
CLAUDIA RUIZ: Good morning, good afternoon, and good evening to everyone. Welcome to the At-Large Consolidated Policy Working Group call on Wednesday, the 10th of March 2021 at 17:00 UTC.

We will not be doing a roll call today in order to save time. However, all attendees will be noted on the Zoom room, as well as the audio bridge. We have received apologies from Priyatosh Jana, Sergio Salinas Porto, Hannah Frank, and Vanda Scartezini. From staff, we have Heidi Ullrich, Evin Erdoğdu, and myself, Claudia Ruiz, on call management. We do not have interpretation on today's call. However, we do have RTT services. I'll put the link in the chat for you to follow along, if you wish. A friendly reminder for everyone to please state their name when taking the floor for the transcription purposes and to please keep your microphones muted when not speaking to prevent any background noise. Thank you all very much. With this, I turn the call over to you, Jonathan.

JONATHAN ZUCK: Thanks. Let's look briefly at the agenda. We're going to briefly mention again that there's these talking points document in the Google Doc that's open for commenting. This is the document that we shared if there may be an ICANN meeting. We're going to workgroup updates and from several different places, IGO Work Track, EPDP, and Subsequent Procedures. Then we also need to make a call for volunteers on the Transfer Policy Work Group. We'll do policy comment updates. And then are there any other business? I don't know. I can't see the agenda anymore. Do you want to scroll up?

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.

YRJÖ LANSIPURO: Hello, Jonathan.

JONATHAN ZUCK: Yes.

YRJÖ LANSIPURO: Just a small announcement about the meeting with the PSWG at ICANN70 at the end.

JONATHAN ZUCK: Okay. All right. Great. Thank you. Okay. What were the action items from the last call? Okay. Alan has drafted—oh, I see. It got refreshed. So it looks like all of the action items have been accomplished. Hopefully, all of you saw Alan's draft statement to the EU on NIS2. Please take a look at that very quickly, if you want to make any comments to it, because the turnaround time is quite quick to get ALAC approval and get it submitted on time to the EU. Okay. Olivier, are you on the call now?

CLAUDIA RUIZ: Hi, Jonathan. I do see he joined the Zoom but has not connected audio yet.

JONATHAN ZUCK: I see. Okay. All right. Well, let's go back up to the top. Are there any questions or comments or concerns about the agenda? All right.

Excellent. If you would go ahead and bring up the Google Doc for the ICANN70 talking points?

So this document should be fairly familiar to you. It's similar to ones that we've circulated at the beginning of the last few ICANN meetings in terms of hallway conversation and intervention in existing sessions. So separate from our overarching policy document, this is meant to be conversations that will be relevant given a particular schedule at a particular ICANN meeting. So this document is a result of looking at the schedule of sessions that's taking place and sort of what are hot topics now, if you will, and where we currently stand to those things so that you're in a position to make interventions if there's a session, or if you end up in one of those private Zoom meetings that they've instituted for the next ICANN meeting that will be interesting, then you have an opportunity to speak to these talking points as well. I do ask that you continue to look at this, if you have not yet, to see whether or not these are understandable.

Alan, it might be worth looking at the EPDP talking points because they're fairly similar to what they were last time and if there's an update that's required. For example, should we have a talking point about NIS2 and the need to put the brakes on the current implementation until we know more about what's happening with that, etc., that that kind of a talking point would be welcome. So rather than going through these one by one here, which we do at the beginning of the meeting, I just want to remind you that this document is up and available for people to comment on prior to the start of ICANN70. Are there other questions about it? It's a living document. Please make your comments and it

doesn't go final until the introduction session during ICANN70. All right. Okay. That's it for that issue. Next issue.

All right. One of the things that we are on a deadline for is the upcoming PDP to review Transfer Policy, on which we had a presentation on the last CPWG call. And this is the policies that are put in place when the management of a domain name goes from one registrar to another registrar. So if you buy a domain from someone, sell a domain, etc., or if you just decide you want to change registrars, what does that process look like to take a domain out of one registrar's hands and put it into another one? And so there are some issues that have come up, some of them are pretty technical. But there seem to be a rough consensus on the call that there's enough at stake here for individual users that are registrants that we should have somebody at the table for this conversation. But in order to do so, we need somebody to volunteer to sort of be the shepherd for this issue inside of the At-Large community so that they're keeping track of what's going on in the workgroup showing up to meetings and reporting back if something significant comes up that they think is a cause for concern. I'd love to just open this up for conversation, to see what people's sense is about whether or not we should participate in this workgroup, if there's different opinions on that, and also if there's anyone that's interested in this and would like to participate.

As Evin mentioned in the chat, the GAC requests three seats at the table for this PDP. So it seems like something in which participation would be merited and we need to find somebody that would be interested in participating on our behalf. So don't all raise your hands at once and

confuse the staff. I appreciate how polite you're being. Holly, please go ahead.

HOLLY RAICHE:

It depends on what time they meet. I was certainly part of the group that started this Transfer Policy and I've kind of been watching it. I certainly know a lot about it. I wouldn't want to be the only volunteer because the meetings used to be 2:00 in the morning, and I don't think I can do 2:00 in the morning every week. But if I can actually be part of something to at least watch what's happening and make comments, I'd be happy to because it's an area I know about and it's an area I fought over. And it is very clear to me that the EPDP impacted very much on the sorts of policies that were there as a matter of making sure that the parties who requested actually requested and that you've got transferred to where you wanted to get transferred to. So yeah, I'd love to be part of a team, I don't want to be the whole team.

