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ANDREA GLANDON: Good morning, good afternoon, and good evening. Welcome to the Registration Data Policy IRT meeting being held on Wednesday, the 12th of July, 2023 at 17:00 UTC. Attendance will be taken by the Zoom room. I would like to remind all participants to please state your name before speaking for recording purposes, and to please keep your phones and microphones on mute when not speaking to avoid any background noise. As a reminder, those who take part in ICANN multi-stakeholder process are to comply with the expected standards of behavior. And with this, I will turn it over to Dennis Chang. You may begin.

DENNIS CHANG: Thank you, Andrea. Welcome, everyone. So let's get started. Our agenda today, we have two topics, and I would say it's the two outstanding items for us to complete for our publication. And that is one urgent request response timeline requirement and implementation timeline for the planning purposes.

Now, I'd like to address both of these today, and I want to make sure that we allocate sufficient time for the implementation timeline. But I think the urgent request may take, may require more discussion. So Andrea, if you can alert me, like say 20 minutes before the end of the hour, we can switch the topic. So that is how we're going to conduct our meeting today. And is there any AOB at this time or IRT member updates from the IRT members? If not, let's get started.

Again, welcome. The one thing that last meeting, at our last meeting, I wanted to, but I couldn't, because I couldn't figure out how, is to share

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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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our baby picture, Essie's baby. You know, we've been showing baby pictures throughout the years, and This would be the reg data number seven. So let me see if I can do it this time. Share screen. There you go. Okay, so there she is. Essie's baby. My Reg baby number seven for everyone.

Okay, getting back to our agenda. And this is important part of life as we work together, sharing our lives for now going on five years together. So much has happened. But I think we're close to the end here. And let's see if we can get over the last hurdle, these two hurdles, and be done with it and start our implementation in earnest.

So first item, urgent requests response time requirements. So Okay, so urgent requests, as you know, is a feature that we have in our policy requirement for disclosure, lawful disclosure. And in our policy language, section 3.8, we have defined what urgent request is. And as you know, and you can read, it's about imminent threat to life and child exploitation and destruction that would debilitate, have impact to the economic security and all that stuff. So this 3.8 definition is something that we have come up with, and we have all supported. So this is a good policy language that is now finalized.

What we're dealing with is 16.8. And this is a now, when we get the urgent request for lawful disclosure, what is our response time, right? For now, so what we have, what you're seeing here is our policy language, and that is what I consider a compromised language that should be acceptable to everyone here. I know that, as in my email, it's probably not ideal for everyone. And I know that we have been discussing the 24 hours, two business day. So let me show you this.

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So, when we went out for public comment, we had two business days. Then after public comment was received, we went to 24 hours. And then, now we are here in what I call a compromised position or somewhere in between those two. And it's one business day not to exceed three calendar days.

And where did we get this? When we were searching for, okay, so if 24 hours is too difficult for the realities of registrars, and two business days is just as too open-ended and long from the perspective of law enforcement, where is a sort of a middle ground? And maybe we should have seen this earlier, but with the ICANN 77, when I was roaming the hallways and talking to various people and those good people have reminded me, Dennis, we already did this. What do you mean? I don't see any policy that says that. No, no, but the community, the consensus policy team, the working group on phase two have discussed it and have discussed it for a long time. And I know the phase one team did not have time to discuss it, but phase two team did. And we came to this agreement and it should be in the final report.

And lo and behold, it was. And probably at this time, what I would like to do is turn over the mic to Caitlin, who's been there and been through the whole thing and give us some background on the EPDP phase two working group and how we came to this. So, Caitlin, are you up for talking a little bit?

CAITLIN TUBERGEN:

Thank you, Dennis. This is Caitlin Tubergen from the ICANN Org policy development support staff team, and I'm going to paste a link to the

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EPDP phase two final report and would direct everyone's attention to page 42. And just wanted to note, as someone who supported both of those efforts, along with many of you who are on this IRT, that in phase one for recommendation 18, which this group has discussed at length in terms of the timelines associated with that, that was one of the last recommendations the working group was trying to come to consensus, but the phase one was under a truncated timeline due to the expiration of the temporary specification. So ultimately bracketed that language and agreed that the IRT would discuss what the appropriate timeline for urgent requests would be.

