
DANA KUEBLER:

Hello and welcome to the PPSAI IRT 2nd session this 25th of July 2024. My name is Dana Kuebler and I am the remote participation manager for this session. Please note that this session is being recorded and is governed by the ICANN expected standards of behavior. To ensure transparency of participation in ICANN's multi stakeholder model, we ask that you sign into Zoom sessions using your full name. You may be removed from the session if you did not sign in using your full name. If you'd like to speak during the session, please raise your hand in Zoom. When called upon, virtual participants will be given permission to unmute. When you are unmuted, please state your name for the record. All right, I will now be handing the keys and the reins over to Dennis.

DENNIS CHANG:

Okay, let's see. Thank you everyone for joining. This is our agenda. Quick check on the chat. Someone is asking an important question. Are AI bots allowed to attend? So let's decide right now. For now, I say let's not let them attend. What do you guys think? I don't think we need an AI to support us for now. We have a good team here. They can handle the meeting and take notes as needed. And we have a full recording. You agree? Okay, let's move without AI. Michael has an opinion. Go ahead.

MICHAEL PALAGE:

I don't know if it's an opinion. An inquiry. Does the prohibition apply to someone taking the recording and then generating an AI summary? So

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that to me is the question of allowing the AI bots in our session versus taking a recording and then having them summarize that. Is ICANN trying to prohibit that as well?

DENNIS CHANG:

I can use some advice here from my team. But Odeline, yes, Odeline is from our legal team. And she is here to help us with that. Thank you, Odeline. Go ahead.

ODELINE MACDONALD:

Hi, everyone. I'm Odeline MacDonald from ICANN Legal. We're not trying to prohibit the use of bots to summarize. What is prohibited is when bots are starting to interact with participants or interfere in the conversations. That, we want to absolutely avoid. Because we don't know how to manage this at this point. Nobody does. I don't think there is harm in having bots joining. What we want to avoid is having 20 bots joining. We have to be careful on that as well. Because we don't know how all of this could be interfering. So as long as the settings are not set to have interaction with participants or interfere into the conversation, I don't know if they can do that at this point. But we can allow them to join sporadically so people would have the capacity to take their own notes this way. That said, please note that the official recordings and any other agenda notes that are published by ICANN will remain the only source of the truth, I would say, of what happened in the actual meeting.

MICHAEL PALAGE: So just a quick follow up question. Has ICANN Legal come up with a general AI policy? And will that apply across all ICANN org work? And if so, can you please direct us to that statement or policy? And again, thank you for the clarification was helpful.

ODENLINE MACDONALD: Thanks, Michael. We're working on that. It's constantly evolving. And we want to balance, you know, the benefits for all our participants and the risks. And there's still some unknown. So we're working on that, Michael, but we're not at a point where we can share anything. So at this point, there is no prohibition, as I said, because there's no policy to prohibit the use of AI. I just want to make sure that there is an understanding that we need the IRT and any other public meeting to remain efficient and collegial and respect, you know, our rules of interactions with each other, etc. So that's the only restriction when we say bots that are interfering the conversation, we want to make sure that they are not affecting the conversation. But there's no public policy available at this point.

DENNIS CHANG: Thank you, Odeline. So let me just make the call. I think that until I understand how this AI bot works clearly, and how it can be helpful to us, meaning this implementation team, I would rather not use it. So for now, let's not have the any bots, AI bots in the room. And I'll consider it with the team and with your input. Thank you. And then we'll see if we can change if we need to change that for future meetings. But for now, no AI bots in the IRT meetings, so that when you are looking at the

participants, you will recognize who they are exactly. And the affiliation that they have with other members, as you know, that IRT members are in this list. And we have, let's see, your name should be up here. We have 49 IRT members and we have a couple of observers officially signed up.

And as for the observers, if you have, you know, if you didn't understand how that worked, and if you wanted access to all the working document, including getting invitation to the this meeting, you should really join us as an IRT member. So Catherine and Mark are observers and everyone else is here. If you look at the IRT member list, you will see their affiliation as well as specific role that they have. We have Stephanie and Paul McGrady as a GNSO liaison. So, at this time, if I may, could Stephanie and Paul introduce themselves. You have an important role here in addition to being an IRT member. Can you speak up? Stephanie, Paul, are you here? It's important for me to know whether you are or not. Paul McGrady is not here. Stephanie is not here either. Okay. Well, we can still go on. We have the recording and transcript that we will be leaving as part of our meeting record. So let's get started on the agenda.

So this is our official welcome, and we're verifying the team access. Now, I didn't hear any feedback on the access. There was quite a bit of, you know, this request in the background for gaining access. At this point, I just want to make sure that all the IRT members have access to the IRT document. And what I mean by that is having access to this sort of documents like here and the meeting material document that are posted here. So if you click on this, and if you're not able to get to this,

that means you do not have access. Then that's important that you do because that's what we'll be using. Okay, let's see.

So we have that administrative things ironed out and we will continue. So first, we will orient you with the Team Drive as you just saw. This is our Team Drive and it has all the documents in it, all the IRT materials. And there are specifically a couple of documents, at least three documents that we will be using today for our meeting. And this is sort of a recap from our first meeting, but because there are so many new members here, I want to make sure that we get everyone in sync and on the same page.

