
DEVAN REED:

Good morning, good afternoon, and good evening to everyone. Welcome to the At-Large Consolidated Policy Working Group call on Wednesday, the 29th of September 2021 at 13:00 UTC.

In order to save time, we will not be doing a roll call today. However, all those in attendance will be noted from the Zoom Room as well as the audio bridge. I would, however, like to note the apologies that we have received from Judith Hellerstein, Sébastien Bachollet, Vanda Scartezini, Cheryl Langdon-Orr, and Holly Raiche. From staff, we have Heidi Ullrich, Evin Erdoğdu, and myself, Devan Reed on call management.

We do only have Spanish interpretation on today's call. We will make a French translation of our transcript available on the agenda. Our Spanish interpreters are Marina and Paula.

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

A friendly reminder for 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'll turn the floor over to you, Olivier.

OLIVIER CRÉPIN-LEBLOND:

Thank you very much, Devan. Welcome to today's Consolidated Policy Working Group call. I'm having a few troubles getting into Zoom at the moment but I can still check the agenda out. Today we've got a slightly

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lighter, lighter schedule than we usually have with Yrjö Lansipuro starting. Yrjö is our ALAC liaison to the GAC and he'll be speaking to us about the preparation for the GAC and ALAC meeting agenda. Then we'll have Jonathan Zuck taking us through the draft ICANN72 ALAC and At-Large talking points. And afterwards the work group updates with our various policy development processes taking place in the Generic Name Support Organization, the GNSO Transfer Policy Review Policy Development Process, the Expedited PDP on the Specific Curative Rights Protections for IGOs, the Expedited PDP on the Temporary Specification for gTLD Registration Data, and the one on the Internationalized Domain Names. And then after that, we'll have our usual policy comment updates with Jonathan Zuck and Evin Erdoğan. Then Any Other Business afterwards.

I will ask Devan if there is any hand up for any amendments to be made in the agenda or additions.

DEVAN REED:

Hi, Olivier. I don't see any hands or any additions in the chat.

OLIVIER CRÉPIN-LEBLOND:

Okay. Thank you, Devan. So the agenda is adopted as it currently is on your screen. We can therefore go into the review of the action items from our last call, the one on the 22nd of September. A number of items remain. One of them is of course to do with the ICANN72 talking points. That's something we'll be dealing with today. The other one is the determination where the ALAC should be having a statement of purpose Amendment 5 to the .name Registry Agreement. We'll discuss this later

on today's CPWG call. The third and unresolved action item is for Yrjö to present to us on the ICANN72 GAC and ALAC meeting agenda. Any hands up? Any comments or questions on these? If there are none then we can move to the agenda item three, and that's Yrjö Lansipuro, the ALAC liaison to the GAC. Yrjö, you have the floor.

YRJÖ LANSIPURO:

Thank you. Thank you, Olivier, for giving me this slot at the CPWG call. I asked for it because this time the meeting between the GAC and the ALAC at the ICANN72 we hope is a little bit different from before. We have been trying to activate people on the GAC side more to discussions instead of pretty much ALAC talking at previous meetings. So now my counterpart on the GAC side, Shi Young, has been actually making a survey among GAC members on what they would like to talk about, when would they meet us?

So here is the agenda we have filled up on. It's a lot for one hour but let's hope we can manage it. And the first item, DNS abuse and beyond the GAC proposal, it's quite interesting, formulated fraudulent websites and other DNS nuances which are sometimes outside DNS abuse categories. We have from WIPO, the International Copyright Organization, and the European Community, their representatives have some interesting input to this question. And of course, I hope that from the ALAC side, there will be responses also.

Number two, instead of talking about EPDP Phase 2A and SubPro, as we have been talking for years at these meetings about the finer details of the other process, instead there was a proposal from the GAC side that

we could sort of take a step back and look at these most processes from the GAC side, from ALAC, as to how they have sort of matched with the public interests we have as ACs, and especially one question that we have been discussing at our meetings came up also up from the GAC side, as you say, the whole business or Minority Report, they are as unhappy with them as we are.

Number three, it's probably pretty short item on this EPDP on Specific Curative Rights Protection for IGOs. On this EPDP, the public comment period is just ended when we meet at ICANN72. So it's mainly to compare notes on whether our comments matched in some degree and then to plan for the future when this EPDP start working on the final report.

ATRT. Manal, the chair of the GAC asked our side to provide questions that would trigger discussion with the GAC. They used to say not just have ATRT3 as, in general, on as a topic but that she hopes for specific questions. And there were a couple of couple of questions that were proposed at this intersessional meeting from our side. And I hope that also Sebastien would come with some questions to be put to the GAC.

The last point, ICANN and government. It turns out that the Board will ask all ACs they meet at that meeting about how relations to governments could be improved that is between ICANN and governments. And so this is mainly to compare notes again between ALAC and GAC on what kind of discussions we had with the Board on this topic.

So this will be the agenda. I would be happy for comments and new ideas, and so on and so forth. I'll stop here. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Yrjö. I still am virtually—oh, just about to get onto the call. I should ask Devan whether there is anybody in the queue at the moment.

DEVAN REED: Hi, Olivier. I see Christopher with this hand up.

OLIVIER CRÉPIN-LEBLOND: Then, Christopher Wilkinson, you have the floor.

CHRISTOPHER WILKINSON: Good afternoon, everybody. I must say this week, without enumerating anything, we've been competing for bandwidth with a number of global and domestic issues which has taken priority. In particular, I'd like to refer with solidarity and support to the consequences of the volcano in Spain. The ash cloud is reaching further east and further north, and I hope it does not result as a sandy case in the closure of airspace. We are not yet through with that.

