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DEVAN REED:

Good morning, good afternoon, and good evening to everyone. Welcome to the Consolidated Policy Working Group Call on Wednesday the 30<sup>th</sup> of June 2021 at 19:00 UTC. In order to save time, we will not be doing a roll call today. However, those in attendance will be noted in the Zoom room as well as the audio bridge.

I would, however, like to note the apologies we have received from Marita Moll, Priyatosh Jana, Raymond Mamattah, Satish Babu, Justine Chew, Lutz Donnerhacke, Vanda Scartezini, and Eduardo Diaz.

From staff we have Evin Erdoğdu, Claudia Ruiz, and myself on call management, Devan Reed. We have Spanish and French interpretation on today's call. Our Spanish interpreters are Marina and Paula, and our French interpreter are Aurelie & Isabel.

We also have real-time transcribing on today's call. I will put the link the chat so you can all follow along.

A friendly reminder to everyone to please state your name when taking the floor each and every time, and to please speak at a reasonable speed to allow for accurate interpretation; and to keep your microphones muted when not speaking to prevent any background noise.

Thank you all very much. And with this, I turn the call over to you, Olivier.

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

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OLIVIER CRÉPIN-LEBLOND: Thank you very much, Devan. And welcome to everyone to this Consolidated Policy Working Group Call. And welcome in particular to Devan Reed for her first CPWG introduction. Well done.

So this is our first call after the ICANN meeting. Was it? Oh, I can't even remember. No, it is not. We already had one last week. Well, there you go. Right. So, welcome. We've got a busy agenda this week. Busy as in we've got the usual updates.

First, the preparation for the Board meeting on the 8<sup>th</sup> of July that's coming up in a week's time. Then we'll have our usual updates from the—or actually, before that we've got an ALAC advice to the ICANN Board on the EPDP which is not an update on this one. But it's actually preparing the advice for the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data. We now have to call it by its full name because there are new additional Expedited PDPs being created. So there's not just one left.

Then we'll have a work group update with the usual updates from the Transfer Policy Review Policy Development Process, the Intergovernmental Organization Curative Rights Work Track. Well, probably not the EPDP since we will have dealt with it in an earlier section of this call.

And then we'll have our policy comment updates after that with just a couple of announcements in the Any Other Business part of this call.

So at this moment in time, I shall ask whether there are any changes, any additions, any amendments, any replacements, anything that you don't like or like or want to keep in the agenda. And it looks like nobody

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is budging, so the agenda will be adopted and is adopted as it currently is on your screen.

Let's then certainly move on to our action items from our last call. Yes, I was wrong. There was a call last week. There are a couple of action items still remaining. One is for Evin to circulate the ICANN71 Policy Outcomes Report on the CPWG list when it's published.

Evin, do we have an idea when that's likely to be publish? Are we talking days? Weeks? Months? Year?

EVIN ERDOŽDU:

Yes. Thank you, Olivier. It should be published this week. We're actually hoping within the next day or two. So, stay tuned. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Okay, super. Thank you. And the second open action item is the one for Alan and Hadia to discuss the ALAC advice to the ICANN Board on this call. And that, I guess, in a few minutes will be ticked. Are there any comments or questions on any of the other action items that are listed on the screen at the moment? Nope? Okay, thank you very much. That means we can continue on our trek to search the truth.

And here, we now have the ALAC and ICANN Board meeting.

JONATHAN ZUCK:

Olivier, I think Alan Greenberg's got his hand up.

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OLIVIER CRÉPIN-LEBLOND: Really? It doesn't show on my screen.

ALAN GREENBERG: Yes, thank you. I just wanted to point that the item for Hadia and me today is not advice to the Board. It's the comment on Phase 2A. So just a correction.

OLIVIER CRÉPIN-LEBLOND: Okay. It says here "ALAC advice to the ICANN Board." That will have to be changed.

ALAN GREENBERG: I understand what it says. That's not what we're talking about.

OLIVIER CRÉPIN-LEBLOND: All right, thanks. We'll get that changed. Thank you, Alan. And before that then, and the flow is completely interrupted now. And that's fine. We're back to agenda Item #3, and it's Jonathan Zuck who's going to be speaking to us about the ALAC and ICANN Board meeting coming up on the 8<sup>th</sup> of July.

JONATHAN ZUCK: Thanks, Olivier. So, yes, on the 8<sup>th</sup> of July in the afternoon there we have the meeting that we would normally have face to face with the Board during the ICANN meeting. We have now begun the process of pushing it out to after the ICANN meeting when everybody has had a chance to catch their breath, etc.

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So the topics for discussion on the agenda are the ALAC advice to the Board on Subsequent Procedures. I don't know whether or not ... It looks as if Justine is not on this call, which is understandable given her time. And maybe somebody from staff can confirm or deny this. I think this agenda was set by the Board. Is that right? Evin, is that correct?

EVIN ERDOĞDU: Jonathan, I am personally not sure but I believe that it's an opportunity for both ICANN Board and ALAC to exchange questions. So it is kind of a two-way feedback process.

JONATHAN ZUCK: Sure. I guess these two issues that are listed here, I don't know what the origin of them is.

EVIN ERDOĞDU: I am not sure, but I can check.

JONATHAN ZUCK: Okay. Alan, is that a new hand?

ALAN GREENBERG: No.

JONATHAN ZUCK: Okay. So what we want to discuss here on this call are what questions we want to ask the Board or discuss with the Board, and potentially

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what points we want to make sure are raised during those conversations. Are there folks have ideas for specific questions they would like to see raised during the discussion of Subsequent Procedures?

Maureen, I see you have your hand up.

MAUREEN HILYARD:

Thank you, Jonathan. Yeah. Just on this, we had to put in our request weeks before the actual ICANN meeting itself, and I think the Subsequent Procedures thing was, was there anything that we wanted to impress on the Board with regards to the advice that had actually given. That was an opportunity to do that.

And I think, too, following the receipt of our advice, there was a comment with regards to how they actually are dealing with it. And rather than taking it as a full document, they'd actually broken it up into the various sections which could be an advantage for us. So it's looking at what is the most appropriate way that we think is an appropriate way of actually presenting the advice to the Board so that it actually has the most effect.

So those are the two things, at that particular point in time, that we were looking at. So it's really a discussion between the ALAC and the Board about ways in which our advice can actually have more effect when the Board gets to discuss it.

That didn't give us an opportunity to talk about anything else except the Subsequent Procedures and what's important to us as a policy inaudible,

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but you know how it goes. And I think they needed that information because they're becoming a little bit more inclusive in the way in which they try to include more of the Board members so that it's not just coming from the Board chair or the vice-chair. It's actually coming from members themselves. So, yeah, that's just some input from [inaudible] as far as I know. Thanks.

JONATHAN ZUCK:

Thanks, Maureen. How would we translate that into action prior to the meeting? Is there something we need to try and resolve on this call with respect to talking points? Or I guess that's the question. Given that this is coming up, are we going to do an impromptu ALAC call to figure out who the discussions should be? Are there issues to address on this call as far as the talking points?

MAUREEN HILYARD:

I really think that, probably, we've got the ALAC advice on the Subsequent Procedures. And if there there's anything specifically related to that. But I think it's an opportunity for us to actually look at advice in general and really what they think is the most effective way to provide this advice. So it's sort of like a general discussion about the [earlier] advice that we've often talked about. What is our role with regards to what is advice as opposed to the general comments that we've actually been making across ICANN policy issues?

So I'm not quite sure. What's important to us with regards to this particular topics, and raising that issue if there seems to be an issue. Or if we want to add anything additionally, I think [inaudible] incorporated

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into that first one we were actually looking at specific policy issues perhaps.