So we have a IRT workbook that we will be using. This is our team workbook. It tells you what this workbook is, and there is a tab or sheet for quick links, links for other things that we are referencing. And here is the IRT members, but on this, as you saw that we are maintaining the IRT members on the wiki page, as you saw here. But we also track our stakeholder group of representative on this list to know that which stakeholder group are officially represented and which are not. And as of this time, we have sent out 15 invitations, 16 invitations, and we have received 47% of the stakeholder group participating with the official representative and alternates.

This sheet is a IRT task or I will call homework. We will be maintaining and we started this in Kigali. And we will continue to add tasks for you with specific instructions and due dates for every meeting, every task. And so if you need to know what the prior homework was or task was and you're coming on board, it's up to you to go back to this list and complete all the prior assignments. And I intend to provide three tasks

today after our meeting, and we'll get into those thing details right now in our meeting.

The other tab that's important to you is this work plan. This will be, I would say, adjusted as we go. So we have a plan of what we're trying to do today and the next meeting and the next meeting and so on. All the way to, I think, we have planned out what we will do until the ICANN 81 and with these meeting times that we have tentatively set up. And as an IRT member, you should have received meeting invitations for all of these future days as well. Let's see.

This is a meeting attendance tracker to show you who was at which meeting. And we are tracking when you joined and how many meetings that you have attended, and we will continue to do so throughout the implementation. This is a project timeline, which we have not populated yet. And once we have an idea of our implementation approach and your support on that approach, we will use this sheet to share what we think is an appropriate and reasonable timeline for our implementation. This was a question that I know that we all want to know. And we will do that.

Now, on this, we have two materials, meeting material. One was this, and this is what we refer to as a commentable final report for the IRT use. And I have provided some notes here to you on how to use this. The most important thing is this. Do not change the original language or make suggestions to change, but only use the comment feature. That is the most important, I think, instructions.

So, this is the entire final report that is copied and pasted. And at this time, I guess, I think it was Paul who suggested this. Thank you for your suggestion. And I agree, this will be very helpful. And we will use it. And how do we use it? This is a document we created to give you instructions. So, what I am asking in this meeting and immediately after the meeting as your first work concerning this task is to make comments and ask clarifying questions. But be focused on section 1.3.1. And that is this section here.

So, 1.3 is the final recommendation and more specifically, 1.3.1 is a summary of working group final consensus recommendation. And we thank the working group to writing out these recommendations and making it easy for us to work with. So, if you review, if you look at this, I'll just go through it quickly and we're going to come back. They are numbered. One is definition. And two is about treatment of the privacy proxy and how they should be the same. And then so on. We have three, four, five, six, seven, eight. We continue to 21 recommendations.

So, we have 21 recommendations. As we see in this summary and this final report. And what I would like the working group to do is to comment, make comments and add a question that you may have on this, these recommendations. So, let's demonstrate right here. So, let's demonstrate how to use this.

So, Dana has already made some comments like this, right? And you see that I have a sample here. Question. And there's also concerns you might have about a particular recommendation, but I think today's objective as a first step is the clarifying questions only. And the logic there is that unless we answer our clarifying questions and have a

common understanding of the recommendation, we cannot be discussing concerns because we may have different interpretation of what the recommendations mean and we'll be talking past each other.

So, the first thing first, I want us to gain a common understanding of all 21 recommendations. And after that, we will come back and address each one of your concerns until they're done. So, if you look at the task list that I have set up here, and these has not been issued, I will be issuing them today. The first task is for you to read the guidelines. Specifically, this guideline that we have posted as a meeting material. And then second, we're asking you to complete all your clarifying questions as comment by this date, meaning only the questions, right? You have a question on the recommendation, please ask. And the third action that we are tasked with, that I will be issuing, is about concerns. So answering clarifying questions first, then we will be addressing your concerns about particular recommendations.

Okay, so I have questions coming in, and it's an important question that John is asking. Consensus model, this questions is coming from, I think, people who are used to working at a PDP working group and completely understandable. And many of our IRT members have been working with me on the other policies, such as registration data policy, so they are familiar with how this works. But I will have to take the time to explain it to everyone here. And I have tried to explain some of that here in your instruction. But it probably is worth repeating and this will be something that we will have to repeat. And please advise your colleagues also.

So, unlike the PDP working group, where community comes together and try to build a consensus for a recommendation, the implementation

is really the ICANN Org duty. ICANN Org is accountable per direction from the board to implement this policy. We're accountable. And implementation review team, that's you, as the title indicates, is a review team to review the work that we do. And advise us along the way. Most importantly, when we are implementing something that is not aligned with the recommendations, this is when you need to speak up and tell me, tell us that, oh my goodness, yeah, that implementation looks good, but it's not in line with the recommendation. That's the most important job for IRT.

So, when we are done with the implementation, there should be no question because we have this collective IRT that has reviewed our implementation along the way and we have a final product. And we can be assured that that implementation is completely in line with the recommendations that we have received to implement. And those recommendations are right here. And that's what we are looking at.