Sorry for the diversion. Yrjö, thank you. Very interesting exercise. Allow me to make two contradictory comments. First is, as an ex-GAC member and an ex-GAC secretary, that is too much to be dealt within one hour.

But secondly, I feel that it lacks two or three of the important current issues. I'd welcome Justine's views about this. It seems to me that the ALAC opinion on the SubPro business has disappeared, whereas what we had to say on SubPro, notably on geographical names from my point of view but there were several others, what we had said to say to the Board on SubPro was fundamentally problematic and needs to be followed up, both by the ICANN Board, who, as far as I know, has not responded and in our discussions with the GAC.

Finally, a footnote, I took this up a couple of weeks ago, I think. I'm glad that there is concern about the misnomer of minority reports. Thank you.

YRJÖ LANSIPURO:

Thank you, Christopher. Yeah. I think you're right that this is a little bit too much for one hour. I'm very much aware of this. For the second point, at the intersessional meeting where we prepared this agenda, I think that there was a desire shared by both sides not to go back to the SubPro in detailed manner. Again, as I said, step back and take a look at those processes in a bit different way, and in that connection, also came up this question of minority reports. So perhaps we're now looking more at the process than the substance. Thank you.

OLIVIER CRÉPIN-LEBLOND:

Thanks for this, Yrjö. I'm now on the Zoom or at least I was a moment ago. Now it seems I'm not on it anymore. Great. Anyone else in the queue?

DEVAN REED: Hi, Olivier. I see Justine just raised her hand.

OLIVIER CRÉPIN-LEBLOND: Thank you, Justine Chew.

JUSTINE CHEW: Thank you, Devan. Thank you, Olivier. I suppose I have been called upon to say something since Christopher has invoked my name. Christopher, just for your information, I suppose, and also for the information for the group. At the ALAC/GAC leadership call, when the matter of SubPro was raised, my comment was that insofar as both GAC and ALAC stand now, both parties, both ACs advisor points to the Board, as you know, and the Board is still mulling on the pieces of advice. They have their process by which they follow. They also indicated that they're trying to come up with a better way for us to monitor their consideration of our advice. So we're waiting on that.

At the same time, I expressed the opinion that apart from that, there wasn't a lot we could do and I was particularly more interested in finding a way to monitor the progress of ICANN Org through the ODP for the SubPro. And at that point in time when we had the leadership call, the webinar hadn't happened yet. The webinar happened today. So we have a bit more details about what areas—there are 12 areas that the Board has indicated—ICANN Org should focus on in terms of answering the Board question. So we are going to—or at least I am going to—find

a way to monitor this and obviously going to share efforts with GAC, my GAC counterparts. So that's where we're at the moment. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Justine. It's worth noting that on the ALAC Board interaction, the advice provided on Subsequent Procedures to the Board has been all put in the pipeline and it appears that indeed the Board has still not looked at any of it or any of the other advice. They're obviously waiting for the process to pursue. And then it's obviously big questions and a lot of advice provided by the ALAC, as you know, with a number of points that have all been registered separately on the listing. So it's not just one statement that the points that we were making have been registered separately. That's why if you look at the Board advice, you'll notice that there are no less than 40 points made by the ALAC that are currently in the pipeline.

Anyone else on the on this topic? Yrjö, is there anything else you'd like to add to this? I mean, to me, it sounds like a large number of topics, though. So is there going to be a selection of these? Or is that the order in which they'll all be covered?

YRJÖ LANSIPURO: Thank you, Olivier. I think that we have to perhaps remove at least one item from here, but we have to discuss that with my GAC counterpart. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks, Yrjö. Okay. That's where we are now. So thank you very much for this. And apologies again for not having been able to accommodate you last week as you were scheduled completely at the end of the call. The end of the call was beyond the end.

YRJÖ LANSIPURO: Thank you.

OLIVIER CRÉPIN-LEBLOND: Now, we are hoping that we're not going to overrun. I think we can move forward then to the next agenda item, and that's going to take us to Jonathan Zuck. He's going to be speaking also about ICANN72, but about the ALAC and At-Large talking points for ICANN72. There's a Google Doc that has been prepared that I invite you all to look at on your own machine. I can just hand the floor to Jonathan.

JONATHAN ZUCK: Thanks, Olivier. Can we get the Google Doc up? Basically, I think everybody knows the score here. We try to talk about prior in the run up to the ICANN meetings, we sort of brainstormed on the CPWG calls about what the key issues are going to be for that meeting and try to develop some talking points because we have so much broader participation during the ICANN meetings than we do during the day to day of At-Large business. And so these have become a bit of a staple of a little bit of a briefing document to kind of remind people about the consensus decisions that we've made as well as get everyone sort of on the same page for how to discuss them when they come up in the

sessions that that week or those three weeks. And again, how you look at the ICANN meeting.

So right now, this is just the beginning of an outline of those talking points. It's not really a draft per se but an open conversation about what people believe are going to be the hot topics for this meeting. And so we should think about what the discussion should entail.

John here in the comments has mentioned that the Epik data breach. That's an interesting thing to have in this document because normally, John and I—and this is not set in stone by any means—but normally, the talking points really only includes sort of our consensus views on things because it's an attempt to kind of get everybody on the same page. It's not really meant to be a briefing document in the broadest sense of the word in terms of like describing the background of an issue or something like that. But instead, the idea behind talking points is that they're consensus positions. And so I don't know whether or not we should add Epik as a discussion prior to the session so that we do in fact have some talking points on it or if we should just develop a separate little briefing document about this, because certainly it is a big deal. But the fact that it comes up doesn't necessarily mean it's an At-Large position, I guess, is my point. That's usually the basis of the talking points.

