I think the bottom line is our job is hard. I guess that's why they gave it to us, right? That's why we have a team together and a large IRT group built with multiple expertise from various facets. So let's do this: for now, let's make this—and I'll make this note here, and I think this is consistent with what—so 2021/03/10 meeting, we'll revisit with perhaps new suggested language.

So I'm going to give the IRT a homework. Please think about this, and propose some changes. I get the feeling that what's on here is not acceptable. Okay, that's good, we learned that. That's our first attempt.

Now let's see if there's changes we believe should be acceptable to the registrars, of course, and the panel to do their job. And then if we can come up with those languages that were used, if this is so hard we just can't do it, then we give up and ask the GNSO to solve this problem. We have that option, don't forget. So far, we have managed to go on, but if there are cases where it's just not worth the time that we're investing to struggle with this, and we should just flatly send it to the GNSO.

Sebastien is not here today, unfortunately, but that's his role.

ANDREA GLANDON: Dennis, Sebastien is here.

DENNIS CHANG: Oh, Seb, you're here in our conversation.

SEBASTIEN DUCOS: I joined late, but I am here.

DENNIS CHANG: Thank you. So just a heads up, we haven't done this yet, but there may be cases where we are running into a complexity where the IRT and our team is going to suggest sending it to GNSO council for direction.

So not yet. We're going to try one more time. And here are the two homeworks I noted. Please review this, and I would greatly appreciate revised wording to avoid unintended consequences of not making the

change. Thank you, everyone. That is that one. Let's see. Is there anything else on this document? No, that was it.

So again, I appreciate Sarah making the note for our discussion. This was well worthwhile our time to discuss that. This is exactly the type of thing that we should be doing as a team.

So next item is Task 134, this RedDoc. And same thing. I'm going to go through. So okay, Sarah, basically commented okay with the change. I appreciate that too, letting us know.

Let's see, won't this number change? Oh, yes, the number will change. I've been holding off on this number change, but I'm now thinking maybe it's a good time for us to go through and revise the numbers now. I don't know how you feel about that. Maybe not, but it's one of our jobs, one of our intended plans to, before we publish for public comment, we're going to go through all the documents to make the numbers match. So waiting makes sense. Thank you for your advice. Yeah, let's just wait. You marked it and I got it and we won't forget that one.

Let's see, any other changes or comments? Okay, so here's one. Sarah, you are suggesting instead of "contact information," "registration data." Let's look at this. This is in the—this is a sample reminder, right? Sample reminder, valued customer and this is a letter to the customer. We say, "Please remember that under the terms of your registration agreement the provision of false" used to be WHOIS information and we're suggesting false contact information "can be grounds for cancellation of your domain name registration."

Okay, so we felt that registration data information is broader. It's certainly different than contact information. But if you just say registration data information, it's much broader than contact information. So what do you think was the intent? I'd like to hear from you. Do you believe—do you want to broaden it to say registration data instead of contact information?

I would like to perhaps change to the provision of to that providing. Oh, okay, what do you think about this? Sarah's contact and use of the contact versus registration data. Sarah, you have your hand up, please.

SARAH WYLD: Yes, thank you. I do agree that Laureen's suggested change makes the language just a bit more clear and natural sounding, so that works for me.

DENNIS CHANG: Oh, okay.

SARAH WYLD: So that changing the provision of to saying providing can be, yeah. In terms of WHOIS information or contact information or registration data, I do not feel super strongly about this one. My suggestion of registration data was an attempt to just normalize the language. I think you had left a comment somewhere else perhaps higher up in this document saying that we used the term contact information in the actual WHOIS data reminder policy, and so in the email that policy is telling us to send it

makes sense to say it. So that's fine. This is not a super big deal to me. Thank you.

DENNIS CHANG: Okay, thank you. So I will just make a note for Isabelle. And just a little wording change, I think. Laureen is suggesting the provision of instead of the provision of let's change the words to that providing. Okay. Like that, right? That providing false contact information can be grounds for cancellation. Okay, thank you, Laureen. Sarah, did you want to speak again? Go ahead.

SARAH WYLD: Sorry, old hand.

DENNIS CHANG: Beth then. Go ahead, Beth.

BETH BACON: Hi. I don't necessarily object to this, but I'm not sure why we are making this change based upon the EPDP. Just changing the WHOIS to contact information, sure, but it doesn't seem like something that's directed by or a ripple on from the policy other than our decision to change whole cloth the references to WHOIS. So that one I understand. And again, this is just better language, so good catch, Laureen. It's just better, but I think we just do need to be careful. Let's not change too much if we don't have to just because we're here and it sounds better. It starts getting messy is my problem. I mean, I agree. It sounds better. But I just think it starts to get

messy and it's like why did you make this change, why did you make this change? Thanks.

DENNIS CHANG:

Yeah. Actually, yeah, you're right. So there is a difference between correcting inaccurate information. We've run into that too that it was referencing the wrong section of a document or something like this, so we corrected those which I think we have to do. We can't ignore it because it's an error. Everybody agrees this is obvious. But then wording changes to make it sound better is sort of a borderline. So I can go either way. What do you guys think? What's your input on that? Are you okay with making this wording change, or should be not do that because it defocuses the change that we're making for the policy consistency? Marc Anderson, go ahead.