So, there is not a consensus model as you are used to thinking about this. ICANN org has to make the decision. And we will go ahead and do that along the way. Now, there is GNSO liaisons and their duty in particular. We have two of them. When there's multiple interpretations that could be valid, but we're uncertain, there's some disagreements among the IRT, we could be supported by further guidance. That's the job of the GNSO Council liaison. Stephanie and Paul McGrady, they will take the whatever the issue, the recommendation that we're struggling with, and go to the GNSO Council to get further guidance, and come back to the IRT and us to help with our implementation. Does that make sense? Let's get the process questions out of the way before we get into

the content of the recommendations. Any other questions on the process?

What I will tell you is this. You have my contact information. And please do reach out to me. If it's logistical in nature, Dana, you met, and [0:25:50][inaudible] and Leon that you have been communicating with. If it's quote unquote content in nature, please contact me. And then I'd be happy to discuss any content material with you individually as well. And as long as we get to a common understanding, we need to, and we will invest the time required to do so. Make sense? Questions on the process? Nope. So, I'm going to assume then that you don't have any more process questions. So, let's get into the recommendations language.

So, going back to our final report, our commentable IRT version, the, as you'll note, this is something that we added. Everything else is in 100% copy and paste from the final report. The only reason we have this doc, collaborative doc, is to facilitate our collaboration.

Okay, so we have table of content that's laid out in this fashion. And if you have done your homework, you read it, and you understand it, and that's fine. During the meeting today, what we're trying to do is focus on 1.3.1 right here. So, here is number one recommendation, and number one recommendation has to do with definition, right? And Dana says this is a 25th of July agenda. So, here I'm demonstrating, I'm commenting and say, question. Or let's say, one question. What does this mean? Or does this mean that, yeah, I can't see my own screen, but just bear with me here. Okay, let me just try again.

I would like you to number it as one, because one is question, two is concern, per my instructions. So, one is question, right? Does this mean that we must use this definition? Okay, did you see how I did that, everybody? And you can make the question, and if you want to remove the question, you can delete it, right? Or you can edit it.

DANA KUEBLER:

Dennis, it may be helpful to let them know that when they select, highlight the area they want to make a comment on, not to select the entire recommendation, but the specific [0:29:59][inaudible] they have. Otherwise, it can get a little confusing.

DENNIS CHANG:

You want to demonstrate that? Why don't you, Dana, demonstrate highlighting the entire recommendation and what it looks like after you did it, and there's a reason why we don't want you to do that. This is something that we are finding through our practice. So I'm seeing that somebody is highlighted. Go ahead and make a comment on the entire recommendation highlighting the entire recommendation. You know, the wrong way. Demonstrate the wrong way. That's what I'm trying to say. Can you? Yes. What are you going for? Are you going for definition? I'm watching, so we'll all watch what happens here. It's not showing up on my screen yet, but go ahead and do it.

DANA KUEBLER:

I have. It's done on my screen. I've just highlighted all this. It says do not do this.

DENNIS CHANG: No, I'm not seeing it on the definition.

DANA KUEBLER: Oh, I'm sorry. On the definition, I went a little lower. Sorry.

DENNIS CHANG: Okay, let me see where. Where did you do it?

DANA KUEBLER: On the summary 1.13, like I highlighted a bunch. Let me go to the definitions.

DENNIS CHANG: Do the one that we're all looking at. There you go. Now I see that somebody is highlighting this. You're done?

DANA KUEBLER: Yes.

DENNIS CHANG: So if you choose to highlight the whole thing, this is what we will see. And this becomes very difficult for us because what we will be looking at is all the whole thing in yellow. And we are, it's difficult for us to know how to deal with where exactly is the question. So what I'd like you to do is not do this, but go ahead and exit. And do it the right way

for us. Okay. I see that you highlighted three words here. Privacy and proxy. And you did it. Okay. I see.

So when you click on the highlighted area, what you see is the question, right? And you can reply. Okay. So you can see the question and the reply. And what we will try to do is to ask all the questions. And I remind you that we are very, very fortunate to have members from the original IRT working group that wrote this recommendation, as well as the original IRT that spent years looking at this recommendation and trying to provide implementation for it. So we have members who are very knowledgeable and have the history. So when someone is asking a question, if you know the answer, please do provide a reply to help everyone. And be as specific as possible. So here's a [inaudible], let's see, who asked this question. And this is good, right? Is this final report's definition inconsistent with other ICANN documents, which one would prevail? Right? This is a good question. Now, the answer is consensus policy, right? After it's been published, in other words. Not the recommendation, it depends on the decision that we have to make. Are we going to use exactly this definition? Do we have to? Or can we come to a slightly different definition? Does that make sense? And this is the discussion that we'll be having.

But typically, in broad terms, the consensus policy that we will build, meaning for now, all we have is recommendations. We do not yet have the policy. The policy will be had when we publish together the privacy proxy policy. And that's where we're going. What we will be doing is creating this document called privacy proxy policy that has exactly what the requirement is. And that privacy proxy policy will be the requirement that contracted parties must follow as an obligation. So,

remind you, the consensus policy is an obligation, requirement for contracted parties, registries and registrars, and in this case, privacy proxy service providers to follow. So, that's the answer.