Would people be interested? I don't know. Should we put it on the agenda of the next CPWG call to the talk about this data breach and its implications in case there's something there that we ought to form some broader consensus opinion about? I'm curious what people's

reaction to that is. All right. Radio silence. That time of day. I feel like a late night radio DJ sometimes.

Thanks, John. I'll give some thought. Something like that looks like it's just informational. But for the most part, talking points are about where we stand on things. Likely we're going to go through the topics that are on the agendas for the three weeks of the ICANN meeting and cover the sessions that are happening and then look back in what consensus positions we have on those. That's generally our process.

I see, Hadia, you have your hand up. What I'm interested in on this call, briefly, is just if folks believe that there's something that's going to be a hot topic that isn't immediately apparent from the agenda as it's evolving. Hadia, please go ahead.

HADIA ELMINIAWI: I don't really have something to answer with your question. But I raised my hand in order to ask about the title you have between—you say virtual first and I just want to understand what virtual first means.

JONATHAN ZUCK: That's ICANN Org speak. There's this idea of a hybrid meeting.

HADIA ELMINIAWI: Yes. I'm aware of that. But I'm not sure what virtual first means.

JONATHAN ZUCK:

That's what I'm attempting to answer. Virtual first is a way to describe a hybrid meeting that isn't unfair to the virtual participants. So that's rhetoric at this point. There is going to be a discussion about hybrid meetings. And the term virtual first is being used in an effort to suggest that somehow we're going to make it equitable for those who are unable to participate in person. I think that's what that is a reference to.

Other questions about things that you think are going to be coming up for this meeting? This document, you now have a link to it, is going to be a living document, in which we'll be trying to fill in the outline with talking points based on what's showing up in the agenda, what sessions are going to be held, etc. And then, at the start of the meeting, in the prep week, we'll be trying to determine who will try to attend what sessions and hopefully get some reports back from folks in terms of what they heard and what any further action items might be from the non At-Large sessions.

That's the process question. I don't think that we have a whole lot more to discuss here. But please, keep an eye on this. Then as you see things beginning to evolve and see things that you think ought to be part of this talking points document, then please note it in the comments in the document or reach out to Evin or me with your thoughts. That's really where this is. Are there any other questions or comments or suggestions? All right. Olivier, please go ahead.

OLIVIER CRÉPIN-LEBLOND:

Thanks very much, Jonathan. It's my concern, but the question I have is the talking points at the moment just seem to be based on the future of

ICANN meetings on one side, which is more of a process thing. And the other one being the only policy topic, being the EPDP and GDPR compliance. Are there no other policy topics that we could have as talking points? Because traditionally, the talking points have been developed so as to be able if we are formerly—

JONATHAN ZUCK: For sure. They're not complete. This was meant to be a brainstorming session for this document. It's not like this document is anywhere near complete.

OLIVIER CRÉPIN-LEBLOND: Okay. So we'll build it before we reach ICANN72. That's all.

JONATHAN ZUCK: Every session that deals with policy will have talking points associated with it.

OLIVIER CRÉPIN-LEBLOND: All right, cool. Thank you.

JONATHAN ZUCK: All right. Thanks. Hadia, please go ahead.

HADIA ELMINIAWI: Thank you. I assume consumer protection would include topics like DNS abuse, right?

JONATHAN ZUCK: Yes. I think there's going to be DNS abuse talking points because there's going to be a session on DNS Abuse that Joanna is leading. So that's all guided more than some broad definition. Does that make sense? This is not meant to be At-Large priorities generally or anything like that. But in the end, it's meant to be tailored to the discussions we think will take place during the meeting. It's very specific to the upcoming meeting. It's not a generalized document on where At-Large is on policy. It's very specific.

HADIA ELMINIAWI: Consumer protection does entail mitigating DNS abuse incidents. What else does it entail?

JONATHAN ZUCK: I don't know the answer to that. What do you think it should entail?

HADIA ELMINIAWI: I don't know either. Let me think about it.

JONATHAN ZUCK: Okay. That's the idea. This isn't the end product. This is just meant to start the conversation. Please think about things and share your thoughts. All right. Thank you. I will pass the baton back to you with you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Jonathan. We are now going to go to the next agenda item, that's going to be our workgroup updates. We'll start with the Transfer Policy Review Policy Development Process, the TPR PDP with Steinar Grøtterød and Daniel Nanghaka.

STEINAR GRØTTERØD: Hello. For this meeting, we actually have prepared some sort of poll to test the temperature of this CPW group. And the reason for this is that during the last meeting in the Transfer Policy Working Group, we have discussed requirements for what is being called the present call the losing Form of Authorization. We have ended up with four different notifications to supplement or replace the losing Form of Authorization. And the reason for having this poll is that when we're now entering the process and information flow that is previously being called the gaining Form of Authorization, we need to sense the temperature of the CPWG call. I will, first of all, go very, very light giving an overview of the four different notifications that the GNSO Working Group has discussed.

The first one is their notification of the TAC request. The TAC is the Transfer Authorization Code. It's a new word for Auth-Code. This is something that has been sent by the losing registrar at the time the registrant request a TAC. This is more described as an optional notification.

The second one is a notification of TAC provisioning that has been sent to the registrant by the losing registrar when the TAC is giving to the registrant in a secure way. That's one of the elements we have in this.

The third one, notification of pending transfer, that is also more described as an optional feature. And that is very, very similar to the old losing FOA requirements.

The fourth notification has been seen as required. And that is a notification to the registrant when the transfer is completed and is sent from the losing registrar. So all these four notifications, two optional, two required are sent from the losing registrar.

On top of that, we also have discussed requirements for creating the TAC. It has to evolve in the length of the TAC and the time to live for the TAC, etc. So in my view, we have reached something that is workable and feasible for replacing the present policy in notification to the registrant for inter-registrar transfer.