But [we've] got lots of hands up.

JONATHAN ZUCK: Great, Maureen. Yeah, we do have some people volunteering to speak up. So, Olivier, you go first.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Jonathan. I note what Cheryl has put in the chat. She mentioned that some of the talking points that were prepared for ICANN71 should still stand, and I agree with that. I would add that I don't think it would be a useful use of our time with the Board to discuss what is advice and what is just commenting from At-Large. I think that in developing the statement that we did develop, I would imagine—or I would have thought—that the majority of it, if not all of it, is advice as such. Because if it's just commenting on stuff, then I don't know why we spend so much time on it.

That being said, I think that there are some fundamental questions that the Board will want to perhaps discuss with us. And these are just wild ideas at the moment. One of them is the timeline because it's a question that I've heard come into the community a number of times. It's now been nine years since the last round, and there is a question. There's enormous pressure on one side for the next round to proceed forward. There's also enormous pressure to push back, for various reasons.



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Some, like the GAC, are saying that all of the issues—including the Rights Protection Mechanisms and the online harms and the DNS abuse—needs to be fully addressed before a next round is due to take place. I don't know what the ALAC position is. I don't think it's that extreme in that direction.

Others are saying there should be a system of rounds with the noncontroversial ones. For example, brands could have its own round that could launch right away. Of course in their view, that's noncontroversial. I guess for some people it might be controversial. I don't know. And I guess the most controversial ones are the Closed Generics.

So there's a big question mark there, and I'm not quite sure which one should we deal with, with the Board at this point in time. But when it probably an important question. Thanks.

JONATHAN ZUCK:

Thanks, Olivier. And just to clarify, it has been the ALAC position that some concrete reforms on DNS abuse need to happen—are prerequisite to a new round. So I think we've taken a fairly similar position to that of the GAC with respect to wanting to see progress on that prior to a new round.

The other issue related to noncontroversial—as you say—applicants is there's a concern that under the guise of a brand only round, that you might see the gobbling up of domains that geographies might want. And so that's certainly a concern that's been raised.

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What we have put out there, obviously, is that we might to do a community only round first or something. But the brand round, while on its surface seemed to be noncontroversial, I think it's not entirely noncontroversial.

Christopher, go ahead.

CHRISTOPHER WILKINSON: Good evening, everybody. Thank you. I agree that we have taken a clear position on the DNS abuse and we should maintain it. But more generally, to answer the point of discussion, the ALAC advice on Subsequent Procedures is a substantial document and it could take several hours to discuss it in detail with the Board.

I have two practical points. First of all, we should ask the Board to write down their preliminary comments and discussion points arising from our document. We should not dilute the document by any form of sectioning and cherry picking by the Board. We should ask the board for a document in response.

And to be frank, I think the 8<sup>th</sup> of July is too soon. I would rather have this discussion with the Board mid-July, deferred for at least a week the Board the time that they need to respond because I'm concerned because this has happened before; that the whole discussion with the Board will be fudged by diplomacy and uncertainty and a lack of commitment by the Board to act on the advice that they have received. So I'm quite prepared to help to invite the Board to focus on our points and, if necessary, to postpone the meeting by a good week.

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I would also like to see it at a time slot which is favorable to Kuala Lumpur. The time slot that has been proposed is not very favorable, even for me. And I think for others further east, it could be really, really awkward. So that would be the main point.

This item, advice to the Board on best practice in format, approach, feedback, and process. That's for the birds. That's not interesting at this stage because the advice is on the table and [inaudible] Alan, and Hadia, I personally think that it's more important that our advice on PDP should also be on the table before we have this discussion. Thank you.

JONATHAN ZUCK:

Thanks, Christopher. I certainly share your trepidation about these meetings being largely non-substantive. I don't really know what the cure for that is, except to have a single topic and make them spend an hour on it so that we get through the platitudes. But it's a difficult situation to accomplish a great deal in this kind of meeting except, perhaps, to demonstrate our own seriousness about particular topics and make clear our own position. I think it's a rare thing that we'll get anything concrete out of the Board at this kind of meeting even if they and an extra week.

CHRISTOPHER WILKINSON:

Well, they should. And I believe that [inaudible] [the floor].

JONATHAN ZUCK:

I've yet to see it, but I'm excited by the possibility. Holly, please go ahead.

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HOLLY RAICHE:

Just a couple of things. I don't know if this is too old hat, but it hasn't happened. If [your mind] goes back to the CCT report and some of the requests for statistics that we made that kind of haven't happened, is it worth our going back and saying, "Look, we actually think this is still important even though time has moved on but the progress hasn't moved on"?

The second thing, at the [inaudible] we have been talking about the ATRT3 recommendation for Holistic Review and support for that. We had Steve DelBianco at the last meeting, and I'd like to follow up on the whole idea that when it comes time to comment on the budget, that we put aside enough money for some kind of pilot to at least what is this going to look like. I don't know if that's something that everybody's interested in, but it's just a thought as something that we might telegraph to the Board that this is the sort of thing that we're looking at.

Just a couple of ideas. Thank you.

JONATHAN ZUCK:

Thanks, Holly. I think those are great ideas. I'll have to follow up with you and maybe this call is too tight to get into that level of detail with statistic you're talking about with respect to the CCT Review.

It's interesting as we're discussing the parsing of a device into small sections and the impact it can have because I feel like the first victim of that was the CCT Review. And some of that was our own doing because some of our advice was directed through the Board to others within the

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community such as Subsequent Procedures Working Group. And it's now left kind of a morass of half-considered, half-implemented kind of recommendations that can be difficult to sort out.

And that certainly could easily be the case with Subsequent Procedures if we don't do a good job of carefully managing the status documents or something of those recommendations. But it's a good reminder, so I'll follow back up with you on the CCT issues.

Alan Greenberg, you're next in the queue.

ALAN GREENBERG:

Thank you. Just very briefly. You asked very early on should we have a meeting to prepare for it, and the answer is yes. But before that we really should give the Board the opportunity to tell us are there any specific items they would like clarification on or us to elaborate on or for them to ask questions on.

As Christopher said, this is a huge document and we could spend the hour reading out small excerpts of it, or we could just spend an hour talking about one of the items. So if they put this on the agenda, and I gather they did, I think we should go to them very quickly and find out are there some specific issues that they want to focus on, either by asking questions or asking us for clarification or something. Once we have that answer or the fact that there is no answer—they don't give a damn—we should decide who's going to speak on what and which issues do we focus on. Thank you.

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JONATHAN ZUCK: Thanks, Alan. Yeah, that's part of why I was seeking clarity on where this came from. It's not entirely clear to me that this came from the Board, and a greater level of specificity would certainly make the conversation more productive. No question.

ALAN GREENBERG: Hopefully, it either came from the Board or someone on this call can put their hand up and say, "I put it there." That shouldn't be all that hard to find out.

JONATHAN ZUCK: You'd think. Okay, Sébastien, please go ahead.

SÉBASTIEN BACHOLLET: Thank you, Jonathan. I was not willing to talk, but after Holly intervented, I would like to [support] a question of the Holistic Review. I would say of course, but marginally I think we need to decide which topic we want to discuss during this one hour. If it's the next round of TLDs, that's one puppy. I am not sure that it's the best way to start the discussion with them, with all of us and all of them. But that's my own feeling on that.

But the other topic is the prioritization and where we are on that with Work Stream 2, with ATRT3, and the other reviews. And I know that there [inaudible] work going on, but as the Board has agreed with some of those recommendations, they agree but they tweak the recommendation. For example, for ATRT3 they say that a Holistic Review could go ahead but it must be a pilot. And at the same time, they say,

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“Oh, yes. It’s a pilot but we can’t do that in the time frame suggested by ATRT3.” Therefore it’s a yes [inaudible] but we didn’t have any [inaudible] to discuss that with the Board.