But my ask for the IRT is, if you have answers or you have a suggested answers, please reply directly to comments or questions like this. And that's perfectly okay. We will discuss the correct answers and come to one answer that we can all agree on. But for now, what I'm asking is, make your questions from requirements 1 through 21 and add the comments. Is the instruction clear? Alan has a hand up. Go ahead.

ALAN GREENBERG:

Thank you. Yeah, just a comment. We've all been given editing rights to this document and it's set to editing by default. You may want to consider changing the default for all of us so we can't edit and only comment or at least suggest that people change it to commenting. In Google Docs, it's exceedingly easy to accidentally change things and not even realize you're doing it.

DENNIS CHANG:

Oh my gosh. Go ahead, Dana. Why don't you share what we...

DANA KUEBLER:

We love that so much and we wish we could do this. And the reason it's not done is because the rights to the drive are the rights levels, not—we can't do to the document level. So we would love to do that. So we ask for gentle hands on this to try to not edit it.

ALAN GREENBERG: Yeah, but then I suggest that people change their own rights to the document to only comment. You can do that on the upper right-hand side.

DENNIS CHANG: Like here, editing, suggesting, viewing, suggesting. No, not even here.

DANA KUEBLER: Yeah. So the one thing that I think we can look at is that if you are all agreeable, maybe change the access level, permission level at the drive level for... Let me see. Anyway, I love your suggestion. We were trying to do that in time before meeting. We couldn't get it done. But if there is a technical way, we'd like to ensure that. I'm all ears. Please help us to do this.

ALAN GREENBERG: Just to be clear on my private document, I could easily change it to only suggesting. So I'm not quite sure why you can't.

DENNIS CHANG: You mean like this?

ALAN GREENBERG: Yep.

DENNIS CHANG: Yeah, we can do that. But when you do suggesting, this is what happens. That's what I don't want you to do.

DANA KUEBLER: You may be able to just make the comment though without deleting, just make a comment. And that way you can see somebody made an error.

ALAN GREENBERG: Dennis, making suggestions in the document is bad, but at least you can see them. Editing just makes the old text disappear altogether.

DENNIS CHANG: Agree. Yeah, I agree. I agree. So here's the bulk of the hours that we are trying to do. Here's what I'm asking you to do for the right now is how much time do we have left? We have about 40, 45 minutes left. What I'd like you to do is let's see if you can do the questions like I know that no one can do that. But I want every IRT members to try and ask the questions on the doc. Make sure that it works. We're going to test the accessibility. And your real question that you have on these recommendations. So go ahead and everyone jump in and start asking questions. And if you have zero question, you have no questions, that's probably good to know, too. That means that you are one of those people who know, who understand this recommendation inside out. So I'd like to know that, too. And maybe here you can say no questions and make a comment. That would be nice.

So and then if you have no questions, please stick around to see what people are asking questions on. And if you can reply to those questions, please do so. There is another test of how to use this document. But if you don't have any questions and you don't, you know, you need to. Go and that's okay if you want to drop out, but I would like you to stick around till the end to see what questions we gather and try to help answer those questions if you yourself do not have questions, but have answers, that'll be great.

This is an IRT working session and we're working right now. Just so that you know, please get accustomed to this mode of working. And we can work in silence or we can be chatting as we work together. So I invite you to go ahead and start making comments. Let me see. Somebody's got it. Highlighted, but. Okay, I'm going to delete that. I'm going to delete that. I see that the team is working and this is great. We don't need this. I'm trying to clean it up as we go so that we are left with questions. Hey, Luc, how are you? I love your sign off. When you get your email that says you're a survivor of ... Were you a survivor of the original IRT or survivor of the PDP working group?

LUC SEUFER:

Both, actually.

DENNIS CHANG:

And then you think that you want a study. Can you clarify your question?

LUC SEUFER: Yeah, it would be because when I'm looking at those definitions, I don't recognize something that is applicable in the real world right now. If we could look at the services of domain provider, I sent an email reply to Steve Crocker. And I think it would benefit the whole group to have some facts, some data to move forward.

DENNIS CHANG: Facts and data. Okay. On definition, you're saying. So if you can pinpoint which definition and. But I think that that would help because I think it's too broad to say our definition basically.

LUC SEUFER: I'll put it in.

DENNIS CHANG: Yeah, thank you. Thank you. Yeah. So this that is a question. Please try not to make general broad overall questions, but be as targeted and specific as you can for us. Go ahead, Michael.

MICHAEL PALAGE: Thank you. And this question is directed to Odeline. And in reviewing this initial document, when I was trying to come up with questions and concerns, the one, if you will, gating question that I had is as follows. What impact does the data minimization requirements that was originally contained in the GDPR that has driven a lot of ICANN policy as well as implementation work—does that have a direct impact on our work? So I guess that's my question, wearing your European data

protection hat, if you could provide any insight on that would be really helpful.

ODELINE MACDONALD: Thank you, Michael. Odeline for the record. We are certainly taking that into account when looking at when we reviewed. So when I say we, it's Amy Bivins and I were working collaboratively. Amy has been the legal lead on the project. She was not able to join us today. So I'm just stepping in her very difficult shoes to fill today. We're looking at that. It would be very important in the implementation phase that we take that into consideration and keep that in mind. So, yes, mindset is there. As to where and when, how are we going to [inaudible]? I don't know quite yet, Michael, but yes, we are indeed keeping GDPR and other data protection related regulation. It's not all about GDPR. So it's good to everyone. We are keeping all of this in mind for sure.

