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DENNIS CHANG:

...implementation team meeting, meeting with the IRT, on the 18<sup>th</sup> of October 2016. So just acknowledging the IRT members who are here, right now. We have Jody, Joe, Joyce, Marc, Ray, Roger, Steve, and Theo. Anybody else who is on the call but not on the Adobe Connect? I can't see you, please speak up.

Okay then, let's get started. Let me look at the agenda here. We have three things that we need to do today. The most important, our priority for today's meeting, is to finalize the thick WHOIS transition policy document, so that we can go to the public comment. And then after that, we'll discuss the draft memo to GNSO on the privacy, and IRT will continue the discussion and we will facilitate that.

And I would like to reserve five to 10 minutes at the end of the meeting to talk about our next steps, and the ICANN 57 information that I would like to provide. Anybody else have suggestions, comments on the agenda?

Nope? Then we'll get going here. So, let's talk about the thick WHOIS transition policy for dot com, dot net, and dot jobs. So version 6.1 is the final draft. I have sent it to you as a reminder this morning, wanted to point out that there are no other addition to the change, original changes since the last meeting last week, when we, as a team, had reviewed it and edited it as final.

And this version will be the version that we will go to the public comment with, barring any other comments or issues. So let me ask for your comments now for the IRT members. Do you have any further

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questions or items that you would like to bring up or discuss on this final policy?

Raise your hands if you do. And if you don't, and if you are supportive of us going to the public comment as is, please also give me a plus one or a positive checkmark.

Okay, I got a checkmark from Marc, Roger, Theo, Jody. Anyone else? If you can also speak up your support, if you like.

Anyone else?

Let me see, going down the list, how about you Joy? Joyce you haven't raised your hand or gave me a sign... Joyce gave me a plus one, good, thank you.

Steve? How about you Steve? I know you said it was okay last week, but are you okay with this final version going to public comment? We would like to go. Excellent, thank you. Thank you. Let me see, I think that's about everybody, yeah, that is everyone who is on the call. So then, here it is.

Thank you very much IRT members. We will proceed with the public comment phase or the transition policy from here, and now you'll receive an announcement and the publication on our website, following the... Okay, Marc, go ahead Marc. You have your hand up. Go ahead.

MARC ANDERSON:

Yes, can you hear me okay?

DENNIS CHANG: Yes, we can hear you fine.

MARC ANDERSON: Okay. Sorry if you just said this and I didn't catch it, but when do you anticipate this being published?

DENNIS CHANG: We are trying to do it this month before we head off to Hyderabad, and that's my first priority.

MARC ANDERSON: Okay. I was wondered if you were able to narrow it down a little bit more. So you don't have a day, you're just targeting sometime this month?

DENNIS CHANG: So, yeah. It's about 10 process for ICANN, internal, 12 days. It depends on what everything is going on within the organization.

MARC ANDERSON: Fair enough. And I certainly appreciate that you've got a lot of other things going on right now, but can I just request that you give the IRT a heads up when you have a firmer idea of when they'll actually be posted?

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DENNIS CHANG: Yeah, yeah. That's fair. I was actually going to cover that as part of our next step, but I will certainly give you a heads up when it gets narrowed down, and we think that we have a date, that we are targeting. But certainly, I'll go before we all leave for Hyderabad, and then our...

Let me go to the next slide, actually. So, the next... Let's see. We are going to go for public comment, and we think that it's going to cover, let's see, November, certainly October. We are in October. So November. And we have to give you an exact date on the public comment, but certainly we'll consider the time that we are in Hyderabad.

KRISTA PAPAC: The standard public comment, this is Krista. The standard public comment period is 40 days, but we would extend it by 10 to account for the ICANN meeting in Hyderabad. So it would be a 50 day comment period.

DENNIS CHANG: Right. In any case, the goal is not to miss our public announcement date of 1 February 2017. So we'll do everything we can to hit that target date, keeping with our policy implementation calendar. And of course, we'll talk more about this at Hyderabad, in our next meetings too. And this is still the same schedule that we've been using, and nothing has changed on the schedule, so I wanted to point that out.

So, any more comments on the policy, transition policy?

Marc, go ahead.

MARC ANDERSON: Thanks Dennis, this is Marc again. I don't know if this is the right time to do it, but I was wondering if you wanted me to get an update on the escrow topic that I had raised in a previous...