JONATHAN ZUCK:

That's great, Holly. Thank you very much. My guess is they don't know when they're meeting yet, so we can't give you any upfront knowledge on this. Joanna has agreed to join you in the separate, which should be a great help, Joanna. Sufficiently different time zone from Holly. So I would recommend the two of you get engaged in this workgroup but stay in communication with us. In other words, if the timing is not working out or you need more help or more support in making the points that you're making, we're here for you. The point is not just to send the two of you off into the wild of a working group unsupported.

HOLLY RAICHE: Look, I can happily work with Joanna. I can listen to the meetings and then explain to her, at least have discussions, and so forth. So I think that will work really well. Thank you.

JONATHAN ZUCK: We've got Steinar as well. That's great. So we have three names, Maureen. And we have a hand from Alan Greenberg.

ALAN GREENBERG: Thank you. Just to note. This is a really messy area and anyone who volunteers really has to be prepared to do their homework and perhaps a couple of tutorials from some of us who have done a lot. There are a lot of details and you'll also need a pretty good appreciation of what the registrar business is like to do it. We don't have many people who are versed in that, and therefore, it's got to be at least somebody who's probably relatively new but they do have to be prepared to do their homework. I have no doubt that Joanna would. I'm not saying that as a negative for any particular participant. Just be prepared. Thank you.

JONATHAN ZUCK: Thanks, Alan. That's a good point. I know Joanna will do her homework, and we now have Steinar on the group as well who does have that understanding of the underlying business model.

I'm sorry. I stopped talking because I started reading Justine's a chat. That's the difficulty with chat. Yes. So they are looking for placeholders

for us. So we're trying to figure out before even asking for a place, Justine, whether or not we have volunteers to put in place. So that's the rationale for having this conversation now, because it is a call for volunteer slots, if you will, that's taking place. Cheryl, please go ahead.

CHERYL LANGDON-ORR:

Thanks, Jonathan. Sorry about my voice or, in fact, sorry about my breathing which might give out at any time. My apologies. Justine, just to make clear, the call for volunteers hasn't been made yet, that yes, the PDP, the process is only at the chartering but this is a little bit of a horse before cart by the GNSO Council, recognizing that this is a review and a review to establish how things are going with the policy as she is writ, and that was part of the putting forward of the policy in the first place with the last review process that many of us are involved with. And that was a four-part and this is probably going to be in several parts as well. The GNSO Council has had a small team working on the chartering, and it's from the charter that the model is chosen but the high likelihood, especially coming out of a webinar in my time yesterday morning was done for the GNSO Council on policy, it's going to most probably be the representative model. The GAC has already written to say they would like to see three seats given to them, as you all noted. And so it's probably a good idea if Maureen and the ALAC at least say we'd like to, if not three seats at the table or two and a reserve, or whatever, because you're good people to step up. But it's going to end up very much industry-focused, they're already talking about—I think it was 13 seats at the table for industry. And, for whatever reason, the GNSO is concerned about size. But apparently, there's a huge difference between

30 and 50. I'm not sure I understand that, but anyway. Jonathan, you were on the call.

JONATHAN ZUCK: I was, yeah.

CHERYL LANGDON-ORR: And the webinar. We should put our hat in the ring. And right, I think, be proactive, if possible, just as the GAC has. I'm happy to bring that to the Council, if I've got the material to do so. Thank you.

JONATHAN ZUCK: Excellent. Thanks, Cheryl. I think we're on the same page there. It was a sort of a bizarre call yesterday because it somehow suggested that because they were the implementing parties, they should dominate the discussion. And so it's definitely got a very high percentage of industry participation and probably needs a good check and balance.

So I think we're good with three people that have identified themselves as willing. We may not even need to give anybody any names as for yet, but we needed to know that we wanted to participate and to give guidance to Maureen and Cheryl in terms of reporting what our desire was in terms of slot. So, as you say, either two and a reserve or three slots is I think what we want to recommend.

As Greg said, don't be shy about the three seats. It's not a question of shyness, Greg. We want to make sure that we actually want to have three people that are participating all the time and that may be difficult.

But two and a reserve may give us something that we're able to then accommodate with volunteers.

Okay. I think, Cheryl and Maureen, you have the information you need to proceed. Holly and Alan, I'm assuming those are old hands. Okay. Great. My understanding is that Olivier is back to save me from myself and take the meeting back over again.

OLIVIER CREPIN-LEBLOND: I'm indeed back. Thank you very much, Jonathan. Of course, you've been so efficient. I need to bring some inefficiency to this call.

JONATHAN ZUCK: Thank goodness.

OLIVIER CREPIN-LEBLOND: We're already on workgroup updates up to 20 minutes. How can that be ever? Anyway, thanks for coming in there. I noticed that Greg Shatan has his hand up.

GREGORY SHATAN: Thanks. My hand was up more about the last point. I'm hearing somebody speaking. Yrjö? I thought it was Yrjö but I think he has been muted now.

Just on the last point. I'm always concerned about this somehow being turning into a multistakeholder theater or window dressing for an industry trade group and when you hear numbers like 13 or even, at

some point, I heard 20 seats for contracted parties together and we're lucky if we get two, and on the IPC side, for instance, one for them. You start wondering whether this is actually the multistakeholder model involving checks and balances, as I think Cheryl said, or are we just providing cover for an industry group? I think it's very much up to us, especially representing the billions that that we keep this in check and make sure that this really is a multistakeholder model and that the representative model isn't turned into a sham for a multistakeholder farce. Thanks.

OLIVIER CREPIN-LEBLOND: Thank you, Greg. Next is Alan Greenberg.