But in phase two, where the EPDP team was discussing a standardized system for access and disclosure, the group again revisited the discussion of SLAs and what the SLAs should be under that standardized system. And the group had agreed, begrudgingly, but had agreed to a timeline of one business day, not to exceed three calendar days.

And I believe Dennis's email tried to outline that agreement from the EPDP phase two team and explain that for the sake of consistency, that it's preferable for both requesters and probably contracted parties that the response timelines associated with requests should be the same, whether they're coming through a centralized system or going directly to the contracted parties. And so we recommended that this seem to be a proposal that threaded the needle between the legitimate concerns of both groups. Contracted parties have noted in these discussions that there are consequences and pretty significant consequences for unlawfully disclosing data. And accordingly, appropriate time needs to be paid when reviewing these requests and 24 hours.

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And the contracted parties in previous discussions have noted that that's untenable, particularly for smaller companies that don't have large staffing to support that. But on the other side, the law enforcement and other colleagues have noted that in the narrowly tailored situation where a life is on the line, that two business days is not a tenable timeline for those folks and that in that very narrowly tailored situation, an expedited timeline is required.

So again, the folks that were part of the EPDP Phase 2 team will remember that this was an agreement that the team came to begrudgingly, where both sides were not entirely happy with it, but that's sometimes what happens in consensus building. No one really leaves happy, but we try to ultimately come to agreement on something that both groups can live with or the entire team can live with. And so that's why we wanted to kind of provide the history.

And for those of you that might not be familiar with the procedural history, the Phase 2 EPDP report was approved or got consensus at the GNSO Council level. Following that, there were some concerns about the demand for such a system. And so that kicked off this operational design phase, and some of you are involved in the work of what's now the Registration Data Request Service pilot, where we'll be testing the demand for requests such as this before the board will ultimately reconsider these recommendations.

So the board has not adopted the Phase 2 report, but it did achieve consensus at the Council level and obviously with the EPDP team as well. So I hope that's helpful background in terms of where the

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compromise came from. But I'm happy to answer any questions about the EPDP Phase 2 team's agreement. Thank you.

DENNIS CHANG: Thank you, Caitlin. I see the first hand up, Steve Crocker. How are you, Steve?

STEVE CROCKER: I'm fine, thank you. And I hope everyone else is fine too. We've had, as we've discussed, a lot of back and forth about this. I think it would be totally appropriate and very helpful to have, in addition to whatever language is adopted here, a requirement that all urgent requests, whether they're satisfied or not, and no matter what the timeframes are, be reported at some point after the fact when the urgency has died down, not to interfere with the action.

But we have very little, if any, real data about this. And I think that's been a difficulty in dealing with this. And the natural thing here is to say, okay, whatever we settle on here, let's get a record of urgent requests. Now, to the extent that an urgent request might involve sensitive data, then the reporting should be adjusted properly. But at the very least, having some idea of the frequency and circumstances of these urgent requests, I think will be important. As a separate matter, I'm running book on how many there are, and I've already laid down my bets on a particular number.

DENNIS CHANG: Okay, thank you. Marc Anderson.

MARC ANDERSON:

Thank you, Dennis. So thank you, Caitlin, for the explanation. I do want to point out that the SLAs developed in the Phase 2 final report included percentages. It wasn't an outright one business to three calendar days. It was 85% of responses must meet that SLA in the first six months, 90% in the first 12 months, and 95% after 18 months. And that was, as Caitlin pointed out, that was the result of an awful lot of back and forth and hard-fought compromise. Much like the discussions we're having here today in this IRT, there were concerns among the people that will be receiving those requests about complexity, dealing with outliers. And those percentages, that 85%, 90%, 95% that was designed to give registrars in particular a ramp up period, but that 95% was designed to account for outliers that registrars just can't anticipate. And as Steve Crocker pointed out, we don't have our data for what this will look like in the wild.