So the question here is, if we agree that these notifications are okay, do we see a need for notification to be sent from the gaining registrar to the registrant? And that is one of the things because if we're saying that At-Large want to have something being sent from the gaining registrar to the registrant, then we need to define what sort of information should be included, etc. Or if we believe that the information sent from the losing registrar gives enough security or notification for the registrant for a valid transfer.

First of all, are there any questions before we go into the poll? Hadia coming up? Am I to take the lead on the discussions here or is someone—Hadia?

OLIVIER CRÉPIN-LEBLOND: Steinar, I think that was a previous hand from Hadia. So maybe we can go to Alan Greenberg next.

STEINAR GRØTTERØD: Alan?

ALAN GREENBERG: Thank you. Assuming we said yes, we want the gaining registrar to send notice, how is the gaining registrar supposed to get the contact information for the registrant?

STEINAR GRØTTERØD: That's a tricky question, Alan. That is one of the things that was also discussed because as many members—at least the European members—of the GNSO Transfer Policy, they say that there will be legal consequences if the gaining and losing registrar should exchange data for the registrant. The reason for this is, of course, GDPR. If there is any information that should be sent from the gaining registrar, it has to be information to the contact data that the gaining registrar has received from his new client.

ALAN GREENBERG: Okay. If I may, the existence of this problem is why we're in this to begin with because this whole process was triggered, not 100% but largely due to the GDPR implications of the fact that the gaining registrar doesn't have the contact information anymore. So we seem to have come full circle. The logical way to handle this seems to be that when

you request the TAC, you give approval to the registrar to provide your contact information. Because otherwise, the notification that you're talking about in this question is not necessarily going to the registrant, that's the whole problem.

STEINAR GRØTTERØD: I kind of disagree with you on that one. Daniel, please go on.

DANIEL NANGHAKA: Just to clarify more. During the meeting yesterday, we discussed about the security function, whether they are the gaining FOA does update security function. And from the deliberation, it was agreed that data security functions are new requirements will exist to replace the gaining FOA security functions, despite the fact that some other functions may not be necessary.

Furthermore, when it comes to the issue of the notification, the gaining FOA would serve a notification function and these requirements may be new and they would exist to replace the gaining FOA notification function, and through this, there would be a way to notify the registrar that at least a transfer has been successful. Despite that all, there was still a requirement that there is a policy that is needed that the losing registrar will also have the requirement of notification to the registrar about the respective transfer of the domain. Despite all that, the gaining registrar obviously did not serve so much of the purpose of notification because of the different forms of notification or notifying the registrar about the transfer of the domain. So these deliberations are still going

on and no conclusion has been made from the PDP. Probably that would serve clearer to the notification function. Thank you.

STEINAR GRØTTERØD:

We are not the end of the discussion for what should be done by the gaining registrar. But I like to commend that the majority of European ccTLDs has actually implemented a policy where the Auth-Code is sufficient for the transfer. So I don't think if the final new policy don't set criteria for any action to be taken by the gaining registrar, I don't think we end up in a bad situation. And ICANN Compliance, as far as this has been informed, there are very, very few cases that are invalid transfers. That's my view. Anyway, Siva, come on.

SIVASUBRAMANIAN MUTHASMY: Well, if the registrant authorizes a domain transfer, a transfer is something that takes place that is actually a transfer of the whole domain name together with the registrant data by the losing registrar to the gaining registrar. That is a process. The registrant authorizes the process as such. If the process involves four steps or five steps, the registrant authorizes it. If the last step is going to be that the gaining registrar has to communicate to the losing registrar, that is also implied as authorized. Then how does the question of data breach or data violation occur? After the gaining register activates the domain name, activates the transfer, the domain could continue functioning as an extended process so the notification from the gaining registrar to the losing registrar could take place over a week or over a fortnight and that doesn't affect the registrant in any way. In either case, both the losing

registrar and the gaining registrar has the registrant's information. So how does the question of legal implication for the gaining registrar or the losing registrar occurs? I don't know understand. Steinar, please can you think about it and tell me what you think?

STEINAR GRØTTERØD:

I think the question here that has been raised by Alan is that there is no way for the gaining registrar to get the information of the registrant because there's no change of registrant data in a transfer. It's only a change of sponsoring registrar for a certain domain name. Though there are no data saying that Mr. X with that address has been transferred to the losing registrar to the gaining registrar. And that was the situation where you could actually use the WHOIS data before the GDPR to check whether there was an e-mail address connected to the registrant in the WHOIS data, but that isn't possible now anymore. Did that answer your questions, Siva?

SIVASUBRAMANIAN MUTHASMY: No, not really. Because when a domain was transferred, how was it that our domain can be transferred without pertinent information about the registrant, which, in any case, the losing registrar would have had?

STEINAR GRØTTERØD:

The losing registrar do you have the information of the registrant. We kind of assumed that this is a transfer, as valid transfer, as the registrant has access to get the TAC from the losing registrar used that TAC to initiate the transfer to the gaining registrar. The gaining registrar sends

an EPP command to the registry. The registry verifies the TAC. If it's okay, the change of sponsorship of that domain name will be executed, that there is no change of registrant data in that process. It has never been. Still not answering your question?

SIVASUBRAMANIAN MUTHASMY: No, go ahead, Steinar. It's okay. I'll come back to that later.

STEINAR GRØTTERØD: Alan?

ALAN GREENBERG: Thank you. Just to be clear, the transfer process we're talking about is supposed to be changing the registrar. In fact, because of what is being proposed, de facto changes the registrant also. Because if I obtained the TAC code for one of your domains and I tell my new registrar, "I'm Alan Greenberg," it's now Alan Greenberg's domain to see me the transfer goes ahead. And this whole process seems to presume, among other things, that registrars are immune to data breaches and other kinds of problems, and I guess I just don't see that.