I know that it’s not under the purview of the CPWG but of the OFB, but I feel that if we want to decide what we will discuss, we have to have all those items on the table to decide where we go. And my proposal will be to have a specific meeting not like that with the Board and the ALAC at the end of the ICANN meeting, but a specific meeting about the next [initiatives]. And to discuss during this 8<sup>th</sup> of July meeting, prioritization and the recommendation from [various] review teams. Thank you.

JONATHAN ZUCK:

Thanks, Sébastien. That’s in interesting ... We don’t need to feel constrained by having this one solitary post-ICANN Board meeting. We can schedule meetings with the Board potentially on specific topics, and I think there’s some sense in that, for sure, with a more detailed agenda.

Cheryl, after all of your [seating of] [inaudible], it has come back to you.

CHERYL LANGDON-ORR:

Thank you, Jonathan. No problem at all. A couple of things, and I guess I can’t not follow up from Sébastien in terms of the pilot. And, yes, it is obviously OFB not CPWG [inaudible].

What to say. With the agenda for these meetings, I’ve been to several of the post-ICANN71 meetings between the Board and—insert name of constituency—including the one with the GNSO council. And it seems to me that there is great similarity in these topics, and that might be great

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similarity for a reason. I don't know. But that's just an observation I wanted to share with you.

I think that the issue with going away to too many topics in these pro forma—and I see them as just that, pro forma—interactions with the Board associated with ICANN meetings have merit—except [inaudible] which is [inaudible] yet to be determined. But we do have our own people who, for very good reasons, have very strong basis for why an interaction with Board members—if not all, at least a subsection—moving towards a pilot or [otherwise] and a Holistic Review is probably worthy of its own attention rather than trying to mix it in with a whole bunch of other topics. But that's just my point of view there.

With the Subsequent Procedures we are blessed as long as we make sure that we are able to rely on Justine because she has such an encyclopedic knowledge and excellent presentation skills in terms of interaction. So I think we're in good stead there in terms of spokespersons.

What I would mention, however, is that not only limited to Subsequent Procedures—and I note from Maureen that this agenda seems to have been born out of a timing of when the questions went in, etc.—but I'm hearing not only meetings with the Board around ICANN71, but other meetings in other parts of ICANN the beginning of a—I won't call it a complaint, but I will call it a concern. And I don't think it is limited to Subsequent Procedures.



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I think there are aspects of other advice that has come in from the ALAC. And here I mean capital “A”, Advice. I’m hearing more and more—I just want us all to be aware of it.

And hopefully if any of the ALAC other than Maureen and Jonathan—those of you who identify, like Hadia—are on this call. We don’t get enough ALAC members on these calls. But maybe you can all pass this message on at the ALAC meeting eventually.

I’m hearing a lot more from [inaudible] within the GNSO that there are groups—insert “advisory committees” as a code word there—who even though they’ve got a seat at the table and are part of the discussions, still put in their advice to the Board after our recommendations go in. Well, of course, that’s a right and responsibility and I think it should be not only celebrated and sanctioned, but it should be seen as an important part of what the advisory committees do.

But I’m hearing that grumble a lot lately, and I just want us to be aware of that as we go into the ways and wherefores of approach and feedback and process. Just, be careful what we wish for because we don’t want to have an erosion of the role of the At-Large Advisory Committee here is, because that’s [inaudible] important aspects at least in, again, my bias point of view.

But when I had been listening to the Board discussions on Subsequent Procedures, I also heard a lot about IDNs and the importance of Internationalized Domain Names coming through not from the GNSO but from the Board. So I think with careful management, there’s perhaps some leverage opportunity that whoever you put forward as

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spokespeople—especially if Justine’s in some of those seats—should be able to make a good fist of. Thank you. That’s all I wanted to share.

JONATHAN ZUCK:

Thanks, Cheryl. Yeah, big philosophical topics for sure. And we’re going to need to get our talking points down straight, I guess if you will, on that dichotomy between participation and advice.

For those of you that have and the opportunity to check out the course we did on At-Large participation and ICANN policy development, there’s some attempt in there to get at that sequence and the fact that those things coexist with each other. But I think it continues to be something that will be a discussion where, obviously, there are those that have kind of a locked-up position within the GNSO and would love that participation. Even participation that’s under-represented would be sufficient to preclude the need for advice. And I think we need to make sure that’s not the case.

I think we have to sort of call it on this conversation. Unless, Christopher, you have a very pithy point, I think we need to return the agenda back at this point and take some of this on in an ALAC call. All Alright, Christopher. Do you have something quick?

CHRISTOPHER WILKINSON:

Thank you, Cheryl. I’m so glad that we have your hardline to the GNSO, and I hope it’s a two-way street because we are living in an environment. And certain key points in the registry/registrar statements on the EPDP is a recent example. On certain key points it seems that the

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GNSO chapter or houses or whatever they call themselves are prepared to, in effect, ignore—not just ALAC and the GAC—to ignore the public interest in general. And you take advantage of your hardline to the GNSO to pass that message in the other way. Thank you.

JONATHAN ZUCK:

Thanks, Christopher. So I think we have a sense of some of this and we will raise it on an ALAC call prior to the meeting. I think these are good points generally as far as Subsequent Procedures—just probably not as a broad topic—to be a topic of this conversation. So we might look at finding, as Holly suggested, a couple of other more specific issues and then try to schedule specific Board meetings on specific topics such as the topic of a Holistic Review which is obviously something worthy of several meeting unto itself.

So I think with that I will pass the baton back to you, Olivier. Thanks.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Jonathan. So now we are going to move to agenda Item #4 and that's the work group updates. And by the way, I still notice—

SÉBASTIEN BACHOLLET:

Sorry, Olivier.

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OLIVIER CRÉPIN-LEBLOND: Yes. I still notice a couple of hands are up. I see Sébastien. You haven't spoken yet.

SÉBASTIEN BACHOLLET: Yeah. I have spoken, but I just wanted to raise that it seems that we have some Board members participating to this call. Maybe we can ask them for some feedback. Thank you.

OLIVIER CRÉPIN-LEBLOND: Yeah. Thanks very much for this, Sébastien. I wouldn't want to put a Board member in the light just like this. It's unfair, but if any Board wishes to speak of course they're very welcome to do so during our call.

Anyway, let's move on for the time being. Work Group updates. We'll start with the Transfer Policy Review Policy Development Process. And for this we have ALAC members Steinar Grøtterød and Daniel Nanghaka. I know Daniel is on. I don't know if Steinar is.

STEINAR GRØTTERØD: I am.

OLIVIER CRÉPIN-LEBLOND: Oh, perfect! Okay, so welcome.

STEINAR GRØTTERØD: Thank you.

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OLIVIER CRÉPIN-LEBLOND: [inaudible] for your update.

STEINAR GRØTTERØD: Well, I may start on this one and Daniel may step in [first]. If that's okay for you, Daniel.

First of all, apologies for last week's meeting. I had to drop off before the slot to discuss the Transfer Policy that was on the agenda. But we had a meeting yesterday. First we discussed the SO/AC/SG/C letter. The main topic there was a proposal to add DNSSEC questions, or pose the requirements for DNSSEC transfers into the letter.

There was no consensus to do so because this also involves other services and so on. So the work group and the discussion was agreed on that we should speak to the questions that were already put into the charter and not add more in this phase at least.