And so a lot of the concern and discussions we're having here in this group are because we just don't know for sure what registrars are going to face when they're fielding these urgent requests. So they're trying to account for everything.

And so I'm wondering, if you're using the Phase 2 report as the basis for what you're proposing here in Phase 1, will that include the percentages from Phase 2 as well? Thank you.

DENNIS CHANG:

Sarah.

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SARAH WYLD:

Thank you. Hi, this is Sarah. So, I'm still stuck on the proposed text that's kind of highlighted, or the message on it right now. If we say one business day, but must not exceed three calendar days, it's really just three calendar days. So it just does not implement the recommendation. It doesn't properly implement it. That's one thought.

Related thought, the true requirement here is without undue delay. So the business days has been the settled timeframe for multiple years of our work, because there needs to be some ability for the responding party to have time to properly address the request. So the expectation is that it will be done right away without undue delay, but the ability to perhaps work with external counsel or do something to further consider that request appropriately, like there needs to be enough time to properly do that. And 24 hours is not enough time and is not faithful to the recommendation. Thank you.

DENNIS CHANG:

Gabriel.

GABRIEL ANDREWS:

So I wanted to follow up on a point I think that I just heard from Marc Henderson, and just also seek to clarify that I'm not misunderstanding based off my limited exposure to these discussions, which included being present in Washington, DC, a few weeks back. But from what I have heard from folks on the contracted party end is that there's concern for both, to Marc's point, the ability to address outliers those

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rare circumstances that fall outside of the norm, as well as to address potential referrals made by bad actors or requests made by bad actors that are seeking to flood the urgent request system. Or otherwise taint it, dirty it up beyond folks like me and those in public safety that would make responsible use of the system.

And these seem like legitimate concerns, right? So I just want to call it out right at the base, like that these are things that are worth discussing and actioning. And on the other end of this, you have folks in law enforcement and public safety equities that have concerns that if the timeline is written very broadly whether we're saying three calendar days as the extended maximum deadline, our concern is that that itself might be abused, not by those in this room at this table, but by others that just view that as the true de facto timeline and ignore the without undue delay part.

And the suggestion that I had for consideration here is that I think that most of these issues here are treating those different categories of requesters the same with the same timeline. And I noticed that in another context, in the treatment of how registrars are to establish email and phone contacts for law enforcement referrals and other trusted notifier referrals, there was the phrase that those were established for well-founded abuse reports. And I wondered whether we might be able to sort of thread the needle here between these legitimate concerns that I'm hearing from both groups by injecting a qualification for urgent requests, such that well founded requests can be addressed in a manner that I've already heard from contract parties is going to be the norm, that they typically will be actioned very swiftly, even less than 24 hours in the majority of cases, when it is well founded

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from responsible actors that that have, for example, prior relationships in place which speed the process of authenticating that they're from who they claim to be from and cut that out and apart from the outliers, the bad actors, those that would seek to taint this this urgent request system and give slack and safety valve to addressing those in a separate expectation of response time.

And so I just wanted to raise this for consideration. Is this something that might prove a alternate tack to take if we bifurcate what the expected response timelines are between well founded requests and those that are not? I just want to hear the thoughts of those in the room on that. Thank you.

DENNIS CHANG:

Sarah.

SARAH WYLD:

Thank you. Sorry. Hi, this is Sarah. Thank you, Gabe, for that suggestion. I am definitely, I'm open to the concept. And as we've said, we expect that most requests should be able—Well, most requests will certainly be done without undue delay. I imagine that that means pretty quick.

I guess really what I'm not sure about is how would that be written into the policy in a way that makes it clear and understandable to everybody. So I think I can't really have an actual opinion on this without having language to look at. Thank you.