DENNIS CHANG: Yes, please. Yeah, it's a perfect time. Please.

MARC ANDERSON: Okay, thank you. So previously, I guess this was a couple of, maybe two weeks ago, you know, I brought up the question of how to handle the escrow contact data as the thick contacts transition to the registries. And we sort of agreed at that meeting that I would reach out to ICANN staff and discuss options there.

And so, that did happen. I spoke with Krista and Francisco, and of course you Dennis, and after reviewing the contracts, I wanted to update everybody in the IRT that all three of the contracts, the com, net, and dot contracts all include language requiring contact data to be escrowed, if it exists.

So I think that's pretty clear in the contracts. The jobs contracts, I understand from Krista, so please correct me if I'm wrong here, but I understand that that includes language that says that the contact data should be in escrowed in a manner consistent with the new gTLD agreements. You know, the com and net contracts, on the other hand, do not have specific language on how that data should be escrowed, just that it does need to be escrowed if it exists.

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And again, after talking it over both internally and with ICANN staff. We feel that it's not necessary to address this within the thick transition policy itself. And that you know, the contracts already require the data to be escrowed, so it's not really necessary to put anything else in the policy itself, in that ICANN and VeriSign can agree to work on the, I guess, the finer details on it, how that information will be escrowed.

So I guess it's... Krista, keep me honest here, but I think our recommendation is that there is nothing else that needs to be done here from an IRT policy perspective, and that we can proceed forward with escrow and the data without any additional policy work, at least from the thick transition policy perspective.

Krista, Dennis, is that... Did I get that right?

DENNIS CHANG:

Go ahead Krista.

KRISTA PAPAC:

Thanks Dennis. Yeah, Marc, thanks for that. This is Krista Papac everybody. Yeah, I think after, I just kind of took a look at it as well, and just to reiterate what you just said, from our perspective, it seems like the most appropriate place to deal with the form of the escrow and to deal with the escrow, is in the contracts rather than the policy.

And so, really you know, our preference is to have the escrow come in from all registries and the format that specified in specification two in the base agreement, in that's something that we've discussed with VeriSign that we can work through.

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But really the place to address that particular form of what are the fields, not the fields, but what is the format of the escrow deposit. Is this something that could be handled through the contracts?

DENNIS CHANG:

So that basically means that everybody is in agreement with no more changes to the policy language. So, Marc and Krista thank you for clearing up on any items that were on your mind, and if anybody thought that it needed to be followed up on that issue.

So, let's continue to next agenda, if there are no more comments on the policy, transition policy, we will continue with our next item. And this item is the GNSO Council draft memo, that was first mention... Actually Joe, Joe brought it up in our IRT session in Helsinki.

And then we, IRT, has agreed with the project team, working on this memo should not impede in the implementation project, and indeed, it has not. And thank you everyone for supporting that concept and ideal. And we have actually accomplished our goal of getting it ready for public comment in October.

So, then the... Let's see, the draft language... I think the only draft, as we have it today, is the 26 August version that Marc Anderson provided to IRT. And we have been having both online discussions and the meeting discussions, as time permitted. So I will open it up again for the IRT to discuss this. So go ahead and raised your hand if you'd like to comment.

Joe, go ahead Joe.

JOE WALDRON:

Thanks Dennis. Since I guess I brought this up, I should probably go first here. So I think that the draft of the memo that Marc sent back in August is appropriate to fulfill the obligation that I saw in the directive to the IRT. And again, that's stated in the memo, if I could just summarize it. If we identify these issues that had not been previously considered related to privacy that we had an obligation to inform or notify the GNSO Council.

So I think that's... Really, the whole crux of this is, I think it is an obligation that the IRT has where we've identified some privacy issues that weren't previously considered by the working group, that should just be informed to the GNSO Council. We're not specifying any requests for a specific action or anything, but I think it's up to the GNSO Council to just be informed about and then make their own decisions.

There are a number of other related efforts I think we heard about during the Helsinki meeting, that I don't think this should be a surprise to the GNSO Council, but I think that this is just an obligation that we should pursue and just get this thing sent.

Now, in thinking about this since then, I think that, you know, the language doesn't specify how, and I'm not sure there is really a precedent for how we notify the Council. So whether it's this letter or some other mechanism, I think we're open to what the appropriate mechanism is to fulfill the obligation.