So this letter is now out for comment and At-Large has until August 4<sup>th</sup> to come back and add things that we want to discuss on this. And we have a Google Doc where we have started to discuss this. And I must kind of admit that there is not necessarily consensus among the At-Large members in how technical or what sort of topics we want to address into the final letter or the questions—adding questions and so on.

I hope that the CPWG can give us some feedback to this or clarify whether we want to discuss in detail some for these topics that sort of factor in this Google Doc. But we have some time on doing that.

We also received, at the meeting yesterday, some metrics from ICANN regarding transfers and transfer dispute cases. And the way I read the

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metrics is that there are slightly more dispute cases registered by ICANN compliance after the Temp Spec. But consider the volume here because it goes into the average of 400 to 500 a month with the total transfer approximately 4 million. It's not that big honestly. So I'm not concerned that the Temp Spec has created a big problem for the Transfer Policy or the transfers in general.

Finally, we discussed, close to an hour, the AuthInfo Codes. And in line with ICANN we've now got a new acronym, the Transfer Authorization Code—T-A-C—TAC. And this is the new wording for the Auth-Code or whatever you call it.

In the agenda I have made some key questions that we should take some time to discuss at some point or get some feedback from the CPWG. And the question is who should be the administrative holder of the TAC? Is it the registry? The registrar? The registrant? Should the TAC be stored? That means should it be stored at some point at the registry level, at the registrar level, or the registrant? Should it have a time to live? Is the five days waiting time okay? Should we demand to have to stick to the five days? It's been a frustration registered by ICANN Compliance why it has to take five days after the transfer has been submitted to the valid Auth-Code. That was my key notes from yesterday's meeting.

Daniel, please fill in and get your point in to the others. Thank you.

DANIEL NANGHAKA:

Thank you very much. I hope you can hear me loud and clear on the audio bridge. My colleague Steinar has at least been able to highlight

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most of the things. But just straight from the discussion was that from the group standpoint it was noted that at least the DNSSEC is out of scope and probably, in the long run, we may consider making a recommendation for the DNSSEC to be included in future discussions.

And then also to highlight that some hosting companies tie everything together which includes the Auth-Code. But then some of the key details within the domain transfer records are not fully considered. And one of them is, for example, the DNS records. Some of them are not considered within the respective transfer records.

But coming in from the At-Large point of view, it was also noted that at least the registrant for end users would like to have some sort of best practices that they could check out when they [note a safe] transfer despite the fact that there are some technical elements that should not be included to this policy. So discussions and deliberations still continue to [get on and on] as we dive deeper.

I'm also happy to share that thanks to who have also already shared a copy requested for the At-Large team [inaudible].

So with that I think our position gets consolidated [each day] as we continue to represent the views of the end user. Just my brief add-ons to what Steiner has mentioned. Thank you. Back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much, Daniel. And thanks, Steinar, for this update. Let's open the floor for comments and questions. And indeed, if there are any other members of the community that are following this.

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I see Holly Raiche has put her hand up. Holly, you have the floor.

HOLLY RAICHE: Just a question. I would have thought it would be—given what’s happening in the EPDP and where the information is being held, which is supposed to be registries because they’re all supposed to be thick—is that not the place, rather than the registrar or the registrant, for a code to be held, whether it’s the [Auth-Info] or the TAC or whatever it is? It’s just a question. Thank you.

OLIVIER CRÉPIN-LEBLOND: Steinar, do you want to answer that?

STEINAR GRØTTERØD: Yes. It’s a little bit connected to an upcoming discussion about a one-time password because if it is some sort of one-time password, it doesn’t really make any sense where it is stored [in brackets]. It may be store on the registry level but not in clear text. It will be hashed and so on. It also can be stored on the registrar level.

I think the danger here—and I think there was no one who particularly allocated this—is to treat that information, the Auth-Code, as some sort of security trace to the hands of the registrant and let the registrant be responsible for keeping that in the long run.

It’s maybe not the same case as, really, EPDP. Oh, my God. That’s an awful acronym. But anyway. I hope that answered your question. Sorry.



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HOLLY RAICHE: Yeah, it does, if you think this is worthwhile having a further discussion as to the appropriate place for the TAC. It's just that I'd hate to think we're going to just not decide something that's actually critically important. Maybe next week have 10 minutes on where the TAC is and the arguments for and against?

STEINAR GRØTTERØD: I would love to have that discussion because I think it's, in my view, it's the Auth-Code management or the TAC management is very essential to how understandable the process or transfer will be also for the end users. And I'd really like to have, if we have concerns about keeping it at some level—the registrant, registry, registrar, etc.—and get that into good wording so we can take that back to the working group.

So if possible, schedule 10 minutes of discussion on this particular item next call. I will love that. Daniel, you may have some comment on that as well. Thanks.

DANIEL NANGHAKA: Yeah. Thank you very much, Steinar. Also on the call, it was noted that [inaudible] there was at least a discussion of whether the Auth-Code should be stored at the registry or at the registrant. So there was no conclusion on where the Auth-Code should be stored. But still, deliberations are still taking place. Discussions are still ongoing. So during the next [group] meeting we shall be diving deeper into this

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discussion. So no conclusion was made for this. Thank you. I welcome any other questions.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Daniel. And thanks for the suggestion, Steinar. Let's have it as an action item as a topic we'll address next well, please.

And let's go next for Jonathan Zuck.

JONATHAN ZUCK: Thanks, Oliver. And this is just sort of a process thing. I'm hoping that we can increase the fluidity of having substantive conversations because the idea of expressing hope for a conversation makes it feel like we're not doing what we need to in advance of these meetings.

If there are specific questions that should be discussed on the CPWG call, let's please make that the priority. The color commentary and things like that, I think, is interesting. But I think the primary purpose of these calls should be, in fact, to have those substantive discussions and to fully support our participants in work groups. And so the extent to which we can reach out and ask for specific discussion topics and make that the priority, I think the better of we will be and the better off our volunteers will be when asked to return to those work group meetings.

It's a shame we're putting those conversations off until next week, but let's make a real point every week, with the work group participants in particular, to get at questions to be asked of the group as opposed to just reports on what's going on because I think that's the most valuable use of the group.

OLIVIER CRÉPIN-LEBLOND: Thank, Jonathan. Good point. We'll note it and be maybe a bit more proactive on this. And I guess Evin can remind participants when she asks the questions because Evin e-mails a couple of days earlier. Maybe that is a good reminder for all of the people that are participating and providing updates.

Alan Greenberg.

ALAN GREENBERG: Thank you very much. Just one very brief comment. Steinar, in his presentation, mentioned that there were only about 500 complaints a month on transfers—which is a small percentage—but the number had grown following the Temp Spec. And I guess I wanted to react a little bit to that.

Yes, it's a very small percentage, but that's a significant number of registrants impacted. And one would hate to ... If that number were an order of magnitude larger, we may be more impressed. But it would also be rather overwhelming for Compliance, I would think. So maybe it's a blessing that it's only 500 a month. But I think we need to be pretty sensitive to things that increase these numbers.

And moreover, if there are loopholes in the process—as we know there are right now because of the inability of using the full security that the Transfer Policy previously allowed—I think we have to be very sensitive to that, and particularly to the possibility that someone will come upon

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a methodology where they can essentially hijack large numbers of domains because of some loophole.

And I don't think we want to be guided purely by the fact that there are only 500 a month or the number has only gone up by—I don't know—25 a month or whatever over the norm before. Clearly this is something that we have to react to and we have to overall address with better security. So the absolutely number, I don't think, is the one that should be guiding us. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks, Alan. Next is Hadia, and then we'll get back to you, Steinar.

HADIA ELMINIAWI: Thank you, Olivier. And thank you, Steinar, for the presentation. And Daniel, of course.