MICHAEL PALAGE: Thank you. And I agree. It's not just about GDPR. Data minimization has also been, I think, referenced in the context of NIS 2 article 28 as well as others. So thank you for that clarification.

DENNIS CHANG: Thank you. So that you know, we started this project and we did a preliminary analysis of the recommendations. And we had a couple of informal meetings where I was advised to look at this recommendation fresh because so much has changed. So what you are seeing is sort of a beginning from the beginning. What we have done, this is important.

And I will let you know here. What we have done is put all the prior IRT material and we call it 2016 IRT in this archive. So nothing is lost of the prior work. They're all here.

But what I was advised and I agree and we're starting here is that rather than trying to pick up from where we were in 2016, we really should be looking at these recommendations fresh in today's light from the recommendation by recommendation point of view to see if we can implement it. And as you know, and I've explained earlier, ICANN Org's charter is to implement the recommendation. We're looking at here, the recommendation, implement these. So that is exactly what our job is. ICANN Org will implement these recommendations as we are given. And we are trying to figure out or find out if there's anything that will stop us from doing exactly that.

And we have done a preliminary analysis and we met with the GNSO council, even at Kigali, I think. And we've determined that we can and will implement this policy. And that's why we are here having these meetings and we are doing a lot of work. So that's sort of the initial understanding. And as we go forward with your input and advice, we may find other things or different things, because we have a good collective group of diverse background and knowledge base here. We're leveraging the IRT power here to do this the right way. So I see a comment on privacy proxy and I see a comment on privacy. So thank you, Steve. I see your comment. It seems inappropriate to include it in this definition. So comments like this. If it's inappropriate, we have a couple of choices. It may be inappropriate, but we just use it exactly as is. If there's no issue with it, it may not look good. That way, there's no question about us not following the recommendation.

However, if we can get to a common understanding and full support of the IRT, that the definition should be changed a bit, but it does not change the intent and is actually better, then we may do that. And that is part of the implementation process. So Alan has a comment. So this is a comment. I'm trying to get to a, maybe this isn't clear. And this maybe this is difficult for you, Alan. Your comment should be number two. Two is a concern, right? So if you could write it as two point concern colon, that would make more sense. But if you can turn that into a question, maybe that will be better. Because what I see looks like this is a concern. Which we will have to address after we answer all the questions. Does that make sense? Okay, I see somebody doesn't have access to the mic. Let's see. Yeah, I think. Okay, let's clarify. I ask that you limit to specific recommendations and clarifying questions for now. Step one, do you have a question? Is what's written clear? Then you don't have a question. Step number two. Is what's written clear, but you're concerned, you have concerns. That's number two. Okay, so remind you that you'll be getting a homework. First homework is to ask clarifying questions. Provide all your comments. Then that's due by 2 August. And we're starting now. And then take more time. Think about it. And then add your concerns upon common understanding of the recommendations. So I don't want to jump into the concerns just yet. Because I need to ensure that the IRT has quote unquote common understanding and we all agree what the recommendation language is actually telling us. So look at who's going to answer this question.

Primarily, ICANN.org is responsible for implementation. So we will answer every question. What I'm asking, though, is since we have people knowledgeable already and who have been there and done that.

You know, this is new to me, but like you heard from Luc, he's been around since the beginning. If he has a answer readily available, just reply and answer. And that would help us. And if you have a different answer, opposite answer, if you will, then reply with that answer, too. And then what we will see is that that clarifying question is being turned into a concern because we will recognize there may be multiple interpretation of the recommendation. Go ahead.

BRIAN BECKHAM:

Yeah. Hi, Dennis. Hi, everyone. Brian Beckham here. I just thought I'd chime in in regards to the question that Luc asked. This came up in an implementation group for the rights protection work a couple of months ago. And where we landed there, I think there was a little bit of uncertainty, whether it would be the staff or the working group members or some combination. But where we kind of landed there was that our starting point was to refer back to the original recommendations of the working group. And if it wasn't clear in the text of that, to try to look into the legislative history, if you will, from the working group calls and transcripts and things like that. So I don't know if that helps answer the question here. I expect there's probably some broader questions on people's minds, but at least for one reference point, that was how we handled it in the RPM IRT.

DENNIS CHANG:

Oh, that's good. Yeah, that's a good input. Thank you, Brian. I mean, this is not easy. And often when I think I have a clear answer, and here it is, it's obvious that I'm challenged by smart people like you to see it in a

different way. And it would require further research and check, and see that point of view, too. So that's the real power and beauty of having an IRT such as this. Because it's impossible for me to know everything that's going on. And even for ICANN org as a whole, things are changing so rapidly. And you all have your expertise. So bring in your expertise and help with the process. So provide your reply. Answer the questions with what you know, and we will have to consider that. And we will. And come to some sort of a agreement. And then go forward from there. The information that we have that can help us. Often, the discussion comes around the language is could be interpreted multiple ways. And then we reach back to the original members, quote unquote, intent of the recommendation and see if we can leverage that. And that way, sometimes it gets more clear and we gain the support of the whole team when we have that discussion. So, because written words can only do so much, but as you say, the first is the recommendation language, word by word. That's the first thing. And after that, we have to leverage other written documents and the collective knowledge and understanding and expertise of this IRT group.