ALAN GREENBERG: Thank you. Just one note. In this kind of PDP on the Transfer Policy, much less than in other areas like the EPDP, it's not quite as much an issue of them and us. It's pretty much in everyone's favor to have a really robust Transfer Policy. It doesn't help the registrars if they have a lot of people contesting improper transfers or things happen that aren't quite proper. So, although we definitely need people there and there's no doubt in my mind that we want to put our hand up and say we want representatives on this group, it's not really likely to be nearly as much of a dispute between one side of the table and others as it is in many other cases. So it's just something to keep in mind. That doesn't say everyone will agree and be happy with everything everyone does. But it's much less confrontational—is the word I was looking for—than some of the other types of exercises that we go through on PDPs. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Alan. I see several more people in the queue for this. Hadia Elminiawi first.

HADIA ELMINIAWI: Thank you, Olivier. I just wanted to agree with Alan that this Transfer Policy is in the best interest of everyone, and I think everyone will be working to make it a success from different perspectives as well, however. And this is very different than the EPDP where actually the people who meet to implement the service don't actually want to do it and find little merit in its benefits. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you, Hadia. Next is Greg Shatan.

GREGORY SHATAN: Thanks. I don't disagree with Alan either. And certainly we don't need or want as many seats as the contracted parties, given this is largely technical in nature and operational in nature, at least in its implementation. At the same time, I'm having flashbacks to the IANA transition discussions and some of the table filling that we were doing or seat allocating we were doing in that area, and we had to fight hard to go from virtually no non-contracted party representation on some of the technical things that grew out of the IANA transition to a modest amount. We were never seeking an even playing field, but it is a matter of trying to assure that there is not a marginalization. Also, frankly, I think that, while I agree that this should be all pulling the same direction

thing, the more that we allow lopsided working groups to happen that are truly lopsided, the easier it is to have another EPDP style lopsided group where we are indeed not on the same side of the issues. Thanks. Hopefully, Olivier, we've now added enough inefficiency to the process that we're back on your schedule. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Greg. Yes, you're actually four minutes ahead still, so you could have rambled for another four minutes. But I'll do that for you. No, I'm just kidding. Thank you so much, everyone. Let's get moving. I'm sure we'll have plenty of occasions to revisit this discussion. In the meantime, we can touch on the IGO Work Track with Yrjö Lansipuro and Carlos Raul Gutierrez. Has there been an update on this? Yrjö, you have the floor.

YRJÖ LANSIPURO: Thank you, Olivier. On Monday, we had a work track meeting. There was a sort of preliminary consensus on the road ahead. That is to say that we are going to tweak Recommendation 2, which we were not allowed to touch, but we tried to tweak it, nevertheless. It's about the standing of the IGO at the UDRP, and we thought that if that standing is not assured, the Recommendation 5 which we were supposed to talk about has no meaning, it's theoretical. So instead of having the standing of the IGO at the UDRP procedure, depending on what the panelists or panel thinks, we thought that it should be paste on the list represented by the GAC. And there is another list that could be used, which is from the [inaudible]. After that, it would be, of course, we go to the

Recommendation 5, and there the problem is that if the registrant who loses the UDRP to the IGO, if they want to go to court, then of course the IGO claims immunity. And for that case, I think the consensus was that there should be some sort of arbitration mechanism instead of judicial procedure. Carlos, you probably want to want to say a little bit more.

CARLOS RAUL GUTIERREZ:

Thank you, Yrjö. Yes. The meeting just started, and we have started to turn around in circles, as usual. I just wanted to refresh the memory that we're in the similar situation that we were years ago with the country codes and later on with the Red Cross. The International Olympic Committee disappeared in the meantime. Now we're talking about the IGOs. And what I see—this is a personal view and comparing to the previous comments of these lopsided working groups—this is the system of the right protection mechanism against governmental agencies or governmental entities because right now we're talking only about International Governmental Organizations. In the meantime, we lost totally sight of the Non-Governmental Organizations, and that's, I think, where ALAC should be focusing. If the International Governmental Organizations don't want to go to individual jurisdiction or don't have the money, even, to go to a UDRP process in the U.S. or in California because they think that's silly, what would happen to a Non-Governmental Organization?

Those are the systems that we have from the last century. If somebody asked me, "How does it look?" well, maybe we can carve out a list of governmental organizations like we did for the Red Cross, like we did

with the two-letter country codes for the ccNSO, and keep a slice protected from the market forces from the right protection mechanism. Is this forward looking? No. This is backward looking. As backward looking as it could be. I don't think we should be on the agenda every week because this is going to move slowly. And, as I said, the best that could happen is either list—the GAC list or the WIPO list, which looks more interesting—becomes a standard protected area in the DNS. We're open to questions. Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you very much for this update, Yrjö and Carlos. The floor is indeed open for questions. In the meantime, I guess that in the future, we will be asking you or Evin will be asking you before each call whether you have an update and you'll be put in the agenda as in when there is an update. It won't be a standing item. I'm not seeing anybody put their hands up. It looks like you've had a great start. Notice the sarcasm here. Good luck for the rest of this.

We can move on to the expedited PDP now with Hadia Elminiawi and Alan Greenberg. I'm not sure who will provide us with an update here. And it's Alan. Alan was faster on the trigger than Hadia was.

ALAN GREENBERG:

I'm going to be very, very brief and I'll let Hadia give the detailed update of what's actually going on. There's a lot of discussions going on. People are making proposals. My opinions vary from hour to hour as to whether despair and say we're not going to get anywhere or say just maybe we'll make some headway. I'm not very optimistic but, as I said, it

varies from time to time. In general, the registrars have not been very supportive of the legal/natural issue, and that's the only one we've been talking about to a great extent at this point. There are a number of axes being held over our heads about, can we make enough progress so the GNSO doesn't pull the rug out from under us, and that's not clear at this point.