I think Steinar was mentioning something in the very beginning about DNSSEC and the Transfer Policy. And I didn't really understand this. If maybe Steinar can elaborate a little bit more. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you, Hadia. Steinar Grøtterød.

STEINAR GRØTTERØD: First to Alan and the stats here. Well, of course, 500 cases is always 500 cases too many, but one of the problems that ... The way I understand the report from the ICANN Compliance is that they do have some

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problems on identifying the cause in the old [ticketing] system the new name server protocol. It was not necessarily clear what the complaint that the guy that complained was asking about, so they kind of identified it as a sort of transfer issue.

Some of this was, they complained about transfers that were not in the [basics] of the policy. It could be a transfer of a domain, and that was not due to blocked domain names, etc. There were some details there that were kind of tricky to understand.

I should distribute the Excel sheet to the group, but we were kind of promised to have the overall numbers because these were purely numbers about the complaints in the Excel sheet. And when the overall number comes in, I'll distribute it and we can take a look at it together and see where there are things that we should react on, or maybe also get someone from ICANN Compliance to explain the numbers, percents, in the Excel sheet.

Regarding the DNSSEC stuff. DNSSEC is, in my opinion—and I think most [folk] agree that it's a very important technical thing to secure the stability of the Internet. It is a challenge when you're transferring a signed zone from one registrar to another sponsoring registrar. There are different ways of doing this, but the PDP ... No, let's go back a little bit.

What I'm hoping for or what I also advocated and spoke to in the call was that I agree that DNSSEC should not be included in the PDP. But there should be some sort of best practice, as Daniel referred to, after the PDP has been settled to kind of give all the registrars and all the

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registrants a better understanding of how to deal with the different things.

DNSSEC is not the only thing that can mess up a transfer. We can also mess up web sites, e-mail communications, and all these things and so on. But this is something that can be identified and reasoned on as a best practice document and recommended to follow by the registrars in particular.

Okay. Let me know if that doesn't answer your question. I'm sorry. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Steinar. I'm to seeing any other hands up. Nope, Alan has put his hand up again. Alan Greenberg, and then I think we probably need to move on due to time constraints. Alan, you have the floor.

ALAN GREENBERG: Yeah, thank you. Just a very brief note. In the EPDP Phase 2A, the concept of the term "best practices" has come up. And we have found a very great reluctance of registrars to allow that term to be used because, apparently, in some jurisdictions if you don't follow a best practice, then you could be found liable to larger fines and things like that in court cases. And therefore, they are very, very reluctant to use the term.

So, just be careful presuming that we'll be able to adopt best practices on anything. It's not a comment on the specific issue, just in general.

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OLIVIER CRÉPIN-LEBLOND: Okay. Thanks for this, Alan. And now we can move on then to the next topic, and that's the Intergovernmental Organization Curative Rights Work Track, otherwise known as the IGO—

Oh, Steinar, you put your hand up again. Just one last comment you wanted to do regarding this best practice?

STEINAR GRØTTERØD: Yes. Thank you very much. Alan, if you have any better wording, I would love to have that because I don't want to be a showstopper that we use bad wording in what we're trying to achieve. I know from my time as a registrar and registry operator that there was this framework. Maybe that's how to handle DNS abuse stuff. Maybe, is framework a better working? Or let me have anything that is [inaudible].

ALAN GREENBERG: I don't know the answer to that. All I know is that the term "best practice" used to be one that registrars said, "Let's use it." And now they are saying, "Let's not use it." So the overall, perhaps legal environment, has changed and that may not a term that will be accepted anymore. I may be crying wolf. I'm just noting it. So I really don't have a better answer.

STEINAR GRØTTERØD: Thank you for your advice, Alan. Thank you very much. Thank you.

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OLIVIER CRÉPIN-LEBLOND: Thanks to both of you, Alan and Steinar. And speaking about best practice, I recall the beginning of the best practice [era] where I was part of a best practice forum at the IGF. And as you know, these were created a few years ago. The first five or four calls of the specific one I was in discussed the point whether it would be “best practice” or “good practice.” I don’t think we need to go further down that road for the time being.

Let’s go to the IGO Work Track, please. I believe we have Yrjö Länsipuro with us.

YRJÖ LÄNSIPURO: Yes, I’m here. Thank you, Olivier. Very briefly, the work track spent last Monday’s meeting discussion which law shall apply to the arbitration which is suggested to replace going to court after UDRP where an IGO (Intergovernmental organization) has been successful and the registrant has lost. Which law, that is to say, whether it’s a law of the jurisdiction of the registrant or the registrar, or whether the parties are free to agree on a type of law and so on and so forth.

This shows that the progress is slow. It’s very meticulous and, of course, with all the learned lawyers on that committee. And as a layman, I must say that I’m listening and I’m learning a lot.

But this is also a good sign in the sense that discussion is about details. Not anymore about the big question of principle. So next, there is not



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meeting on next Monday because of the July 4<sup>th</sup> holiday. And the next meeting is July 12<sup>th</sup>. Before that there will be e-mail exchanges.

And I'm still pretty confident that we are sort of going to have consensus about the initial report before the August deadline, the beginning of August. The 3<sup>rd</sup> of August, I believe. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this update, Yrjö. Are there any comments or questions from anyone? Not seeing anybody putting their hand up. No? Okay. So it's good to see that things are progressing. Thank you.

And now we can move to the next list, and that's the Expedited Policy Development Process on the Temporary Specification for gTLD Registration Data. Alan Greenberg and Hadia Elminiawi.

ALAN GREENBERG: Thank you very much, Olivier. If we can have the document up. What we have being presented today is the first probably very rough draft of our comments that we may be submitting in response to the Phase 2A Initial Report. There's actually been a change since this document was submitted to staff a half an hour ago, but I'll just talk you through it.

If we can scroll down to the first question which is the middle of page two. And the question is, "Is there any new information or inputs since Phase 2A is not considered in assessing whether registrars and registries should be obligated to differentiate between legal and natural?"

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And at this stage, the only comment we have—which clearly is something that we’ve talked about in the CPWG before—is that this should not be a recommendation if we do not have consensus. Because at this point a significant part of the working group believes there should be differentiation, and we haven’t changed that position. And therefore at this point, the best we could do is have no recommendation on the issue; not a recommendation not to change. The outcome is the same, just to be clear, but it does send a very clear, different message.

The only issue that Hadia and I have come up with at this point that perhaps we could say here is we could say that we need more discussion of the public interest and the public good. That is the benefits of releasing information in the public RDDS as allowed by GDPR. Currently, in most cases, virtually nothing is released even for entities that we know to be legal entities or we could know to be legal entities. It's going to get a lot of pushback because it's very hard to quantify the benefits of giving law enforcement and cybersecurity people the access.

The other thing that we could talk about is there is a service offered by Tucows to make information available. That is, prior to the SSAD coming about. And the prices are so high that a number of people have said basically, “Forget it. We’re not even going to participate in this kind of thing.” And that, too, sort of seems to point to the fact that the SSAD is not going to be our savior and we really need to look at other ways of addressing the public good. So we may try to formulate something on that side.

I’ll note that the question did not ask the community, “Do you agree that we shouldn’t make changes?” and “do you agree we should not

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differentiate?” So we’ve sidestepped asking the community for input on our deliberations and presumed that our deliberations have been sufficiently representative and we’re only asking for new information. So that alone, I think, is something that might be worth commenting on.

If we can scroll to question #2 which is on the top of the next page. And question #2 is, “Is this recommendation necessary?” The recommendation is essentially saying that the GNSO Council should monitor what’s going on and react if something happens in legislation or other environments that are changing.