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GABRIEL ANDREWS: Noting that's a fair comment, especially as I'm not providing a definition for what well founded means, but that aside, wanting to hear others and noting, Beth has raised a hand. I'll shut up.

DENNIS CHANG: Go ahead.

BETH BACON: Thanks. Hi, this is Beth. Thanks, Gabe. I think that this is I think it's good conversation. I don't know that adding another layer and another definition is going to increase the contracted parties' ability to respond in 24 hours. However, I think, just based on stated concerns, like if you don't have that many staff, then you don't have that many staff.

I think that perhaps the, just a very blunt question if I may. Noting that you said you have law enforcement, direct law enforcement contacts for just for those like life and limb moments. And I really wonder, from a law enforcement perspective, do you expect that you will really be using this very often, more than once a year for something that is life and limb or are you going to go to those established contacts? Because I think that's the understanding, is that honestly, if you email me and I go, I'm like, Oh God, Gabe's here. What do you want? What do you want? What do you want? You know, if I get an email from Chris Lewis Evans, I'm like, yes, sir. What can I do for you?

So, I think that's the way that most contracted parties really respond to those, like what we are calling like, I would say like life and limbs. And understanding we do have the definition here that's supported. But how

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often do you really think that this is going to be the tool that you use? Very, very bluntly, this is not I'm holding you to anything. It's just a practical question.

GABRIEL ANDREWS:

I favor these and I'm a fan of blunt language, Beth, thank you. So the blunt answer is that we tend to pull every available handhold and every available string when it's a true emergency. If I know you, I'm absolutely calling you, not even writing, just calling. And wherever we have those pre existing relationships—and we have a lot, but not all, but what we're using those.

That said, the folks around this discussion table are not necessarily representative of where the abuses occur or the true concerns occur. Sometimes it is but not always. And while I know how to call you, there's going to be a number of other registrars or entities or resellers or what have you out there that we don't necessarily know how to reach, and not to put too fine a point in it, even that that requirement for those law enforcement contacts, I cannot locate a centralized list of such. This is actually something that is a separate action item for me in the future to follow up on, but I don't see that being centralized anywhere and when I speak to my colleagues and various law enforcement agencies, I've never found anyone that feels comfortable knowing how to find them consistently. And so, it's very much the fact of reality is that this is one reason why we focus so much of our time and effort cultivating these relationships, but we still need systems in place for when those relationships don't exist if that makes sense and if that's fair to say.

BETH BACON:

I think that's really helpful, Gabe. So I think it sounds to me like the needle we're trying to thread here is what is a reasonable threshold for response that will not impinge, or I will say throw remedy upon, because the contracted parties, we're liable for lack of a better word for compliance to come after us if we don't hit this mark.

So, what is the needle we can thread that gets the law enforcement the tool they need and a response for those outliers that you may not be able to contact, but isn't something that is insurmountable with regards to a requirement for the folks on this call who genuinely are genuinely going to respond, they have these things in place? I think that's the kind of loop we're trying to get in here, as opposed to just saying that we can't do it. I don't think that's the thought of the contract parties, like, we can't do it, it's hard.

It's because there are real consequences for companies, if we don't meet this threshold. And if those folks that are trying, and are on this call and have every intention of meeting this threshold or meeting a threshold or replying to you or setting up a system that would help you to make the contact, if they're getting dinged for this, it's going to be really hard. And we want to hold accountable those that are just floating along and not paying attention.

DENNIS CHANG:

Lauren.

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LAUREEN KAPIN:

First of all, I want to let folks know that I appreciate the hard thinking that's going into this. I appreciate the good thinking on compromised positions, and also that folks are not just representing themselves in these discussions but also their counterparts who may have very different resources and business models.

I also am speaking on behalf of other stakeholders who have a very strong vested interest in the outcome of this topic which by its nature is restricted and narrow to very serious circumstances. The predominant view that I have received from folks on the front lines is that these are very narrow requests, they are uncommon. In fact, I really like Steve's proposal because I'm very interested in the data about how often these requests are even received.