I'll turn it over to Hadia for perhaps a more in-depth thing. We haven't had many meetings recently. We gave up several weeks of meetings so the Legal Committee could formulate questions that may or may not be asked to be passed on to legal counsel. So we haven't made a lot of headway recently. But that's as far as I'll go right now.

OLIVIER CREPIN-LEBLOND: Hadia Elminiawi?

HADIA ELMINIAWI: Thank you, Olivier. Thank you, Alan, for this update. In the Legal Committee, we have almost finalized some of the questions in relation to the association between the data of [inaudible] in relation to the [inaudible]. Hopefully, those could be approved soon and go out to Bird & Bird. In relation to what we've been doing since we've been [inaudible] between the data of natural and legal persons, we have the GAC proposal, which is actually supported by us and IPC, the BC, and maybe also [inaudible]. And it's more or less similar to all of our proposals and suggestion as well, so this is the proposal that we are all currently behind. There's also a proposal from Sarah from the Registrar group. There seems actually to be some common ground between her

proposal and our proposal, and hopefully we can actually build on that. Our proposal basically makes the differentiation between new registrations and all the registrations. So for new registrations, before the registration, the registrars need to be notified that they need to identify as either natural person or legal entity and, of course, explaining what a natural person is and what their legal entity is and the consequences of this designation. Then if the registrant identifies oneself as legal entity, then a confirmation will be required to confirm that the data does not contain any kind of personal information, explain, of course, what personal information is, and also again explaining that this data will be published, and advise them also not to put any personal information in there. Then finally, there's a step to verify this designation through maybe a corporate ID or existing know-your-customer procedures or screening e-mails for personal info. And that last step, actually, the SSAC is proposing not to include, which is the verification part because they say it is more of an accuracy matter, and they are absolutely correct. However, we are trying to solve for the contracted parties' concerns and we are trying to minimize the risks to close to zero, and maybe this will drive them to make this kind of distinction. Right now also we think that even having a flag at registration requiring the registrant to flag oneself as legal or natural person, that in itself is important, even if no disclosure or publication through the RDS will happen. Basically, that's what we've been doing so far. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Hadia. I see here a question in the chat from Justine, "What are the chances that the EPDP Phase 2A work will be

extended?” And you are muted at the moment. Is it my phone that’s breaking up or Hadia’s phone is breaking up?

CLAUDIA RUIZ: No. It’s Hadia’s line.

OLIVIER CREPIN-LEBLOND: Okay. It doesn’t sound too healthy at the moment.

HADIA ELMINIAMI: I think there is no chance that the term can be. I leave it to Alan. Maybe he has some other thoughts. Very limited chance that the EPDP 2A will be extended, unless we are doing like [inaudible].

ALAN GREENBERG: Let me weigh in.

OLIVIER CREPIN-LEBLOND: Go ahead, Alan.

ALAN GREENBERG: If we are actually making some sort of progress but not meeting the deadline, I think it would be insane for the GNSO to cancel us. They might be under pressure from the contracted parties to do that, however, and remember the contracted parties do have a significant say within the GNSO Council. But the optics of canceling it because we didn’t meet a somewhat arbitrary deadline and a deadline which has

proven unrealistic for a whole bunch of reasons—I mean, we’re supposed to have a status report in a week and a half from now and we haven’t really had any discussions yet. We are asking a whole bunch of legal questions and we certainly won’t even get the answers back by then. So we’re between a rock and a hard place, but they are threatening to cancel if it’s not clear we’re making progress and, in theory, even if we make progress and don’t meet their deadline of an interim of a draft report by May, then they could cancel us. I think the optics of them doing that would be horrible but things have happened. Thank you. I think the answer is we can’t really predict.

OLIVIER CREPIN-LEBLOND: Okay. Thank you very much, Alan. The floor is open for questions and comments. In the meantime, I should note that when Alan says, “Cancel us,” of course, Alan will never be cancelled but it’s the EPDP that would be cancelled. You all know that.

ALAN GREENBERG: Cancel himself.

OLIVIER CREPIN-LEBLOND: I’m not seeing any hands up at the moment. I do have a question myself, which is whether the discussions with the European Commission have yielded anything or have changed anything in the internal discussions of the EPDP. Has there been any impact?

ALAN GREENBERG:

Not one wick.

OLIVIER CREPIN-LEBLOND:

Interesting. Okay. I'm not seeing any hands up. Thank you very, very much for this, Hadia and Alan. We can move on for a quick update from Justine Chew on the Subsequent Procedures.

JUSTINE CHEW:

Hi. Thank you, Olivier. Quick update. I haven't seen any movement on the provisional ALAC Advice Google Doc. So I suppose I'm making a preliminary assessment that everything looks okay. In any case, perhaps it might be an idea for staff to have an action item for staff to circulate the draft as it is without any fixed deadline put in for the time being.

And secondly, unless anyone has objections, I will proceed to touch base with my counterparts in GAC, just to give them on the summary basis the situation with the ALAC advice, having included our consideration of SAC114. That's it. Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you very much for this, Justine. I note Cheryl Langdon-Orr has put her hand up. Cheryl, you have the floor.