MARC ANDERSON:

I think Beth makes some good points. I also wonder making this—unless we look at the terms of the registration agreement, the registration agreement might actually use the word provision. So it could be that this language was done to be consistent with terms of the registration agreement. So I think while just us sitting here looking at the words, providing makes more sense than provision, as Beth said, I think it's a little bit dangerous for us to make changes like this.

DENNIS CHANG:

Okay, I think—I really appreciate the caution, Marc. And Laureen I think has agreed too. This is probably not the time to be talking about wording

changes to make it sound better, so I'm just going to back this out and let's not do that. I know we see a ton of things that wish we had said it differently, but if it's not directly connected to the policy, then let's just leave it alone. Thank you for the caution, and keep trying. Roger, go ahead.

ROGER CARNEY:

Thanks, Dennis. Thanks, Laureen and Marc. Yeah, I think Laureen is right. It should be let's not change it. I just wanted to also put another caution in, Dennis. And I know that you guys look at these things but just to be clear that even if something is wrong in a policy and it's known to be wrong, we have to be careful because there could be clarifications or other things out there that address it. And if we're changing it, now those clarifications are wrong and so on and so forth. So I think that we just have to be careful for any of those changes. Thanks.

DENNIS CHANG:

Good caution. Thank you. Yeah, so that's why you're all here watching every change that we make, and please do review it. And there are techniques where we can address those things. We can put in parentheses notes or something instead of actually changing the language, and we may take that kind of tool.

But here is another one. This was [what you mean]? Okay, so no, that's another one. This one is the same thing, right? You're okay with it, right? Okay. Yeah, thanks for pointing that out. I think we're done with this one so [inaudible] and get to our next one is this document, this RNAP. Let's see what Marc Anderson says. WHOIS doesn't seem to mean RDDS. In

this case registration data seems appropriate. Sarah agrees. And I said, yeah, it should be registration data. So I agree with you. So that means we're changing WHOIS information to registration data. But what I see now is accurate contact information. So I think we decided to delete the whole thing and change to contact information, but I don't remember whether we decided together because I didn't write down, mark it. So let me ask you now. Are you okay with this? Do you have a suggestion? Yeah, go ahead, Sarah.

SARAH WYLD:

Thank you. Earlier in the paragraph it says deleted on the basis of submission of false contact data. So perhaps they should have to provide updated and accurate contact data. Thank you.

DENNIS CHANG:

So you're suggesting contact data instead of contact information. Is that the suggestion?

SARAH WYLD:

Yes, Dennis. Thank you. I am suggesting that the language contact data is preexisting terminology that has not been modified. It's from the policy already. So continuing to use that language just gives us that uniformity.

DENNIS CHANG:

Like that. Thank you, Sarah. Anyone else?

AMANDA ROSE: Dennis, if I can jump in real quick.

DENNIS CHANG: Hi. Go ahead.

AMANDA ROSE: Hi. We were trying to fit with the requirements in the RAA and WHOIS accuracy requirements for the registrant to provide accurate, I think it says, contact information. So agree it should definitely be consistent in the individual policy, but we'll double back and make sure that those are consistent with what we were trying to do here.

DENNIS CHANG: Okay, so you want to take some time to go back and check something. Is that what I heard?

AMANDA ROSE: I think I understood Sarah's comment and that was just to make sure we're not being inconsistent in any single policy or try to be as consistent as possible in everything, actually. But if we're saying contact data, I think that is misaligned with what we were doing originally. And I will just take a step back to clarify that even more. In this policy and the reminder policy we are talking about the contact information that's provided by the registrant.

The RAA requires that certain language be included in registration agreements that requires the registrants to provide accurate information,

but that's related to the contact information that they're providing. And I believe that term is contact information. So if we want to be consistent with the intent, we'll make sure it all sticks with that rather than changing it in different places to say different things. But take your point that it definitely should be consistent throughout. Thanks, Sarah.

DENNIS CHANG: Sarah, do you have your hand up? Do you want to comment?

SARAH WYLD: No, I'm really sorry.

DENNIS CHANG: Okay, so Roger is correct. Contact data is already referenced in the earlier sentence. Right here. Yeah, I see it. It's actually when a registrar restores a name that had been deleted on the basis of submission of false contact data, the name must be placed on registrar hold status until accurate contact—yeah, I see what you mean. [inaudible]

AMANDA ROSE: Yeah, I get it. We'll take a look.

DENNIS CHANG: Okay, so you want to take a more careful look and change it later then if we agree. I think that's what I heard. So let's take a—okay, so let's—so if we make the change to contact data, we'll just go ahead and make it. If

we need to talk to you again, then we will come back to you. Okay?
Thank you very much for that discussion.

Okay, this one. Okay, I agree with Marc and I already made the changes.
So I think that's done. And if there aren't any other comments on that, I'll
keep going.

Okay, here Beth said this should just be registration data, and I think I
already made the change. So I think this is okay.

Okay, thank you, Brian. Oh, is it time for us to part already?

UNIDENTIFIED FEMALE: It's time, Dennis.

DENNIS CHANG: Oh, my gosh. You should tell me.

UNIDENTIFIED FEMALE: [It] just switched.

DENNIS CHANG: Sorry. We're almost done here. Mark, I want to let you know I agree with
you. I made the change. And quickly, I think that was it. Thank you,
everyone. I'll say goodbye now. I'll see you at ICANN 70 in Cancun. See
you on the 25th. Adios.

[END OF TRANSCRIPT]