Steve, this again is a long sentence, but I don't know whether this is a concern or a question. So if you are able to, everybody, this is getting to be really concerned. Okay, so here's what I'm going to ask you. Please number your comments one or two. Is this a question or is this a concern? Because when I see a long, long message from Steve like this, I can only assume that's a concern. So we're not going to try to answer that just yet. But I want to make sure that if that's what I'm assuming is correctly. So to help us, you can number them one or two here. One, clarifying question. Two, notable concerns. Is one or two. Your

comment, are they one, clarifying questions or two, notable concerns? And please be specific as much as you can.

For now, please prioritize on questions and be done with the questions. Okay, let's make sure that we have 100% questions answered before we address concerns. We're not going to talk about concerns until we get to that point. Makes sense? Steve, are you with me? Thank you, Alan.

STEVE CROCKER:

Sorry, I was on mute. I understand your question, but to the extent that I can, I'm focusing on the questions as opposed to the concerns. But sometimes these are tangled up. I'm going to push back on you. I think you and the rest of the staff should take any of our comments in good faith and do the work of actually reading them instead of just processing them by number.

DENNIS CHANG:

Absolutely. We read everything you write and we see it as valuable. I really enjoy reading what you have to say. You've always been a good mentor to me. I appreciate what you're writing and we will absolutely do that. The thing that I'm asking you though, Steve, is that if this is a concern and you know it, just write concern on your comment to [header] so that people are not trying to answer you right away. And if it is a clarifying question, if you don't mind, just write, one, question, like here, Alan wrote concern, right?

STEVE CROCKER: Let me suggest an alternative if you want. If it has a question mark, it's a question.

DENNIS CHANG: Oh, I see. Okay, so you're saying that it's obvious by reading what you wrote.

STEVE CROCKER: I hope.

DENNIS CHANG: Here is a question mark. Is this a question?

DANA KUEBLER: It truncates. You have a long item and the reason we ask you to predicate it with a question or a concern is that it truncates it down so that when we're scrolling through trying to prioritize how we're going to start our discussions, it will help us in our next sessions. So it just builds upon how we might organize ourselves. We wouldn't dismiss anything. We just want to organize how we're approaching the information.

STEVE CROCKER: Every time I heard the word priority, it translates into we're going to choose what we're not going to do.

DENNIS CHANG:

I see. So let me show you this task list again. Yes. This is meant to say we are going to do that, but we're going to do it in order. To make us efficient. So the concerns have to be logged by we're asking you to log it by 16th of August. But questions has to be logged first by 2nd of August. So in this session, as a minimum, please try to focus on the questions. And if you want to write the concerns in early, I'm not saying not to do that. Just make it clear for us to help us. Please help us. And, you know, if we're not clear on whether it's a question or concern, and we'll have to just read it again to interpret. But I would rather it be clear right off the bat by looking at the comments at the top.

Okay. So it's a protocol convention we came up with to make our job a little easier. But, you know, we deal with a lot more complex items than this. So we will do that. Oh, look like Sarah is here and wanting to get in. Somebody let Sarah in. I just noticed that Sarah, a part of the IRT. Excellent. Yeah, Sarah, I work with her closely on the reg data policy too. Very knowledgeable from the registrar side. Oh, there you go. Yeah. One and two. Okay. Jothan. Okay, it's a question and a concern. Well, I can't publish a means to know. Oh, this is really tricky, right? Yeah, I don't know exactly how we're going to deal with that. But the PDP working group may have had an idea. And this is where I need a reply from people like Luc. What were you thinking when you say knowingly? You know, were you thinking that we need to do some testing, verification? How far do we go to check to see if registrars are compliant in this knowingly requirement? Hey, Jothan, go ahead. Speak up.

JOTHAN FRAKES: Yeah. Thank you. And thanks for observing that. You know, I think that word is our kryptonite right now.

DENNIS CHANG: Don't tell me that already.

JOTHAN FRAKES: Oh, there's plenty of kryptonite. We're in the kryptonite mine. So the word knowingly here, I mean, it really captivates action. And it was left flexible, which is appreciated. But I think that's a place that we'll find ourselves struggling with, you know, as any of this might become enforceable. You know, to the registrar, it's very challenging for us to know an external party being a proxy provider or not. And, you know, if there is somebody who's accredited, we're going to need a means to know. Otherwise, we're not going to know. And that's a real challenge here because there are implications and obligations that are placed upon us as registrars.

Now, I'm speaking in an individual capacity, not for the registrar stakeholder group. Anything said for the registrar stakeholder group would come from Roger Carney. And I've not vetted this with him or the stakeholder group. I just observed this, that this that word knowingly is a linchpin, for lack of better term, that that particular element is a—if we don't know, then, you know, do these obligations kick in or are we just dealing with a registrant? If we do know, we're going to need some means to know, because, you know, I think where we get into some slippery situations where somebody wants that disclosure or they want the other contactability or other things that are obligations. You know,

we as registrars, we can't know what we don't know. And so that's a kind of a challenge because in that knowing, you know, some things under privacy or proxy, there is a cascading opportunity of obligations that we have once we know. Thank you.