CHERYL LANGDON-ORR:

Thanks, Olivier. Just to reassure, I suppose. I'm following on from Justine. The staff generated Recommendations report that is required for the Subsequent Procedure report to go to the ICANN Board has not

been prepared and we do not have at this stage even an ETA on it so. So I will make sure that as soon as I become aware that it is in or about to become into Council for their review and, therefore, it will be after that the things will go through to the ICANN Board in whatever week that happens. I'll also make sure that this group knows, but rest also assured that both Hadia and Justine, who are my shadows in the liaison role of the GNSO Council, will also be keeping their finger on the pulse of it as well so we won't miss anything. We do need to make sure we're well prepared as when it does happen, it may happen relatively quickly. Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you very much for this, Cheryl. I'm not seeing any other hands up at the moment. So I guess the action item on this is indeed for staff to circulate this document that's currently on the Google Doc and for people to comment on this. It is a jumbo document, I'll give it to you. It's 19 or 20 pages in length that does have a lot. Then it was expertly drafted. So having read through it once a few, I should say, days ago, I certainly didn't see very much to comment on or at least there weren't much change. I'd say for the record that the document was drafted with the extensive input from the whole community here since Justine has been sharing this information with us week in and week out. Justine Chew?

JUSTINE CHEW:

Yes. Thanks. Just to clarify what you said, Olivier. It's true that we've been drafting it based on the discussions that we've had in numerous

CPWG calls, but I also like to point out that the relevant portion that we're looking at in terms of the ALAC advice is the top half of the document rather than whole document, so it's clearly demarcated where it has the text for the ALAC provisional advice. And the second half of the document is pertaining to the ALAC statement to the SubPro PDP final report that's already been taken care of. So you can pretty much ignore the bottom half. It's clearly demarcated. You can ignore the bottom half. It's there just for reference as to what we sent back to SubPro and what we are going to put in our advice to the Board. Thank you.

OLIVIER CREPIN-LEBLOND:

Thank you very much for this, Justine. I'm looking at it again. Yes, we do have to check on this because it doesn't make it absolutely clear that below there's no advice as such. We'll give it a final read before it gets sent, I guess, on the way that it's structured at the moment.

I'm not seeing any other hands up. So thank you so much, Justine. And that closes our workgroup updates and opens the floor for the policy comment updates, of which of course we've already addressed one of them, but there are several others. For this, I shall hand the baton over to Evin Erdoğdu and Jonathan Zuck.

EVIN ERDOĞDU:

Thank you, Olivier. As noted, a couple of these are already touched upon but I'll just go through the updates. As usual, there were no recently ratified by the ALAC but there are several upcoming public comment proceedings for March, April, and May, so please give those a look. A

couple of them may open before or during ICANN70, including the Domain Abuse Activity Reporting 2.0.

There are two public comments that opened recently that are for decision. One is the Initial Report on the Third ccNSO Policy Development Process: Retirement of ccTLDs. And the other is the Proposal for Korean Root Zone Label Generation Rules, second public comment on this topic. I can forward this to the IDN mailing list for their comment. So with those two public comments for decision, as has been already noted, the statements in development, the ALAC advice regarding Subsequent Procedures will be circulated on the list.

There's also a draft which has been provided but the deadline for submission has been extended regarding the second Security, Stability and Resiliency SSR2 Review Team final report so we'll probably get a presentation and comments on that draft on an upcoming CPWG. There's also EPDP 2 Phase 2 a public comment open and, lastly, the EU NIS2 Directive.

Alan has a draft that he's prepared and it's on the workspace for this topic. And the draft PDF as well as the link to the Google Doc is on the CPWG agenda. So I could hand it over to Alan to present on this, or if you'd like to review the public comment for decision first, Jonathan, I hand it over to you. Thank you.

JONATHAN ZUCK:

Thanks. Thanks, Evin. I feel a deep sense of non-urgency associated with public comments for decision so we'll come back to them. I think best to give Alan the floor to say whatever he wants to about his draft and,

again, welcome people to take a look at it sooner rather than later. So, Alan, hopefully not putting you on the spot, but is there anything you'd like to say about the draft? We talked about the points previously.

ALAN GREENBERG:

Yes. Thank you. I think it's possible to display it without all the comments showing. I'm not quite sure how to do that but I'm pretty sure it's possible. If that can be done, I'd appreciate it. Someone has gone through and identified a whole bunch of things that they think I could eliminate or reduce and I find that that's going to be distracting to when we're talking about it right now. So if anyone knows how to do that, perhaps you can tell us how. I'm pretty sure there is a way. Or perhaps the Zoom so that they're not visible. Claudia?

JONATHAN ZUCK:

As Sebastian suggested, we could just open up your PDF instead of the Google Doc.

ALAN GREENBERG:

We could. It's a little bit more readable. But if we can't get rid of the comments, then let's switch to the PDF then. Thank you. That'll be fine. Sorry. I didn't do my homework well enough, I'm afraid, and didn't realize that it's essentially a text box that I have to paste the comment into and it is limited to 4000 characters. You can provide attachments. The attachments are supposed to be for justifying documents and background, not the comment itself. So I will attach the full document as an attachment but I will reduce it. There's a fair amount of repetition

right now and niceties which can be reduced. So whoever Anonymous is that was providing all of the reductions, thank you, but I think I have that under control.

As noted, the deadline is not to next Monday. As for some reason, I thought it was, but next Thursday, so we have a little bit more time than we thought. But I would like any comments by the end of Friday, at the very latest, so I can work on it on the weekend and then get through the ALAC for the beginning of the week for a final decision.

All right, if we can scroll down a little bit, the first part is background basically explaining who we are and why we are and why we have an interest in this. There are a number of related issues that largely focus on making sure that this applies to the people we wanted to apply to. As it stands right now, it is very questionable whether any of this will apply to registrars, resellers, and privacy/proxy providers. The European Commission people on the briefing said they only mentioned registrars but, of course, they meant that it should apply to all of the various parties. That being said, it's not clear that it actually even applies to registrars for several reasons.