But the predominant view is that even 24 hours is a very long time considering the nature of the request. So there's a real reticence to come up with something that substantially diverts from what is already seen as something that may not be sufficient for truly urgent circumstances.

I also, however, certainly hear the very valid concerns that contracted parties have about their liability for disclosures that are not justified under the GDPR, and also their exposure to ICANN compliance actions.

The discussion and compromises that have been offered made me hone in, especially your comments, Marc Anderson, on the SLAs, it made me wonder, and this isn't anything I floated with my colleagues, so I couldn't commit to it but I offer it as something to consider. If we perhaps could think about the notion of a 24 hour requirement, but

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with the service level agreement, using the same reasoning that was applied in phase two. I don't see us bound by having to be consistent with the phase two recommendation, these are going to be applied sequentially not simultaneously, and also given where phase two is now, I'm not certain where the phase two recommendations are going to end up and under what timeline.

So in my view, phase one implementation is what's going to be the rules for the foreseeable future. And I want to make sure that that is something that meets the needs of law enforcement but also provides some safety valves. So that is my suggestion for something to think about and consider.

DENNIS CHANG: Sarah.

SARAH WYLD: Thank you. This is Sarah. Sorry, not a response to Laureen particularly. I just have a question about the plan for the meeting. I wanted to know if we're going to look at the language that the Registrar Stakeholder Group proposed. Thank you.

DENNIS CHANG: Roger.

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ROGER CARNEY:

Thanks, Dennis. This is Roger. After listening to everybody—and it's not specifically speaking to anyone I don't think, just more of the group as a total. We keep talking about a compromise here and I think that maybe we're losing sight that what came from the EPDP both phase one and two was already compromised language. So when we're pulling that in here, we're compromising on compromised language. So I think that it kind of maybe not make a lot of sense to do that. Or maybe just to recognize, hey, this was already worked through multiple times before we got here.

The specific thing around 24 hours, I was not involved with EPDPs, but what I heard was the 24 hours was discussed multiple times at length, and that never made it into any EPDP report. So I'm not sure that the 24 hours is realistic because that, again, we're implementers, we're not trying to make policy and policy never got to that spot. So I don't think that that's very valid.

Another comment about the timing and the urgency. I've heard over the period of time, and I'm not involved in this deeply, but others are, that the urgency is defined in some jurisdictions legally. So even if we say two business days, if a registrar is approached by their law enforcement, they have a different set of time that they are required to. And typically it's much less, it's more like four or eight hours that they have to required to.

So I don't know that we're trying to solve something obviously at a global level. And I think when we look at without undue delay, we do incorporate that idea and jurisdictions are setting up their own urgent

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response times and we won't be able to stop that or even influence it much.

So, and just getting to the point of where staff got this one business day, three calendars day, that compromise came with the concept of a centralized system. And I know Caitlin kind of touched on that, but I think that we are in a different, this is not a centralized system. We don't have authentication and authenticators and trusted people going through there like that. So I don't think that we can compare what was discussed and compromised on a centralized system to what we're doing in phase one with no centralized system. So I don't know that that comparison works well. And as Caitlin pointed out, the board still hasn't given their final approval. And as Laureen just mentioned, we have no idea when phase two will see the light of day.

So I think we need to be approaching this that this is the long-term solution. It's not until phase two gets implemented next month. It's going to be a long-term solution. So just some of my thoughts. Thank you.

DENNIS CHANG: Thank you. Beth, go ahead.

BETH BACON: Okay. I think this has all been very good discussion. I don't think that any either side has made an incorrect point. We're all concerned about making sure that A, we can comply with this and then B, it gets everyone what they need with regards to access and response.