DENNIS CHANG: Yeah. I hear you and I fully recognize the challenge that we face. And so, as part of the implementation, we'll have to interpret that knowingly and—go ahead. Who's up Michael, go ahead. Yeah.

MICHAEL PALAGE: Thank you. So, Jothan, if I can expand upon that, and I appreciate the concern about the awkwardness or the legal liability that registrars are being exposed to by this ambiguous term. Wouldn't a directory of all privacy proxy providers and having them flagged make that decision a lot easier for you? And again, I am looking at some of the requirements that NIS 2 has under Article 28, as well as some of the reporting and registration requirements contained in, I think it's Article 26 of NIS 2.

So, having these directories of entities should be able to assist registrars in making that determination. Is that a fair assumption or would you have a difference of opinion there? And I would appreciate your opinion as opposed to waiting for a unified registrar perspective. I would appreciate your perspective. Thanks.

JOTHAN FRAKES: May I respond? I don't have my hand up.

DENNIS CHANG: Please. Yeah, please respond. Go ahead.

JOTHAN FRAKES: And thanks, Michael. I, you know, I think it could be, it could contribute towards being a solution, but I wouldn't plant a flag next to it being a solution. You know, we could have a registrant come through, provide what looks like the privacy proxy of a party, but not be using that party. There's a variety of scenarios where that dissolves as far as being, you know, a potential way to identify this. So we would not only need to have maybe a directory, but there might be other attributes that would be associated where we could potentially catch this. But you know, that assumes that we're going to have to scout every single registration more and more and scrutinize them. And I think that doesn't necessarily scale. I think it will help. I think it would be constructive, but I don't think that it would be a, I wouldn't plant a flag next to that solves this. Thank you.

DENNIS CHANG: Go ahead, Margie.

MARGIE MILAM: Hi, everyone. It's Margie Milam. As I recall, and I was involved in the original policy group plus IRT, that's the notion as to what the accreditation would help, right? So if you think about registrars, how do we know if someone's a registrar? We look at the list, the public list that ICANN posts to identify who the accredited registrars are. So in my

view, I think that the policy, and that's why it's called the accreditation policy, was meant to create that list that would enable the registrars to recognize whether or not someone is a proxy service or not. I thought that would be helpful.

DENNIS CHANG: What do you think, Jothan? Is that helpful?

JOTHAN FRAKES: Well, you know, Margie, you're right, right? A registrar is identified in the registration data sent to the registry. So it's part and parcel of every element of every lookup. So that works very well. But what's missing in a similar scenario is that, you know, is there a yet to be determined field that we would capture as registrars where the registrant would furnish that, you know, IANA ID or whatever, you know, differentiator is to identify that it is privacy proxy. And then you start to think about the real world where, you know, what's the upside for a registrant to do that? You know, would they go to that trouble? But I see Roger's hand up, and he's our official rep for the registrar. So I will take this opportunity to shut up and let perhaps he talk.

DANA KUEBLER: Actually, Alan is up. And if you want to hand the floor over and then Roger.

ALAN GREENBERG: I'm happy to have Roger go first.

ROGER CARNEY: Alan, please go ahead. I'm just going to do a follow up. So go ahead, Alan.

ALAN GREENBERG: Okay. I was just going to comment that how this is interpreted is going to depend on how we end up implementing what is a proxy service. Specifically, I'm presuming ICANN will publish a list of accredited proxy services. The question that happens is, you know, if you look at the case of a lawyer registering a name on behalf of a client, are they simply acting as an agent or are they a proxy service? If they're a proxy service and that's how we implement this policy, then you have situations where a registrar knows you're a lawyer and you're registering a domain name, which is not for your law firm. Therefore, they're supposed to know that you are acting as a proxy service and you're not accredited. That gets into a very, very hairy situation. If on the other hand we exclude individuals who do things as agents of someone else, then it becomes a lot simpler. So this is one of those things that that's entangled in a lot of other decisions we're going to make, and how easy it's going to be to implement it by the registrar ultimately is going to depend on a lot of decisions we make along the way. Thank you.

DENNIS CHANG: Okay. Roger, go ahead.

ROGER CARNEY:

[inaudible] Thanks, Alan. And you were going down the same path. Again, the easy thing is to know the things you know. It's what Jothan started that discussion with, is that not knowing, and it would be those, you know, obviously unaccredited, you don't know them and you can't tell. I mean, if a lawyer is registering a domain name, he's registering a domain name. You don't know if it's for himself or herself or for somebody else. It's the knowingly part that comes in that gets a little tricky. It's like, oh, wait a minute. Somebody told us that this lawyer does this stuff for their clients. And then you, in air quotes, know, but do you know anything? So I think that that gets to the point of the knowingly part. And how is it knowingly? Is it that ICANN publishes a non-list as well, so they keep track of that? And then you have to start balancing that, balancing every registration up against those two lists. So I think that's, it's not why I raised my hand, but I thought I'd throw that in there.