First of all, there is a scope limitation—and if we can scroll down a little bit, I'll tell you when. Okay. That's fine. Scroll down so scope is at the top of the screen. There's a scope limitation that says NIS2 does not apply to micro and small enterprises, and those are defined based on number of employees, less than or equal to 10, less than or equal to 50, and the gross revenue of the organization. We know there are registrars and certainly resellers that fall way below these limits. TLD registries are explicitly called out as being subject to the regulations. Even though

they're small registries, registrars are not. The question was raised during the briefing and the answer was, well, DNS providers, those who run recursive resolvers or authoritative DNS servers are subject, although they are not called—sorry, I'm getting confused. Since most registrars run a DNS service as a convenience to their customers, they are implicitly covered. That's not very heartwarming to me because, number one, it's a convenience they don't have to run. Many small registrars probably do not run a DNS service and, moreover, they could outsource it to someone else and pay someone to do it and they would be absolving themselves of all responsibilities.

So the scope based on size is problematic. And later on there are two annexes which define essential services and important services. Registrars are not listed there at all. And therefore, the sections in the NIS2 on supervision and enforcement, which talk about what are they expected to do, what can the various governments enact laws against about, and what are the penalties for not doing it they're not subject to because they're not either important or essential. So the whole issue of whether registrars and their associated bodies are even subject to this and whether there will be fines and penalties for them is far from clear, as it stands right now. That's the gist of our comment. It comes up in a number of different ways, but that's the main issues.

There's the issue of non-personal data that GDPR still applies. And even if it's a legal entity, personal data cannot be displayed without appropriate rules or unless there is justifying reason. And remember, there are several European entities including .eu which display personal information in the RDS and WHOIS because they believe it's justified. It's personal but it's justified. We, of course, made the decision that none of

this is justified because there is potential risk to the registrars. So the question of how do we handle this is clear. I don't have a solution but it's too easy for registrars to say, "But there's risk." Now, if there are significant penalties from not publishing information, then they have to balance their various risks and the decision might be made in a different way.

There's one issue that is not brought up in this paper that I forgot to include. It's a small little thing, but it says that for non-personal data, it must be published essentially immediately after the registration. One of the curious things is they don't design publish. Now, in many jurisdictions, if you have to publish something, it means you have to put it in your local newspaper. It's not clear if published means make it available on the web for free. I think that's one of the small things they have to clear up.

What else should be brought up? The undue delay. It's one thing that information that is publishable must be published without undue delay. And if there is a request, it must be responded to with undue delay. The current SSAD policy allows responses for critical issues that is once potentially we're talking about threat to human life, critical infrastructure, child exploitation, that one they say has to be done within one business day and no more than three calendar days. I don't know. Responding within one day or three days, if it happens to be on a weekend to issues where life is threatened or the electrical grid might go down or something like that, just doesn't seem reasonable to me. For other types of issues, we're talking about an average of 10 calendar days, which could be as much as two or three weeks. Again, that doesn't sound like no undue delay. So how we define undue delay is clearly a

matter of perception. What we ended up within the EPDP does not meet my definition of undue delay. Although the European Commission is not inclined to be specific and to leave this to the member states, I think a better level of guidance might be better.

Joanna asked, “Would this not be one working day?” I’m not quite sure what Joanna means. One business day is one working day, if the query happens to fall on a Tuesday and it’s not a holiday. But if it falls over the Christmas weekend, then it’s limited by no more than three calendar days. So it depends when the bad guys are working or not.

I don’t have a lot more to say, specifically. There are a lot of details in this and the more you read into it, the more potential botches you find. I’m a little bit perturbed that we only have 4000 words just to make our comment, but I will do my best to eliminate any replication and probably eliminate the specificity of which article section we’re talking about and just talk about the overall requirements. That is, we have to make sure that all of the entities that are involved in registration, including those who collect and store the data are definitely subject to the regulations and that there are penalties for not following them, and there’s clarity in some of the requirements.

Greg says if we translate to German, we can cut down the word count. Thank you, Greg. I’m open to any comments.

JONATHAN ZUCK:

Any questions or comments for Alan?

ALAN GREENBERG: Either I've done a marvelous job or I've confused you all. Probably the latter.

JONATHAN ZUCK: I think the document's great, Alan. It's unfortunate that it has to be cut back so severely. You did include a lot of niceties and references that presumably have the ability to identify. I think just getting to the specific recommendations won't horrify them and they'll be able to figure out what you're talking about.

ALAN GREENBERG: Thank you.

JONATHAN ZUCK: Greg Shatan, go ahead.

GREG SHATAN: Just to say that you did do an excellent job, Alan, both in preparing the document and walking us through it. So it was not that we were baffled and befuddled. But rather, just so fully informed. I do see a couple of comments in the chat. Obviously, there's always more to say, but I think you focused on a lot of the right things. Just probably not so much translating to German, but just being more terse, probably managed to get all of our points in. I think these are important points and it's important that we be heard on this. Thanks.

ALAN GREENBERG:

Thanks, Greg.

JONATHAN ZUCK:

Thanks, Greg. Any other comments or suggestions? Some folks have written comments in the document itself. I guess one look in the wiki and it was Laurin who made the cutting suggestions in the Google Doc. Okay. I think that's it on this. Thank you. Please check out the link if you've not yet done so. We'll get this turned around. Thanks a lot, Alan. It's great work.

ALAN GREENBERG:

Okay. I will have a new version no later than the end of the weekend, but I may have an interim one in between. As I said, for the abbreviated version, it's not so much a matter of cutting out sentences as reorganizing it so it addresses the main concepts without the specificity of which section it's referring to. I think that should be possible. Thank you.