All right, maybe I'm missing something. You know, I don't see the problem with the registrant requesting that the information about the registration be transferred when a TAC is provided, assuming the transfer goes ahead. That gives the gaining registrar some ability to verify that the registrant has not changed. I don't understand why that is not possible but that's my point anyway. Thank you.

STEINAR GRØTTERØD: May I comment on that very shortly. I'm not sure either, to be honest, whether that is feasible, that is possible, from a legal perspective. I think one of the criteria that was discussed in one of the workgroup's meeting was the GDPR do you have some sort of requirement for data minimalization and there is no need to transfer that sort of data from the losing registrar to the gaining registrar. And one of the members, he said that if that will be the case, most likely the data controller in a European country will punish maybe the registrars in having that sort of routine because it's a breach of the GDPR. I think the best way maybe here is to take that sort of question into the Policy Working Group again and try to get some better understanding.

DANIEL NANGHAKA: I think that's the best thing because we had to get going deep into the discussion of the registrant with that in detail. But one thing that we noticed that once the TAC has been provided and the domain is not locked, then that means that the transfer will take place smoothly with various notifications sent to the registrant at various stages. And the registrant has the right to either accept the transfer or decline the transfer. But now when we go deeper into the discussions of the gaining registrar, then I think this is where at least we shall have more brainstorming within the working group. I think we should pose that to the working group and to get more discussion with them and then get back into the CPWG. Thank you.

STEINAR GRØTTERØD: I agree with you, Daniel. Yeah. Michael?

MICHAEL PALAGE: Thank you, Steinar. I guess I would share the viewpoints or concerns raised by Alan. It would be helpful if you could come back with a more articulate viewpoint on how the GDPR impacts the ability to communicate and get the consent of the registrant. To me, the GDPR is all about empowering the data subjects. So somehow cutting them out of the loop seems to be counterintuitive with I would say the broader purposes of that. When you said that it did not make sense to me, so if you could perhaps distill that down and bring that back, that would be helpful and maybe that could shed some light to both Alan and myself.

STEINAR GRØTTERØD: Thank you, Michael. I actually think that whether I manage to address that in a professional way—maybe not the correct word—I'm not sure about that, but hopefully there will be topics about the transfer policy during the upcoming ICANN meeting. I sincerely hope that you can put that into the discussion into that group, because then it's more open. But on the flipside here is also that from my experience, with this European ccTLDs, they particularly change their policy because of the GDPR, because of the factors that I mentioned. So at least there's some essence in not having that kind of requirements that there should be a data agreement between the losing and the gaining registrar. Maybe it should be phrased in a more legal way, etc.

MICHAEL PALAGE: Just to follow up on that, the fact that there still doesn't exist a data processing agreement between ICANN and the contracting parties three years after GDPR, I mean, maybe we really want to talk about the elephant in the room before we start talking about registrar to registrar data processing agreement. But fair point and I won't belabor this point any further.

STEINAR GRØTTERØD: Okay. What do we do next?

OLIVIER CRÉPIN-LEBLOND: Steinar, I'm a little concerned of the time. So you mentioned you did have a poll. I'm not sure if everyone is ready for the poll, or do you think there might be more discussion needed?

DANIEL NANGHAKA: Olivier, my suggestion would be if we could run the poll, that would be good. So the next time it would be easier to report the temperature of the room that's from the CPWG to the working group. So I suggest yes, please run the poll. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. I'll let you then run the poll. Steinar, yes?

STEINAR GRØTTERØD: Here it goes. Thank you. So the question is then, if these notifications are agreed on, do CPWG members believe there is a need for a

notification sent from the gaining registrars to the registrant? And the answers, the alternatives are yes, no, I'm not sure. So please make your choice here.

OLIVIER CRÉPIN-LEBLOND: For those people who are unaware of the way we run polls here, this is just to take the temperature of the room, as Daniel has mentioned, so that our representatives on the Policy Development Process are able to provide some informed responses during their interventions in the PDP. I note that Alan has put his hand up.

DEVAN REED: We have 24 responses. Would you like me to end the poll?

STEINAR GRØTTERØD: 24 of 40.

DEVAN REED: 24 of 40. There's at least five staff members. I think there's actually six staff members on the call.

STEINAR GRØTTERØD: Okay. Olivier, what do you recommend?

OLIVIER CRÉPIN-LEBLOND: Thanks. Steinar, I think we can proceed forward. There are some staff members, there's also interpretation there, and maybe some people that are unsure. So you're looking for a temperature.

STEINAR GRØTTERØD: Yeah. Okay. Let's have the result. We should ask for more.

OLIVIER CRÉPIN-LEBLOND: So 71 in favor of getting the gaining registrar to send a notification. It sounds as though we have a clear majority here.

STEINAR GRØTTERØD: Okay. Thank you very much. Daniel, we have to work on that one with the Transfer Policy Working Group, and then report back on that one.

DANIEL NANGHAKA: Great. Thank you.

STEINAR GRØTTERØD: Should we end the discussion now or more comments?

ALAN GREENBERG: I had my hand up for a while now.

STEINAR GRØTTERØD: Alan, I guess you can have your time for your comment.

ALAN GREENBERG: Yeah. Just a very quick comment. The question asked about the response from the gaining registrar. Should the gaining registrar send a confirmation? I believe one of the main issues is not so much should they send the confirmation but should they have access to know who the registrant is. A diligent gaining registrar may want to verify that this is indeed still the same registrant and they are not being subjected to some level of fraud. So the sending of the message is almost ancillary and additional feature of getting that information. Getting that information allows them to do some due diligence, which could be important. So the question is not just should the message be sent but should the gaining registrar have the ability of knowing what the contact information is and the name of the registrant to verify that indeed this is not a change of registrant? That's where the value comes, not only in receiving another e-mail message. Thank you.