Dennis, I raised my hand to talk about maybe why you're taking us down this path of the questions, the concerns path. I want to make sure I understand. So it is so that the group, the IRT as a whole, gets to at least a fairly general understanding of what each of the requirements, what each of the recommendations are stating. That's what the clarifying questions are for. And make sure everybody believes they understand what each of the 21 mean. And then we'll get past that point at some point. And then we'll have concerns about, well, is that even feasible? Is that something that's like, can be done or not? Or whatever concern somebody comes up with.

DENNIS CHANG: Exactly. One, two.

ROGER CARNEY: And then those two things will feed into what I think we're going to get to, Dennis, and maybe this is my big question is, is answering the threshold questions that were created to take us into actual work. Because we're reviewing and understanding and getting our concerns in place. And to answer the three threshold questions that take us forward or take us to another path. And I think that that's what you're saying, but I want to make sure that that's what we're trying to do. So my question is once we do the questions, once we get our concerns identified and discussed with everyone, we'll use that information to answer our three threshold questions, which will then decide where we go. Is that how we're planning to do this?

DENNIS CHANG: Precisely. Thank you. I should have made that more clear. So this whole activity that we're doing, work plan, and I try to lay it out here, is for us to get to these clarifying questions. And we're going to have to deal with every question in detail. And I expect healthy conversations to get to a sort of a common understanding or agreement of what this is. So let me just take you through the work plan quickly and briefly.

So we are here today, we're talking about clarifying question. And next meeting, we'll answer all our questions and start to address the concerns. And then following meeting, what I'd like to do is so that, okay, so as far as the following, we're at a point where we understand the concerns and the questions all about the policy language. What I'd

like to do is make sure that we understand the current environment. Because not everybody's in the registrar business or privacy proxy business. So here I want a couple of volunteers in the registrar business to maybe educate the IRT, all of us on what's really happening. And I'm seeking that volunteer now and I'll send out another email asking for volunteers where you can come in and explain to us what is really happening and what is really the kind of a practical. I wanna get an understanding of that situation. And then analyze our requirements with that background. And then we delve into this threshold question.

So this was discussed at our kickoff meeting. So your first homework if you're joining, please go back and listen to the recording of our Kigali meeting where we talked about a lot of this stuff. So what we are trying to do is we have meetings. And what we're doing is introduction and education as a first part. We'll get into a scoping phase, what are the threshold questions. And based on those decisions, answering those questions, it'll really kind of set us off into a different implementation path. And there is some sort of a decision point.

DANA KUEBLER:

Dennis, we're five minutes out and I wanna slow, let you know that Steve was in queue and Michael now is in queue.

DENNIS CHANG:

Okay, thank you for the time check. So basically what Roger said is yes, he's perfectly, he's right on the mark. And if you wanna know where the threshold questions are is here, you can go back to them. Go ahead, who's next in line? Steve, go ahead.

STEVE CROCKER: Thank you. I think you're responding to my comment in the chat that I couldn't raise my hand, I don't know why. But I put in the chat what I was concerned about and Jothan's responded to me. So take me out of the queue.

DENNIS CHANG: Okay, thank you. Next. Michael.

MICHAEL PALAGE: Thank you. So Dennis, as far as registrars briefing on their current business practices, I'm not opposed to that. However, I think it would be important that we not only just look at what ICANN registrars are doing, but some of the better practices of what European registrars are doing. I think with what I see going on right now in Europe, with what registration authorities are doing, both registries and registrars, I think that is important if we want to make a fact-based determination on what is currently available in the marketplace, we need to look at the whole picture. So, again, not opposed to that, but I think we need to sit there and look at the full picture, not just a selective version of what ICANN's registrars may be putting forward.

DENNIS CHANG: Yeah, I see. In theory, I think that's a good pursuit, noble pursuit. I have to be very cautious here, and you can advise me along the way, Michael, that as the person who's responsible for the quote-unquote ICANN consensus policy, I need to make sure that it's in the remit of the ICANN

and not go beyond that. So, we can talk about that more and I want to know what you're specifically thinking about. So, that's a future discussion, but I love the thought, as much as we can get the information that will help us make the right decision. We got three minutes left. Who's on the queue?

DANA KUEBLER:

No one else on the queue.

DENNIS CHANG:

No one else. Okay, good. So, let me just go back to the agenda. Is there any AOB? If not, what are we going to do next is that I'm going to issue tasks, IRT homework, right? And you already know, because you're at the meeting, I'm going to be issuing three tasks with these two days, and they will go out in emails, one at a time. So, every task I issue, I use separate emails, so, and it'll be titled with a task number. So, when I do that, you can, and you should, reply to those emails, and we can conduct discussions on that particular assignment as well. And then, please do your, finish your homework as the due date. Now, if you need more time, and this is what I saw when I first assigned the task here. First, you know, it was assigned as 26 June, and we received a request for more time, and we extended the due date. So, we can do that. I'm not trying to rush you, right? We need to take our time. This is complicated, and we really need to do this right. But I will be driving this implementation team to see if we can achieve a certain pace and get to somewhere that we are all satisfied in time. Does that make sense?

If there's no other comments, say goodbye, and I'll see you at our next meeting. And you know when that is? That is June, August 8th, for our work plan. And you should have had your meeting invitation already. If not, please contact Dana and North. But I'll see you there. Okay, you can stop the recording, and we'll say goodbye now. Bye-bye.

[END OF TRANSCRIPTION]