JONATHAN ZUCK:

Okay. I guess we can go back to the public comments for decision and open that up for a quick discussion of whether or not we think we want to respond to those, and if so, who's willing to be a shepherd for them. Claudia, if you could scroll up a little bit. There they are. The initial report on retirement of ccTLDs. Who believes that this is something on which we should comment? Sebastien, I see your hand. I don't know if I missed it before or if this is new. Sebastien, go ahead.

SEBASTIEN BACHOLLET: You didn't miss it but I missed to raise my hand. And it's just comments to the previous one after I see what Bill Jouris write in the chat. Alan, if you want, you have five RALOs. Each of them publish part of your comments and you don't need to split. You will need to split it but you don't need to reorganize. If you wish, it could be one way to go. Thank you.

ALAN GREENBERG: Thank you. If I may respond. Comments from five different organizations will not necessarily be read in sequence. So I'm not sure that that would be an appropriate way to go. I did, by the way, get a number of comments from people within EURALO and those issues were incorporated into what I had and I appreciate those comments.

JONATHAN ZUCK: Thanks, Sebastien. I think to add to Alan's comments, I'm not sure that the best way to be heard is to find a way to skirt around the limit either. I think provided we provide the backup documentation that people have as a reference, if they want to find a particular section, etc., they can. But I think the best way to be heard is probably to follow the rules as best we can.

Okay. On the retirement of ccTLDs, I wanted to open that up for questions or comments or folks believing that this is something that we should spend our time on. Sebastien, please go ahead.

SEBASTIEN BACHOLLET: Thank you. I don't know if I can answer your question like that. But we are currently discussing within EURALO about one item without the retirement, but the fact that you decided that the bridge can't say owner or user of a domain name found. We are trying to associate that with retirement of ccTLD, with retirement of gTLD, or whatever we do with gTLDs. Because we're saying that end user must be protected in each and every cases. Therefore, I think we need to follow that. I don't have a name to tell you who would do that but I have the impression that if we embedded that in a more global way, how an end user can be protected by any decision taken by a non-administrative body to change how the ccTLD, the gTLD is working, it's something we need to take into account. Thank you.

JONATHAN ZUCK: Thanks, Sebastien. So you believe this is something on which we should at the At-Large comments because of the—I'm assuming registrants concerns over this. Are you talking about the folks that are used to go into those domains that will no longer work or something like that? What's the premise under which you think we're interested in this?

SEBASTIEN BACHOLLET: Both. From my point of view, both. We can't just say because our registrants are not also end user.

JONATHAN ZUCK: No, of course not.

SEBASTIEN BACHOLLET: Just to be short, when people talk about domain names, they think if they pay and renew it, they will keep it. It happens that there are some decisions taken outside of themselves that they can't use anymore and that's for end user and for registrant. Thank you.

JONATHAN ZUCK: Thanks, Sebastien. Cheryl, please go ahead.

CHERYL LANGDON-ORR: Thanks, Jonathan. Look, it's probably something that we should have a little bit of time and maybe a slide looking at it as a review point from someone in the next call. Because at least in my experience—I was part of the board of the ccTLD operator for more than a decade—so in our experience, there is a more than reasonable, a number of concerns that individual registrants and end users had expressed in the past regarding retirements of ccTLDs. Remembering that for a ccTLD to retire, there's a good reason. For example, the name no longer exists on the list and things like that. There's the legacy issues. There are some issues that need to be looked at. The thing is we have Holly on this group, and Holly currently serves on the board of the ccTLD operator. I wonder if she might—maybe one slide together after having a quick look at this document, to whether or not we can reasonably put some sort of comment in it or not. So I'm supportive of doing something from the very much narrow field of the end user and individual registrant point of view. Thank you.

JONATHAN ZUCK: Thanks, Cheryl. It sounds like Holly's no longer engaged. But we could certainly get somebody from the ccNSO to make a presentation as well to gain an understanding of what the registrant interest might be. Christopher, go ahead.

CHRISTOPHER WILKINSON: Thank you. I agree with Sebastien's general concern. It's necessary to protect the registrant and users from arbitrary administrative or other decisions at the level of gTLDs and certainly ccTLDs. This is an entirely different issue from SU and YU, where there's been a substantial political change. Specifically regarding .eu, the decision to exclude UK registrants is really very shocking. But as things done at present with the rather tense relations between EU and the UK, on the one hand, and the fact that you read it's currently in the process of going through a new bidding procedure for the maintenance or replacement of the registry, I'm afraid to say that we may find limited receptivity and certainly lack of interest in discussing this any further at this particular point in time. It's basically from that point of view that if there was going to be a general ALAC or ICANN position that it was on the table well before we entered into this highly politicized and insensitive period in .eu. The fact of the matter is that there are joint responsibility here. The EU certainly made a close link between—

JONATHAN ZUCK: Sorry. I'm just worried about time, Christopher, because EU is not being retired. So I suspect that's not part of this particular comment. We can probably create an agenda item to get a presentation from Sebastien on

where those internally EURALO conversations are going on the EU problem. But that's not what's in front of us right now. It is an amazing scenario. I just think we don't have time to discuss it right now. Sorry to cut you off.

CHRISTOPHER WILKINSON: Okay. Let Sebastien decide how we want to proceed with the discussion in a future meeting. Thank you.

JONATHAN ZUCK: Thank you. I think that's a good idea. Thanks for your comments, Christopher. Sebastien, new hand?

SEBASTIEN BACHOLLET: Yeah. Just to say that can you leave me one week or two weeks, I don't know, because with ICANN meeting? But I will come back to you on what we are doing and how we—when I say “we,” EURALO—is working on that and if I can find somebody to take care of that, specifically. As soon as I have a name or a proposal, I will come back to you, if you agree.

JONATHAN ZUCK: That's great. Thank you. That's on the EU issue, right? Or do you mean on the retirement issue, generally?