STEINAR GRØTTERØD: Thank you.

DANIEL NANGHAKA: Thank you very much, Alan. Sorry, just to comment on this. We had a poll in yesterday's meeting. And the question was did the gaining FOA start a security function? 33% mentioned yes, a new requirement should exist to replace the gaining FOA security function. And then another was yes, but this function is no longer necessary. So regarding to security, I think there's still more need to discuss the security levels in

the gaining FOA. As I said, at least fraud or security can be taken into consideration. Thank you. I think we can proceed.

OLIVIER CRÉPIN-LEBLOND: Thanks very much. I see Hadia's hand is still up.

HADIA ELMINIAWI: No, that's an old hand. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks. Sivasubramanian Muthasmy?

SIVASUBRAMANIAN MUTHASMY: I don't know how complicated this makes. But when we talk about transfers, we are talking about two kinds of transfers. One is when there is a transfer from one registrar to another. And the other is a transfer from one registrant to another registrant. But when both happen at the same time, the registrant is also changed and the registrar is also changed, probably due to the preference of the new registrant who wants to have a domain name with another registrar. Then there are double processes. There are processes for transferring from one registrar to another, and there are processes to be complied for transferring the domain from one registrant to another registrant. When both the processes combined, there could be some complications. Is there some way by which we could say that if there is a change of registrant, the change of registrant can only take place separately from the change of registrar. So after you complete one

process, you're free to move to another registrar. Or after you move from one registrar to another registrar, when the new registrar has complete information about the registrant, complete control over the process, then with the new registrant, you ask for a change of registrant. I'm just thinking. I'm not thorough with the process, but there is a possibility that when two transfers, change of registrant and change of registrar happen simultaneously, there could be some complications. Please think about it. Thank you.

OLIVIER CRÉPIN-LEBLOND: Steinar Grøtterød?

STEINAR GRØTTERØD: A very short comment to Siva. The change of the registrant will actually be discussed further on in the Policy Working Group. So this question is in the charter and will be addressed later on. But I do see a problem and then I think it's also together with the Alan's comment also. It's something that we have to think about in that total new policy, inter registrar transfer policy is being proposed. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much, Steinar. I guess we need to move on and we need to go to the next PDP, and that's the Expedited PDP on Specific Curative Rights Protection Work Track for IGOs. Sorry, ex Work Track for Intergovernmental—

DEVAN REED: Olivier, if you can hear us, it looks like you dropped from the audio bridge.

YRJÖ LANSIPURO: We lost Olivier.

JONATHAN ZUCK: All right. So we can just go to the next workgroup update, right?

OLIVIER CRÉPIN-LEBLOND: I was dropped by the phone. The phone calls me again. The next group is the Expedited PDP on the Curative Rights Protection for IGOs.

YRJÖ LANSIPURO: Yeah. Olivier, thank you. Now, of course, the next step is to write the comments from [inaudible]. I promised to write the first draft which is good to be rather short. We had many straw polls at the last meeting a week ago, and they will not as clear as the poll we just had on another subject. That is to say there is no clear consensus or at least there was no clear consensus by the CPWG on the questions that were left open by the EPDP on this question. So that's not much of a guidance for those who write the comments.

I think that for ALAC and for end users as a whole, I think that for us, the main thing is that this EPDP succeeds in finally agreeing upon and creating a reliable mechanism for solving disputes about the use of the IGO acronyms and thus preventing possible end user confusion or

worse. And that's probably the details how this will be achieved or not that important for end users. But of course, those details are important for the main protagonists here. So I think that we can also say that we really hope, and of course, we want to contribute to compromises on these last remaining open questions so that we finally will have that mechanism that we have been lacking for, I don't know how many years, 10 years at least. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you. Let's open the floor for comments and questions. At the moment, I'm not hearing anyone or seeing any hands up. So thank you for this, Yrjö. Anything else to add?

YRJÖ LANSIPURO: No. That's all for the time being. Thank you.

OLIVIER CRÉPIN-LEBLOND: All right. Thank you. As a quick update and we can then go to the Expedited Policy Development Process on the Temporary Specification for gTLD Registration data. Alan, Hadia?

ALAN GREENBERG: I have nothing to report.

HADIA ELMINIAWI: I also have nothing to report. Thank you.

OLIVIER CRÉPIN-LEBLOND: Okay. Thanks very much.

ALAN GREENBERG: At this point, until the GNSO takes action, there's not much we can talk about.

OLIVIER CRÉPIN-LEBLOND: Thanks very much. Next is the Expedited Policy Development Process on the Internationalized Domain Name, the IDN.

SATISH BABU: Thanks, Olivier. We have more of an administrative report at this time. Three points. First, is that Donna Austin has been announced as the incoming vice chair in place of Edmon who joined the Board. But Edmon might continue as the Board liaison to the EPDP, given the fact that he is one of the most knowledgeable person, I think this is helpful for the functioning of the EPDP.

The second point is that in addition to having ALAC EPDP team making our positions at the meeting of the EPDP, the EPDP will be also writing to each stakeholder group, asking if they have any written input. In this case, early written input for the consideration of the EPDP. They also say that there will be several other checkpoints like this. When each stakeholder group can provide in addition to their representative members and participants, they can also provide written input directly.

The third point is that at this point, we don't have anything to really pose questions to CPWG. Things are just emerging, the different interests of applicants, registrants, and end users. The end user interests are still far too down the pipeline. There are none at this point. There are some interesting discussions happening, but we will come back to the CPWG to ask for guidance when the right time and the right questions come up.