And our draft answer says, “Perhaps it’s not needed, but given the high workload of the GNSO and the importance of this issue to many in the ICANN community and elsewhere, it’s prudent to formally require the GNSO to do that.” And I think that’s about as far as we can go. We can’t compel how well the GNSO does it, but we can certainly say they are obliged to tick off the box and go through the motions.

Olivier, I think, given the time frame, we’ll go through the whole thing and then open it up to questions, if that’s okay.

OLIVIER CRÉPIN-LEBLOND: Yes, Alan. I think that’s the right way to do it. Thanks.

ALAN GREENBERG: Okay. The next question is question #3, top of the next page. Now this whole thing centers on, should there be an element in the RDDS, not necessarily the public RDDS—a WHOIS element, using the older vernacular—that says, “This is a legal or a natural entity.” Given that

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many registrars are not differentiating, therefore it will clearly not have a value, and given that we have a backlog of something like 200 million domains that if anyone decided to differentiate, there's a huge amount of work and a time lag in it.

But nevertheless, should there be an RDDS element? And this is something the ALAC has pushed for very, very heavily within the EPDP. And I daresay this whole thing would not be there if we had not pushed as hard. So I think our answer is casting stone at this point of, yes, there should be an element. It's possible that legal differentiation may be necessary in the future. And formulating this element now means we will not need to have another PDP to create it later.

The second and equally important reason is that some registrars may choose to do differentiation, and having the element as a standardized element means the SSAD, or possibly other tools, can know the distinction has been made. Because if we have an element that says it's a legal entity and there will have to be conditions associated with that there is no personal data associated with a legal entity, then the SSAD could release the data automatically—assuming the SSAD ever comes about.

So this is a really critical issue that we need to do it. There is absolutely not cost to registrars or registries from doing this. It's an element which they can ignore just like other elements in the RDDS definition which they are allowed to ignore completely. I will say we've had [inaudible] pushback, notwithstanding the fact that there's no cost to it.

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#4, just a little below it. And this one is, okay, “If there is a field, what should it say?” We had a fair amount of discussion in the EPDP. The first draft that the staff came up with said things like yes, no—that is legal entity, not legal entity, or undefined. And then the question comes up as who didn’t—or, sorry—indefinite.

And in whose mind is it not definite? Is the registrar? Is it the registrant who doesn’t know? I think the simplest answer is, simply, blank. If it’s blank, it’s not filled in. There may be many reasons for it being blank. The registrar may choose not to differentiate, [I mean] choose not to have yet differentiated. The registrant may have chosen not to differentiate, whatever. Blank is a simple value that doesn’t hold implicit meanings.

Now if the registrar differentiates, the field must be used for the registration where differentiation’s made. That is, the field is there and if you’ve differentiated, you must say so.

The other questions are, “What other things should be done to it?” It may be transferred to registries. There are some issues whether registries want it or not. And there’s also a question of whether you can transfer the permission to registries. It must be transferred to escrow providers. It must be saved so that if the registrar goes belly-up, then at least we have a record of whether the domain was a legal or natural entity. And it must be provided to the SSAD or equivalent and must be published in the public RDDS.

There’s probably less reluctance in accepting the first part than the second. There are those who believe this is not essential information for

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the public to know. That is, if it is a legal entity, they may see the data but they shouldn't know why they're seeing the data. I personally can't see any reason why we've taken the position that's stated here several times within the PDP.

Question #5. Sorry to go over it so quickly, but we are pressed for time at this point. Question five is, "If such a standard data element is available, must the contracted party who chooses to use this differentiated element—"

Sorry. This is the one that says, "If you differentiate, must you use it or not?" And we're saying, yes, you must use it. There's no point in having the element if it's not needed to be used.

Question #6 is several pages down at the top of page seven.

Oh, by the way, in the previous questions there were references made to asterisks. The question has been reformulated to point out that the asterisks we're talking about are not in this document, but in the report. A change has been made to this form since I copied it, so if you're looking at it yourself, you need to look within the report to find out what the asterisks are about.

Question #6. "Does this guidance as written provide sufficient information for registrars or registries who choose to differentiate?" The guidance talks about whether this element is published or not and says you may consider having a public element, an element in the RDDS. Obviously if, as a result of the previous questions, there is a public element, then the wording has to be changed within the guidance.

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Other than that, to be honest we've basically ignored the guidance because it has virtually no effect. There's no requirement to use it. So if a registrar does not have to differentiate, if they choose to differentiate, they may ignore this guidance. They may follow it. I just don't think it has a lot of bearing so we haven't put a lot of effort into looking at this question.

Question #7. "Are there additional elements that should be include in the guidance?" My previous statement said that. I don't think it's worth the time and effort we've put into it, and I don't think it's going to have a lot of impact on how the registrar world handles this.

Now to question #8. "Are there [legal or regulatory] considerations not yet considered in this report that may inform registrars or registries in deciding how to differentiate?"

Now the EU regulations in NIS 2, which would affect this significantly because the draft versions of NIS 2 seems to say that registrars must make the differentiation and must publish the fact that they differentiated very quickly—and there are timelines there which are things like 24 hours. So, very, very short by what most of our registrars seem to like or to want to do things.

Now this has to be approved by the European Union Council and Parliament. That's not going to happen until close to the end of the year. At least that's the best estimates.

Then it has to be interpreted by the various legislations within the EU governments. They're going to have a certain amount of time that they're allowed to do this, and they will then have to formulate the

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actual regulations, the actual laws, before they take effect. But once the Parliament and the Council determines what the things are, there will be a lot that will be cast in stone that won't be up for interpretation.

And what our response is saying is that if we have any decisions from the Council and Parliament prior to the final report being published, the report must factor those in even if it delays the report. Because when we get near the end of this timeline, we are going to be under great pressure not to delay the report. And it is quite conceivable that we may have a draft report almost ready to go when we get news that some of these regulations have been approved by the Council and Parliament.

And I think it will be unconscionable if we allow the report to go out knowing that there was new information that wasn't factored in because we didn't have it at the time we looked at that particular section.

Question #9 is, "If a registrar decides to differentiate, must this guidance become a requirement [for] enforce?" That is, if a registrar chooses to differentiate, do they have to follow this guidance? And our answer, I think, is no. There's no reason to believe this guidance is the definitive way that it should be done.

Question #10. This regards anonymization or pseudonymization. The difference is that anonymization is that in every domain, the e-mail will be anonymized in its own rights. Pseudonymization means that within a registrar or perhaps a registry or perhaps the whole gTLD space, there will be commonality. That is, the same registrant will be anonymized the same way even for different domain names.



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It says, “Does this provide enough guidance?” And the answer that we have in our draft is, “No. The report or additional information provided during implementation should give specific examples and best practices.” And I use the term “best practices” here deliberately even though I know it won’t likely be accepted.

The reason is that the legal guidance is very confusing and it’s not clear and doesn’t provide simple guidance. And so I believe we should be able to expand it based on specific examples and more specific as we go forward.

#11, next page. “Are there are any other comments we’d like to raise?” And we’re raising the point of the web form which we talked about before. Virtually all registrars do not provide e-mail addresses anymore. They provide a web form that they will then relay information on to the registrant. Some of these are very useful. They provide enough information so that the person who’s trying to communicate with the registrant can actually say what the issue is that they want to communicate.

Others are, basically you can tick off one box saying why you’re doing this. And that’s it. You cannot provide any other backup information. You can’t provide an e-mail address or a place to look at on the web to see where else information might be. You can’t provide the subject line. So people are getting a pretty nondescript message from their registrar, and in many cases they may not even look at it [if you can] be tempted to look at it. This is all done under the guise of minimizing spam of one form or another, and there are enough registrars who do allow good information to be presented that there’s no reason they can’t.