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So I think that maybe just a more practical question is, what do folks think about the proposal made by the registrars? And what do folks think that perhaps either side, if there's a problem with that proposal, what is that problem? And can we move to a middle where I don't think we're all going to be thrilled, but at least we can get something that is workable? I mean, this is our last issue. It's been a long time. Let's close this out. So I think that if maybe we could just hear specifically what the concerns are with the proposal that's on the table. That's my request, thanks. And maybe proposals to change it if that's available.

DENNIS CHANG:

Does everyone know what Beth is talking about, referring to? I think the email came from Roger, right? Roger, do you wanna to repeat, or Marc? Roger, go ahead.

ROGER CARNEY:

Thanks, Dennis. Can staff pull that up? I mean, I can read it, but I don't know if that helps. People seeing it probably helps more. Right there. I talk about the timeline and implementation stuff too earlier, but specifically here. And again, I think everyone here wants this policy to get out and get moving. So I think, as several people mentioned, we've got these two things we need to get done and pass. But the suggestion from the registrars here was to simplify this first part of 10.6 and maybe put a little more clarity or definition behind what without undue delay is. I think that for everyone know, it's as soon as you can get it done. But putting that into text is what we tried to do here. And what we've

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added is, which generally means within 24 hours, but not to exceed two business days.

So I think that what we're looking here is trying to just show that you know without undue delay means you know if this is coming in on a Tuesday it's probably going to get answered on a Tuesday. If it comes in on Christmas Day some registrars are going to have a problem responding to that on Christmas Day or even the day after. So I think that that's kind of what this is saying is recognize again, as many people here have talked about how many times, what are we talking about? What's the volume here? No one gets that many urgent, truly urgent requests, but to the point of, it doesn't really matter when an urgent request comes in, it's the stakes are so high that it has to happen. So, and that's what this is about is we're going to make this work it's just, it has to work. And you can't, I guess, inflate it to make it look good, you have to actually make it work. So in this language that here that we brought in is just suggesting to add some clarity without that or around that without undue delay. So that's really about it, Dennis. I mean, it's pretty straightforward.

DENNIS CHANG:

Laureen.

LAUREEN KAPIN:

Thanks, and I appreciate all attempts for clarity. I would like to signal that the change from calendar days to business days, it essentially increases the risk of an extended time to respond. And also, in my view, introduces a level of uncertainty. And I'm sure folks remember the

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conversations we've had about the concept of business day versus calendar day and how different regions have different definitions. And I think that's why there was a landing on calendar days as something that would be the most clear and the least susceptible to varying interpretations. In law enforcement's view, calendar day is also preferable because you don't run into the scenario where you're going to have to deal with multiple jurisdictions' views of what's a holiday, etc., thereby turning what on its face could be a two-day requirement into something much lengthier. So our strong preference is to always speak in terms of calendar days. And so that would be one concern.

The second concern is we're still back to a scenario here where you have 24 hours and up to three business days to respond. And those three business days if you have intervening holidays could add up to a much longer time period. This is not an optimal scenario from our perspective and certainly not consistent with the notion of responding to an urgent request. That's not a time period that is really tailored to an urgent request in our view.

DENNIS CHANG:

Marc.

MARC ANDERSON:

I'll make one comment. I hate everything about this conversation. I have for years when it first came up and I still hate it. I wish we could just put in the policy that Registrars and registries must respond to urgent requests as quick as they can, and that we could just leave it at that and be done. But I realize that that's not the world we live in. So instead

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we're forced to squabble over 24 hours, business days and talking in the margins about enforceable timelines. And so that's a point of frustration. If something's truly urgent, I would hope that everybody would do everything they can to respond as quick as they can, and we could just leave it at that.

My frustration aside, I want to ask staff very specifically, you said at the top of this call that you hope to end this topic today. However, you have not responded to anything that's been said so far, and including you've not responded to questions asked of you. So, I want to ask very specifically, what are your intentions as far as next steps and how you intend to close this topic out?