That's all from us. But our colleagues from the EPDP team, if there anything else to add on, please do.

UNIDENTIFIED MALE: Satish, I have nothing to add. Thank you.

SATISH BABU: I see Justine's comments on chat. Yes. Donna is the new incoming chair. And the vice chair position as of now is open. They've asked for a Statement of Interest now. We don't know how it's going to work out. In any case, Edmon is there for another month or so. Back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Okay. Thank you very much for this quick update as well. Thank you. I'm not seeing any hands at the moment for comments or questions. So that closes around for the expedited and the non-expedited PDPs of the GNSO. We now move on to the policy comment updates with Jonathan Zuck and Evin Erdoğdu.

EVIN ERDOĞDU:

Thanks, Olivier. I'll go through the agenda here. There are no recently ratified statements by the ALAC from this past week, but there are quite a few upcoming public comment proceedings utilizing the new public comments feature. You will see on the agenda in upcoming months, a few coming in September, October, November, and December.

Currently there are three public comments open for decision by the group. I note that Bill Jouris is on the call and he had also presented some feedback on the list regarding the proposal for Latin script Root Zone Label Generation Rules. If you'd like to discuss this further here, there's also the proposed Amendment 5 to the .name Registry Agreement. From the last meeting, it was determined this may or may not be voted as a no statement from the CPWG. And then there's one open but this is under the remit of the Operations Finance and Budget Working Group and that's on the draft PTI and IANA FY23 Operating Plan and Budget.

So those three public comments are currently open for decision for further discussion. Otherwise, the two that are on the radar have already been presented by Yrjö. That's the public comment on the EPDP on IGOs pertaining to their initial report, and then the domain abuse activity reporting public comment, which formally opens in October this next month, so stay tuned for those. I'll turn it over to Jonathan unless others would like to make some comments.

JONATHAN ZUCK: Thanks, Evin for that summary, that's great. Bill Jouris, you've got your hand up, presumably about Latin script Root Zone Label Generation Rules so take the floor.

BILL JOURIS: Yes. I thought it might be helpful to explain why I think At-Large might wish to comment on the process that the Latin Generation Panel has used. Just to give a little background, part of the remit of each of the Generation Panels is to identify variants, pairs of symbols that we think would cause confusion, which is one of the things the IDN project has principle to avoid. The Latin script is a little chancy because in addition to the couple of dozen basic letters, those letters can be modified by various diacritic marks. I expect most of the members here are at least familiar with critics like in France, the [Cydia] under the letter C, in Spanish, the Matilda over the letter [N], etc. There are 20 different diacritic marks. And my guess is even well-educated people, if they're not linguists will be acquainted with perhaps 10 of them. So there is a bit of a challenge in identifying something that is different if it's something that you don't even know exists.

The members of the panel, of course, are very familiar with all of these. And the way we identified variants was to take two symbols that look somewhat similar and compare them side by side, knowing there was a difference. And then say, even though I know, do I think I'd have a problem telling the difference if I saw the domain name. The problem that I see is that the process required a supermajority to say they'd have a problem before identifying something as a variant, specifically, five members out of seven. Which leaves us in the interesting position that a

majority of the panel being experts couldn't tell the difference between a couple of symbols, yet the panel's official position is an average reasonably careful user will be able to tell the difference. To me, that seems a little odd and I'm putting out a personal comment, essentially a minority report, or as someone phrased it earlier, a dissenting report. But it occurred to me that the At-Large might wish to comment on how we think end users will be impacted by the processes set up. I'm more than happy to answer questions if anybody has one but that's basically why I wish to speak. Thank you.

JONATHAN ZUCK:

Bill, thanks a lot for that. I think on its face that sounds definitely like something on which we should comment. Would you be willing to be on the agenda for next week to give a short presentation and show some of those variants? Because it could very well be that your comments could become At-Large comments unless you want to separately file things as an individual.

BILL JOURIS:

I would be happy to give a presentation next week. I probably will have a separate individual comment on specific decisions that I think are problematic which might get a little closer to specifics on this pair of items should be a variant, which is a little more detailed than I think might be appropriate for At-Large response. But I'm willing to be persuaded.

JONATHAN ZUCK: Okay. Well, at the very least, you can take a hand in—if there’s consensus after your presentation, you can participate in creating those higher level comments because it really does feel like a serious thing. Variants have been discussed indefinitely. When we first started talking about DNS abuse at ICANN68 and what we’re going to do about them, there were a bunch of Bank of America examples and things of that sort. One of the issues is that most registries prevent mixed character registrations, is that right?

BILL JOURIS : Say that again, please?

JONATHAN ZUCK: My understanding—and I’m not entirely informed on this is that one of the biggest problems is when you have a Latin second level domain but you’re able to use one character from a non-Latin script that looks like the character, and I feel like that’s been addressed. Is that right or is that not right?

BILL JOURIS: That’s correct. Any particular piece of a domain name has to be all in the same script.

JONATHAN ZUCK: Yeah. That’s definitely helpful policy.

BILL JOURIS: The problem is when you have something that is in two different scripts but still looks the same. The obvious example being currently .ooo is a high level domain name that ICANN recognizes. But there are several scripts where basically a circle is a letter in that script. So you could have a Cyrillic one or any of several other scripts that have the same thing.

JONATHAN ZUCK: Right. Yeah, that's good. All right. So let's plan on you going into a little more detail on next week's call. Then meanwhile, there's a queue forming. Satish?