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Now the Phase 1 recommendation says you can use a web form or e-mail to allow communication. And communication in the extreme is not really allowed by some of the web forms. The argument has been made that the Phase 1 Implementation Review Team can specify details, but we know they are not going to do that. We know registrars would not accept guidance from the IRT on content of web forms when the PDP recommendation itself did not make any reference to providing such guidance.

So our belief is that if we don't do it here, it won't get done at all, and therefore we should do it. There are those who claim this is out of scope. My believe is that the scope guiding this Phase 2A PDP says, "Were there any changes in Phase 1 that needed to be adjusted?" And we're saying, yes, the [reference to the] web form should be qualified.

And that's it. Open the floor.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Alan. The floor is open. I would have thought there'd be a lot of hands up. I suspect, Alan, it's a lot to take in at this point in time.

I see Holly Raiche.

ALAN GREENBERG: Trust me, it was a lot to give.

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HOLLY RAICHE: Alan, I supported a lot of what you said. Do we have an opportunity to simply, maybe on a Google Doc or whatever, just agree or ask questions? Because we're kind of running out of time here.

ALAN GREENBERG: I assume there is a Google Doc since I submitted this, and I think I saw the creation of a page or a modification of a page. So, yes, certainly there's a Comment field there. [Have forth].

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Alan. I think that we definitely need to have the pointer to the Google Doc and then people can read through this in their own time and fill it up. I'm not sure what the turnaround time is. Jonathan—

ALAN GREENBERG: Well, we have ... Sorry.

OLIVIER CRÉPIN-LEBLOND: What's the turnaround time?

ALAN GREENBERG: The deadline is somewhere in the middle of July, so we certainly have until next meeting.

OLIVIER CRÉPIN-LEBLOND: Okay. That gives us a good seven days.

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ALAN GREENBERG: If we set a deadline of comments no later than the end of Monday, the 5<sup>th</sup>, which I know doesn't give people a lot of time, given the U.S. holiday, but nevertheless. I was going to say the 4<sup>th</sup>, but if we say deadline's by the end of the 5<sup>th</sup>, then Hadia and I will rework in time for the CPWG meeting and we'll probably have some additions about by then also.

OLIVIER CRÉPIN-LEBLOND: Okay, thanks for this. Jonathan Zuck.

JONATHAN ZUCK: Yes. I had a question, but I've forgotten it. I think it was on question #2. Can we scroll back up there? And that might refresh my memory. I should have written it down when we were ...

ALAN GREENBERG: Question #2 was on should we tell the GNSO to monitor.

JONATHAN ZUCK: Right. Maybe it was a little later. Maybe it was #3 or #4. Maybe it was #4. Sorry.

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ALAN GREENBERG: The next few questions are on the standard element and who should use it and should they be compelled to use it and what can we do with it.

JONATHAN ZUCK: Yeah. I guess I'll go back to the document. I'm sorry. I don't want to waste your time now. I had a question [inaudible] and I thought I would remember it and I was wrong. I should have written it down. I'll look at the document [inaudible].

ALAN GREENBERG: Never happened to me.

JONATHAN ZUCK: You're a better man [inaudible].

ALAN GREENBERG: I'm a liar.

OLIVIER CRÉPIN-LEBLOND: Okay, thank you for this, Alan. I see Steinar Grøtterød, and we'll have to move on because time is of the essence. So Steinar, you have the floor.

STEINAR GRØTTERØD: Well, with my previous registry hat on, I think that one of the things we were really struggling to find out was what sort of customers did we have. Who was the registrant? Was it a legal entity or was it a natural

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person? And we spent a lot of money on buying services from third parties to kind of identify and give the stats on that.

I know there will be a hassle for the registries to kind of convert their present data base into legal and natural persons. It should be a value for the registries, honestly. It should be a great value for the registries. So you may put that into your discussion.

ALAN GREENBERG:

Steinar, I wish you had been one of the registry representatives on the EPDP because the registry representatives are certainly not taking that position.

STEINAR GRØTTERØD:

May I just follow up with another comment? Back in my days at the registrar at the time .org went from a thin to a thick registry, we as the registrant actually had to identify all our .org clients. And I spent weeks with communications trying to identify this. And what I got from this was a t-shirt from .org. Well, I do understand there will be technical challenges here. But anyway, thanks for your presentation.

ALAN GREENBERG:

It's not only the technical challenge. It's the legal challenge they're worried about. That is, they're going to get sued and have huge penalties to pay if they do it wrong. So it's a complex issue.

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OLIVIER CRÉPIN-LEBLOND: Thanks for this, Alan. And the last work goes over to Hadia Elminiawi. At last on this topic.

HADIA ELMINIAWI: Thank you, Olivier. I actually wanted to comment on what Steinar just said. The actual differentiation and the implementation of a field that allows that won't actually take much work from the registrars because they are already going to make some changes to the current RDDS. And that's just one more thing that they need to do. So if they do it at this point in time, actually it will save them time and money.

And this is one of the reasons, actually, that this is recommended to do this at this point. We don't need to wait until we have new legislation or new laws and then say, "Okay, let's do that." So that's [one] point.

My other question to you, Steinar, what was the reason for which you wanted actually to make this differentiation between legal and natural persons back then? Thank you.

STEINAR GRØTTERØD: Well, it was kind of important for us. The business model we had ... Well, let me phrase it this way. I was running, together with [Maarten], the .global registry. And it was of importance to identify the number or registrants in the business area and the number of registrants in the consumer/natural persons area to kind of tailor what we were trying to achieve with communication and pricing, etc. For us, we were kind of an expensive top level, so we did have a certain focus on the business area.

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We wanted to have [to our] marketing department some sort of figures about what's the difference between the natural person client and the business client. That was kind of essentially for the marketing department. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Steinar. And, indeed, many countries implement legislation these days that curb publicity to natural people but allow it, however, to legal. So it's something which could be an incentive but obviously not seen by the concerned parties.

We have to move on. We're really late. We hopefully will have a small extension of time. And moving now—well, first thanking everyone for the updates.

Moving to agenda Item #5 with Jonathan Zuck and Evin Erdoğdu. The policy comment updates.

EVIN ERDOĞDU: Thank you, Olivier. So, just running through this item fairly quickly. There are quite a few upcoming public comment proceedings in the pipeline. Today is the last day of June, so we of course note that those two June public comments will be bumped to July.

And I had an action item from last week to ask about the DAAR 2.0. And there's no confirmed date yet, but they are expecting it will be this summer, hopefully in July. And you can click on the tabs to see the other upcoming public comment proceedings.



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And beyond the EPDP Phase 2A Initial Report Draft ALAC Response that Alan and Hadia have just reviewed, there is also an ALAC Draft Response prepared by Jonathan on the Draft White Paper Regarding Registrant Protections and DNS Abuse Mitigation. And this had been a request from the chair of that group to have ALAC feedback on this white paper around the time of ICANN71.

So I can just maybe hand it over to Jonathan if you'd like to discuss the ALAC response. Thank you.

JONATHAN ZUCK:

Sure. Thanks, Evin. As no one else raised their hand on last week's call about putting together a quick draft of response to this—or comments, not really response—comments on this white paper from the Registrar Stakeholder Group.

If you recall, we had a meeting and a presentation on this paper that the basic thesis of which is that with a new emphasis on greater enforcement and vigilance around DNS abuse, the registrars should publish—again, avoiding the use of the term “best practices”—some good practices for registrars in providing mechanisms for redress associated with an invalid complaint or an invalid takedown.

This is a trend right now we're seeing from the registrars, just to say, “But what about the registrants?” And I think we don't want to close our minds to this issue, but at the same time not take our eye off the ball with respect to DNS abuse mitigation.