DENNIS CHANG:

So when a recommendations language opens it and it's not a clearly defined and recommendation language as we see says that it's up to the implementation team to decide, the working group essentially has handed over that decision making to ICANN Org. So it's ICANN Org's job now to make that decision and set the policy.

So we are listening as carefully and closely and considering everything that we're hearing, but ultimately it will be an ICANN Org decision and it will be written in as the final policy language.

Now, we're very keenly aware that maybe this is a good time to talk about our timeline, that we go ahead and want to, and should really publish in August and then get on with it. But since this is such a heated and divided and strongly felt and important, and unfortunately, it

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wasn't clearly decided during the working group PDP and final report, it is up to us. So we're trying to do that.

So at this time, let's go switch to timeline and before I take any more questions, let me just present this to you so you can think about it at the same time. So we have a timeline of an 18-month implementation period. Okay, go ahead, Sarah.

SARAH WYLD:

Thank you so much, I really appreciate that. I want us all to note that we have discussed this proposed language from the Registrar Stakeholder Group for less than 10 minutes. We started this topic at 1:40 PM my time, it is now 1:47. So I really don't think that we have given appropriate consideration to proposals that are coming from contracted parties.

Also, Gabe and Laureen have helpfully engaged with this conversation and they have made some suggestions about how to proceed, but they have not provided suggested text. Will there be room for them to do so? Is that possible? I do not think that there has been full discussion of this topic. I think ICANN is inappropriately ending the conversation on this issue and making a decision that I think is the wrong decision. Thank you.

DENNIS CHANG:

Laureen.

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LAUREEN KAPIN:

Public Safety Working Group and law enforcement representatives engaged in these discussions are happy to continue the discussion. And we could work on providing text for consideration. I guess I would ask just a threshold. If things we've suggested—I kind of had the impression and maybe it's a misimpression and you can correct me, Sarah, or anyone else on the call, but I sort of had the impression that even the things we were suggesting on this call were non-starters to put it in the brass tacks terminology. And if that's the case, then why bother? But if there's a chance that some of the ideas we've suggested could have legs, then of course we're happy to continue to engage in discussions and would prefer to do that. So I just want to be clear that we're happy to work with our contracted party colleagues. We've had side discussions that have been very helpful, but also signal that if nothing we've suggested is actually going to have a shot, then I don't want to waste anyone's time.

DENNIS CHANG:

Thank you. Yeah, that is precisely what I'm worried about. I think that this conversation could go on and on. And eventually we are faced with the timeline decision. We either publish in August or we give up on publishing in August and delay this policy for six months and publish in February next year.

I think the timeline that I'm showing you very quickly is 18 months timeline of implementation, but first six months, we want to hold the transition. We want to coordinate and we have to get ready. I think that I have talked to you about this before. So you know that there are certain things that ICANN Org also has to do to prepare and support the

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transition when you should go ahead and be ready and then start the transition. So it's basically what I call six plus 12 model. And this is what we think is achievable. But of course, we are counting on the fact that we publish in August 2023.

Now, we are pretty much out of time. But go ahead and submit your suggestions or more input as quickly as you can, but I am not going to give up on our goal of publishing August 2023 just yet. But I can certainly use your input if you think that it's worth another several IRT meetings and delay the publication, and if it's that important, then of course we can consider that too. So give me input on that too. Lauren, go ahead.

LAUREEN KAPIN:

So it strikes me that I think most people would like to see this published as soon as possible. And most people would like to get this wrapped up, myself included. That said, we do seem to be at an impasse here, at least temporarily. So what I wonder, and my question to you, Dennis, is couldn't you keep to the August 20th timeline, but note that everything's final except this issue, which is subject to further discussions? I mean, this is not driving the implementation. This is a tiny issue in the grand scheme of things. So I'm wondering why you couldn't just have some sort of a placeholder for this issue and deal with everything else.

DENNIS CHANG:

Excellent question. Our policy includes section four. This policy is effective on, and we have to write that into the policy. So it's clear for

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everyone at the moment we publish, and this will be going out with a legal notice to the contracted parties to begin the implementation. And that allows everyone to start in earnest the getting the approval internally, putting the staff on the job and getting the project started and including ICANN Org to start working on the implementation itself. That's why.