SEBASTIEN BACHOLLET: No, no. I would like to suggest that at least for the thinking, we put all that together. But while we're discussing, we will split the topic. But for us, I think it's better if we embedded all that in one about end user protection, I will say, the evolution by any administrative decision from TLDs. I come back to you specifically on the issue of retirement. Thank you.

JONATHAN ZUCK: Okay. Perfect, Sebastien. Thank you. We'll look forward to your recommendation there.

The next public comment for decision is for the Korean Root Zone Label Generation Rules. As Evin mentioned, we'll forward this to the IDN Working Group, but is there somebody that thinks this is something we should take up as the CPWG? My inclination is not. Christopher, is that a new hand or is that an old hand?

CHRISTOPHER WILKINSON: Well, it's an old hand but you've answered my comments. I think we've got plenty to do and I think this particular point couldn't be left to the Asian RALO and specifically to ALAC members in Korea. Thank you.

JONATHAN ZUCK: Okay. Thanks, Christopher. So my inclination as well. If there's no objections, I think we'll forward this and move on. All right. Thanks, everyone. Go ahead and mute your line if you would, Christopher. Olivier, back to you.

OLIVIER CREPIN-LEBLOND: Thank you very much, Jonathan. Thank you for taking that section. We can now move on to the next agenda item, and that's Any Other Business.

JONATHAN ZUCK: Yrjö had something for AOB.

OLIVIER CREPIN-LEBLOND: Yrjö had something. Okay. Yrjö Lansipuro, you have the floor.

YRJÖ LANSIPURO: Thank you, Olivier. Just to tell you that the Public Safety Working Group of the GAC has invited interested At-Large people to a meeting on the 22nd of March, the first day of ICANN70. A calendar invite has been sent to those At-Large people who took part in previous such meetings or indicated interest in them. But if there's anybody who hasn't received that calendar invite for the GAC staff and would like to be part of that meeting, please tell Gisella that you would like to be on that list. Thank you.

OLIVIER CREPIN-LEBLOND: Thank you very much for this, Yrjö. Any other notes? I'm not seeing anybody else. So with this, we just have to find out when our next call is going to be. That's, of course, between the Prep Week that is happening this week and the ICANN Week that will happen in the week after. Evin

Erdoĝdu? Evin, you put your hand up. I'm not sure whether that was for Any Other Business or our next meeting.

EVIN ERDOĜDU: Thanks, Olivier. It was actually for Any Other Business but I shared it in the chat. So, all good. We can move to the next meeting.

OLIVIER CREPIN-LEBLOND: Okay. Thank you, Evin. You've noted the NSA and CISA release on cybersecurity information on protective DNS. There's a lot of focus on that at the moment. Okay. So the next meeting—when are we going to meet again? I suppose it's good to be on the Wednesday.

CLAUDIA RUIZ: Yes, we can meet next Wednesday. Just checking one thing. I need to double-check on interpretation services but, yeah, we can have a call next week. I'll just confirm that in the chat. Thank you.

OLIVIER CREPIN-LEBLOND: Okay. What time? Sorry, I didn't hear the time that you were suggesting.

CLAUDIA RUIZ: I think on the next rotation should be 13:00 UTC for the next call.

OLIVIER CREPIN-LEBLOND: 13:00 UTC. I noticed that next week, there appears to be a 17:00 UTC, an OFP WG call. That is going on until—it is 60 minutes—18:00.

CLAUDIA RUIZ: 13:00 UTC is the rotation for the next call.

OLIVIER CREPIN-LEBLOND: I think we probably will have to go for the later call because we had two times—twice we went for the 13:00 UTC recently. So I wanted to go for a later call next week. Is it 20:00 then, did you say?

CLAUDIA RUIZ: Sure. We can do 19:00 or 20:00, whatever you prefer.

OLIVIER CREPIN-LEBLOND: Okay. Well, since OFP is 17:00 to 18:00, then we'll give an hour break, and then we'll do 19:00 UTC next week then.

CLAUDIA RUIZ: Okay. Got it. Thank you so much.

CHERYL LANGDON-ORR: Can you note my apologies for that meeting, then?

OLIVIER CREPIN-LEBLOND: Cheryl, is that a terrible time for you? It was specifically for you to get a good time that I—

CHERYL LANGDON-ORR: Well, it's just at that hour, that is when the joint meeting between the ccNSO and the GNSO Councils happens to be on, and I happen sit at the GNSO Council. So your hour break didn't work for me. That's okay.

OLIVIER CREPIN-LEBLOND: That's meeting in between the two weeks. Okay. All right. I wasn't quite sure the 17:00.

CHERYL LANGDON-ORR: I'm just looking at what's in my calendar. I've got whole joint meeting, ccNSO and GNSO Councils.

OLIVIER CREPIN-LEBLOND: Interesting. All right. Thank you very much. If there is any change, staff will make an announcement. We'll just follow up after this call and get this clarified. Thank you very much to everyone who has contributed to today's call. Our interpreters, of course, and the transcribers, the captioner. I'm not sure. Do we have our interpreters this week? No? I missed the beginning of the call so this was a bit of a problem. I think it's just the transcriber.

CLAUDIA RUIZ: Yes. Just the transcriber. No interpretation this week.

OLIVIER CREPIN-LEBLOND: Exactly. Thank you so much for our transcriber. And of course, to all of you who have contributed to this call. We will speak next week. Have a very good morning, afternoon, evening or night. Goodbye.

JONATHAN ZUCK: Thanks, everyone.

JUDITH HELLERSTEIN: I'll see some of you in 10 minutes.

[END OF TRANSCRIPT]