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You'll find it on the agenda page, but Evin can post the link to a Google Doc if you want to take a look at the draft that I put together as commentary. In broad terms, I tried to suggest that we appreciated being consulted and being a part of the creation of such document. And this will likely be one of many white papers that they produce. I tried to be in agreement with a number of the things that they mentioned, but just mentioned some specific issues.

One of the big issues that comes up frequently—objections to enhance DNS abuse mitigation. They get a lot of complaints that are not valid, don't contain sufficient evidence, etc. And so I suggested that this requirement is a good one—that there would be evidence provided and that there would be valid complaints—but that they might want to go a step further than this two-page document and create a kind of framework or a checklist that allows registrars that are less in the know, etc., to more thoroughly evaluate a complaint for its validity, for its evidence.

And in so doing, potentially are signaling the type of complaints they're looking for and the type of evidence they're looking for. So it might lead to better informed complaints as well as criteria for rejection of a complaint by a registrar if it's invalid. So there are a couple of instances where I suggest that they ought to delve a little deeper and actually establish a kind of framework or a toolkit, if you will, for some of the issues that they raise.

Another topic that comes up with some frequency is that not all DNS abuse is the fault of domain name holder. Right? Sometimes it can be

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the result of somebody using a WordPress vulnerability or something like that. And what should the outcome there be?

And in my mind, there was an inconsistency in the paper because in one case they said, "It shouldn't be found to be an abusive domain if a third party's responsible." And then in another part it said that that should be a valid reason for reversing action taken by a registrar. And I think the second point is more valid than the first.

I think that those of us with a high-level concern about DNS abuse mitigation would suggest that the blame is irrelevant at the outset and that if the principle capability of the domain has been rendered to be abusive, it doesn't matter who's to blame for that. That it should be suspended until it's fixed. And that we shouldn't be mean about it, but just that's a practical matter. It should be suspended until it's fixed. And so that's a point that I make there as well.

And then finally, I added something which is this idea that sometimes the abusive portion of a domain represents a relatively small portion of the functionality of that domain. And that's been raised before as well. In other words, if I post a blog on my site and then somebody in a comment puts a phishing link, is that sufficient reason to take down my domain? And I think we would argue that it isn't. But once again, that would be a great opportunity for the registrars to establish some concrete criteria for determining whether or not something rises to the level of a takedown.

So those are the overall comments that I made on the draft, but I welcome people to click on the Google Doc and make comments. And

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we'll make revisions before submitting it to the Registrar Stakeholder Group.

And I'm happy to take any questions or discussion. I don't know who else has read this document, but those were the main points that I made from it.

OLIVIER CRÉPIN-LEBLOND: Thanks for this, Jonathan.

JONATHAN ZUCK: All right. I see something from Siva, "effective barriers and response systems." Yeah. Siva, I think that's the underlying thesis of the document. That is what the registrars are endeavoring to do. We want to be supportive, but at the same time make sure that we're not creating a situation that makes it impossible to complain or too abstract. Ideally, the more concrete they can make these criteria, the better. I think that says it—a central thesis of our comments here.

And so I think that's it, and we can go back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Jonathan. There was one more point that was there. Well, no, the EPDP. We've touched on both. Okay, that's fine.

JONATHAN ZUCK: We have indeed.

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OLIVIER CRÉPIN-LEBLOND: Thank you, [Jonathan]. So let's just then move to Any Other Business. And in Any Other Business, there are two topics. The first pointer to an article about Sony winning a pirate site blocking order against the DNS-resolver, Quad9.

Now Quad9 is the foundation that has an open DNS-resolver that performs filtering of some of the sites to have a sort of cleaner DNS. It blocks against known malicious domains and various number of things, but it doesn't block content that is deemed to be copyrighted content. And so Sony has sued Quad9 for this and appears to have won some blocking order of some sort.

Bill Woodcock, some of you might know him, is the chairman of Quad9 Foundation and has been explaining that whilst the foundation was based in California, it was covered by some laws that were protecting it in California. But now that it's been moved to Europe, this appears to be a test case from a court in Germany. I'm just doing this from scratch. I think it's a court in Hamburg as such. Yeah, the District Court of Hamburg.

So an interesting thing. Quad9 is now based in Switzerland, so that's one of the test cases. The question is, does anyone wish to have any further information about this? Is that of sufficient interest that we might devote more time to it in one of our future calls?

I know that Bill Woodcock is very eager to share his point of view on this, and it could be an interesting topic. So that's one.

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The other piece of Any Other Business is to do with the DNS Abuse Institute, DNSAI. That's, of course, the PIR-originated institute. And of course we've had the visit of Graeme Bunton who is the leader of this organization—or should I say the CEO of this organization.

And now this plan has come out which provides the detailed listing of the goals, the way that it's going to be structured, and certainly the impact that it wants to have. And it's a three-year goal, so Year Three Goals as they've called it.

Again, a very interesting roadmap as such and interesting reading for your weekend if you have the time for this. Any comments or questions on this?

In the meantime, I should also open the floor for any other "other business." Any other AOBs. I am aware that we're very much over time, but there was a question from Sébastien Bachollet earlier with regards to the way the Board deals with ALAC advice and what does the Board think about the ALAC providing advice and at the same time also taking part in PDPs.

And Avri Doria was, I think, one of the Board members that was on the call. I'm not sure if Avri is still here and whether she could be interested in very briefly commenting.

AVRI DORIA:

Yes.

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OLIVIER CRÉPIN-LEBLOND: Avri?

AVRI DORIA: I'm still here and can safely say that in terms of advice, we treat it all pretty much equally and take it all very seriously. I think the fact that people have been participants before may be a good thing in terms of the content [that's there]. But there's certainly no discounting advice because someone participated.

And just so you know, part of the discussion that we're hoping to have in our meeting together with ALAC is to explain how, indeed, we do process advice [inaudible] it becomes another piece that's more visible and sort of help speed your understanding of what we're doing when we're processing advice.

But certainly, there is no prejudice against At-Large advice in any sense. And speaking personally, I think it's a wonderful thing that people participate in the PDP and that the issues all get discussed in the time of the PDP. And then we have to go look for how it was handled, was it discussed adequately, and all that. But there is no prejudice.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Avri. Thanks for this. It's always great, also, to have you lurking and occasionally being able to take part in the discussion.

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AVRI DORIA: I'm almost always here and almost always willing to answer a question when I can.

OLIVIER CRÉPIN-LEBLOND: Well, we've taken notes. Thank you. Any other comments or question or any other "other business"? I am not seeing any hands up and that must bring a sigh of relief from our interpreters because we're reaching the end of this call. We just need to find out when our next meeting will be.

DEVAN REED: Hi, Olivier. Sticking with the rotation, the next CPWG meeting will be on Wednesday the 7<sup>th</sup> of July at 13:00 UTC.

OLIVIER CRÉPIN-LEBLOND: Wednesday 7<sup>th</sup> of July 13:00 UTC sounds like a real plan. I'm not seeing any other hands, so perfect. 13:00 next Wednesday. Thank you so much. And well done. You've completed your first CPWG call, Devan. So hopefully we'll have plenty more.

And thanks to everyone who has taken part in today's call. And especially to our interpreters who, again, have spent an extended amount of time—very extended amount of time—on the call. And also to the real-time text transcriber that has done a wonderful job today. So thank you.

Have a very good morning, afternoon, evening, or night, everyone. Good-bye.



DEVAN REED:

Thank you, Olivier. Good-bye, all. This meeting is adjourned. Thank you for joining. Have a wonderful rest of your day. Bye.

**[END OF TRANSCRIPT]**