LAUREEN KAPIN:

Well, wait a second, Dennis. And I appreciate that. And especially as a lawyer, I appreciate that. But you could still, it strikes me—and I'm not the expert here and certainly you are the expert in ICANN procedures, but would it an option be everything's going to be implemented as of this date, except X, stay tuned folks, and that may have a longer implementation date?

But my greater point is this is a very proportionally insignificant part of the implementation. And if everything else gets started, then you are way ahead of the game and you keep to your timelines except for this one issue.

DENNIS CHANG:

Hmm. Boy, you're getting creative. I have to appreciate the new thinking here. This is so interesting. Roger, go ahead. You have thoughts on this?

ROGER CARNEY:

Sorry, Dennis, not specifically. Lauren gave me something to think about, but I don't have any response to that. I had more of a question

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for you, Dennis, and the team on the phase one, the six-month part. Is there any more detail to what preparation, coordination and collaboration is? I guess I'm not sure. I mean, to me, when we talked about an implementation timeline, probably multiple years ago now, but, and we set that 18-month window, I thought, and to me, I'm not sure this changes anything. I think you maybe delineated it a little because I thought all those things were just part of that 18 months. And I don't know if you're specifically asking for something to happen or not happen in that six months or because I always thought that those things would be occurring throughout that 18 months. So just a question, thanks.

DENNIS CHANG:

No, this is really good question. I think I had always assumed that's the way we were going to do it, but somebody brought up the consequences of what if immediately we publish our policy and somebody instantly submits a RST request for the new data model or start trying to send a new data escrow data model and our data escrow service provider hasn't even been talked to and they're just beginning to find out what this new policy is and they don't have any time contractually of course. What happens then? That is a risk and I know it'll probably not happen, but what we want to do is by policy make sure that that does not happen. And I think that six-month window assures that we can get everything in line. And also within the 12 months, I think that when the transition happens, it'll give us time to work together to set some milestones or whatnot. And I know the Tech Ops team wants to get started and then they want to coordinate. And we want to give them the final policy requirements language so they can do

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their coordination. But the idea here is, let's get started with the implementation, but nobody makes a transition until February of 2024. And we want to specify a date to be a certain date. Beth, go ahead.

BETH BACON:

So I understand that the collaboration and everything will, can and should, and hopefully will continue through the whole 18 months and probably before that. But it feels like the first six months, the yellow six months is kind of for ICANN to get the backend on your part kind of smoothed out. And I think that's fine if that's what that is. So long as we know. And I think that that's really helpful. And Roger, I was going to ask a similar question.

But so I do think the as we do the prep and coordination, collaboration, I think it's going to be important that we have a little more information about what we want to do with phase two, because I think we talked about especially in DC, in some detail about the different phases of implementation. How you just do that responsibly and cleanly. So I think that's something that would be good for the folks to collaborate on.

And I did just want to note, I know that Laureen's trying to be very creative. I think that contracted parties would have a really hard time if we started breaking out different parts of a policy, especially considering the board is going to have to approve a policy and then we're going to send through one more, a full policy, it would have to be with one edit. So I think going through that board approval policy process twice would be just kind of unpleasant maybe is the best word, but also just really long. So I think it would delay the actual approval of

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the policy. So I think that that's not necessarily the best idea, just if we do want to get this all done in one fell swoop. I think that we are close and have reasonable proposals and we are a reasonable group of humans and we can find a solution.

DENNIS CHANG:

Okay, final word. Thank you for your feedback on this. So IRT channel, our email's open. So please continue to send emails and contact me directly if you want. I mean, I'm always here. So it's a struggle, whether to keep talking or make a decision and move on. And we'll let you know. Thanks everyone for joining. All right bye everyone.

[END OF TRANSCRIPTION]