SATISH BABU: Thanks, Jonathan. So this point about the work of GP, the EPDP has been also discussing this pretty extensively. We have been wondering because there are downstream consequences of the work done by GP. Ultimately, it ends up in the Root Zone LGR. And Root Zone LGR becomes an automated, algorithmic way to find out if a particular applied for label is valid or not. So they have no control. There's no human element there, it's not made in process. If the work done in the GP is not properly representative of the language community, then we'll end up in a situation where things are rejected by at the Root Zone LGR. So this is an important point. And we were wondering of the inclusivity of this division panel to see what variations in the language like Spanish, for example, which is spoken in the continent, and in Latin America, Central America with a lot of variation, whether the diversity is taken into account by the GP. Otherwise, we'll end up in a situation where automatically labels get rejected. Thank you.

JONATHAN ZUCK: Thanks, Satish. Justine?

JUSTINE CHEW: Thanks, Jonathan. I was going to suggest that if it's possible for the EPDP ALAC team to have a offline discussion with Bill regarding his experiences on GP. I suppose he'd be here and expect him to comment on his experience with the Latin GP and not really the Spanish GP. Bill should do a presentation on what he needs answered for purposes of drafting an ALAC statement. But all these questions about the inclusivity of GP, I think we should take that offline and deal with the EPDP team on the IDNs. Thanks.

JONATHAN ZUCK: That makes a lot of sense and a potentially a good roll up to the CPWG from there. Any other questions or comments? I saw a bunch of hands go down. All right, Bill, so that's the plan. Thank you. And perhaps coordinate with Justine on a presentation to the EPDP on IDNs as well. Okay. Back to you, Olivier.

OLIVIER CRÉPIN-LEBLOND: Thank you very much, Jonathan. I couldn't help thinking about the complexities of—well, not the complexities, but the fact that many of the languages, when you look at the Latin script, of course, the different scripts are often variations of the main Latin script. Therefore, there are bound to be a lot of conflict between the different scripts with letters being common to these different scripts. That's something that which I

think has been known for quite some time. And certainly the Cyrillic script and the Greek script have been no strangers with some concern by some that the rules being very tight do stop quite a few domain names from being used. And if the rules are too light or too loose, then you end up with them being used for negative purposes and for phishing, etc. So yeah, big topic indeed.

We are through with the policy commenting. And so I guess we can have a look at the Any Other Business that we might have today. Is there any other business? I'm not seeing any hands up for this. Oh, so for once we might be early. We just need to check when our next call will be. Oh, I note that Justine Chew has put her hand up. Justine, you have the floor.

JUSTINE CHEW:

Thank you, Olivier. Since we have seven minutes before half past, I thought I'd just take this opportunity to let CPWG know that I've had a chance to look at the Amendment 5 to the .name Registry Agreement. In my opinion, I think it's fine to let go without having to make a statement. It's just a matter of a few things. One is they're trying to address a synchronization with the base Registry Agreement where were appropriate, obviously because .name is a non-sponsored TLD and it's also a legacy TLD. Some of the contract stuff is quite—not to say different but the way it's set out is obviously different to the base Registry Agreement. So there's a certain amount of synchronization needed. Also, retaining whatever there is not in the base Registry Agreement that pertains specifically to .name. And interestingly, I wanted to say that this is the first time I've seen something like this, but

obviously I've not read every single Registry Agreement or amendment thereof. But in terms of some of the new things that ICANN always trying to introduce is pertaining to implementation of the RDAP. So that's starting to happen. And also, in terms of the recommended clauses in the Registry/Registrar Agreement, they are now trying to introduce a provision for registrars to track defensive registrations. So that's something I thought was quite interesting. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thank you very much for this, Justine. Very helpful. Any other other business? I was going to, since we also have another couple of minutes, ask, was it Jonathan who mentioned the Epik breach, or John mentioned the Epik breach, just explaining what that is or what that was and what that means?

JONATHAN ZUCK: Thanks, Olivier. It's John that mentioned it. I don't know if anybody's spun up on it and up to summarize it, but we can certainly get a little bit of a discussion of it going for next week to see if it's something that we're interested. But it's basically a registrar that had a data breach and a lot of data spilled out of that registrar despite including data of non-customers. So it's a registrar that's also been doing, historically, some WHOIS scraping as well. So that's part of one of the things that was significant about that breach. It wasn't just data of their own customers but other customers of other registrars as well. So there's some implications there, obviously, and some fuel for some of the restrictions on WHOIS data access, obviously. So that's a quick summary of the Epik

disaster. But we can discuss it further when we've had a chance to absorb it more.

OLIVIER CRÉPIN-LEBLOND: Thanks very much for this, Jonathan. Just to add that Epik also did provide privacy services with many of their customers, and obviously a data breach is not good for a privacy service of some sort. So an interesting thing. And of course, in the likes of the GDPR that we now have with the registration data not being publicly available over WHOIS, it would be interesting to think or to see what consequences there could be with regards to a data breach of customers that are based in Europe. But that opens another discussion. We don't have time for that. We'll have that in a future call. In the meantime, I'm not seeing any hands up. We can check out when our next call will be.

DEVAN REED: Hi, Olivier. In sticking with the rotations, the next CPWG meeting is going to be on Wednesday, the 6th of October at 19:00 UTC.

OLIVIER CRÉPIN-LEBLOND: 19:00 UTC, 6th of October. Thank you very much, Devan. And with this, I'd like to thank everyone who has provided updates on today's call, staff, of course, interpreters, including also the real-time text transcription which has been very accurate. Thank you so much. Jonathan, is there anything else to add?

JONATHAN ZUCK: No, I think I'm good. Thank you.

OLIVIER CRÉPIN-LEBLOND: Thanks very much. Have a very good morning, afternoon, evening or night, everyone. Follow up on the mailing list. Goodbye.

DEVAN REED: Thank you all for joining. Have a wonderful—

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