And I think that's it, unless there are any questions.



DENNIS CHANG: Next, Steve is online.

STEVE METALITZ: Yes, thank you. Can you hear me?

DENNIS CHANG: We hear you fine.

STEVE METALITZ: Okay thanks. I'm having some equipment problems on this end. Well thank you Joe. I really have two, couple of points to raise. First, if you look at the language of this recommendation, it says, should any privacy issues emerge from these transition discussions that were not anticipated by the working group, and which would require additional policy consideration, the implementation review team is expected to notify the GNSO Council so that appropriate action can be taken.

I think the discussion, we've had discussion on this, on several of our past calls, and as Dennis pointed out, we did not want to hold up progress on the policy, but when we had a few moments, we were able to discuss this, so there has been some discussion on the list too.

And to me, this kind of boils down to whether there is anything in this letter that actually requires additional policy consideration for ICANN, or whether these are flagging issues that registrars and probably registries as well, but the registry, need to take account in implementing

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the policy that's been approved by the Board, and that now we have a draft of the document to put it into force.

There is no question that if you are an European registrar, for example, you need to take into account the fact that since the working group completed its work several years ago, a general data protection regulation has been adopted, and it will come into force in 2018, and that may change what your obligations are in order to, for example, to obtain, just as one example, to obtain consent from registrants for processing of their information, including sending it to the registry in a thick WHOIS environment.

So there certainly has been a change, but it isn't a change that necessarily requires additional policy consideration, it's just an implementation change that each registry and registrar has to pay attention to in order to stay in compliance with their local law.

Now, we had a legal analysis of this that was done pursuant to proceed to the same recommendation, which called for a legal review. And that came in about 18 months ago, and we've, on several occasions, raised the topic. I think Alan Greenberg first raised it. I don't know if he's on the call today. But we've raised the topic of whether ICANN, which provided us with that legal review, is in a position to go back and update it to see if there is anything that would detract from the conclusion in that review which did not flag any clear obstacles to implementation of the policy.

So, I think we're still awaiting feedback from the staff on that, but where this now sits, again, I don't see anything in here that... There

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certainly are things that have changed, and arguably those are issues that were not anticipated by the working groups, since the working group completed its work so long ago.

But the question is, do they require additional policy consideration. And based on what's in this letter and the discussion we've had up until now, I don't think that we satisfy that prong of this, that would necessitate sending this letter. So, that's kind of the way I approach it, but I guess I would be interested to hear first, obviously, from VeriSign on this, but also from the staff about the possibility of an update to the legal review. Thanks.

DENNIS CHANG:

Hi. Theo is next in line, so I'll let him speak first.

THEO GEURTS:

Thank you Dennis. I think Steve, is to a certain extent, right there. I mean, if we are looking at the new obligations for [inaudible] registrars in 2018, yeah most likely we'll need to get some extra consent, and most likely, if we go for what the current setup to the thick WHOIS and there is a new validation of privacy shield, we would have to probably get consent also for the additional contracts.

And you know, that is basically for me to change. I mean, we don't care about that because we're on the thin WHOIS. We don't send data, we don't have that issue, and if we look back at, at least from my perspective, and when I started this, I think we started this somewhere in November, December last year, it has been a technical exercise

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[inaudible] somewhere August, and then the memo came, and I think there are some, it has some implications, that memo. It does show that the landscape has changed, and I think that certain aspects have not been taken into consideration.

So I'm in favor of sending that memo. And I do agree with Steve, with the policy made on Alan Greenberg, we were supposed to get some feedback, and from Chris, this is correct. I'm wondering if he has any feedback for us. Thank you very much.

DENNIS CHANG: Go ahead Krista.

KRISTA PAPAC: My moment of fame has arrived.

DENNIS CHANG: You're on.

KRISTA PAPAC: I'm on. So thanks for your patience, everybody. I know I had hoped to have this information for you last week, but we just needed a few more days to pull it together. So, in looking at what the policy required, it required ICANN to undertake a legal review of privacy laws, that may be applicable to transitioning from a thin WHOIS model to a thick WHOIS model, and building off the previous, and this review is to build off the

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previous analysis that was undertaken by the expert working group for WHOIS.

So, in looking at the memo that we provided, we're looking at whether the conclusion or findings whole true in light of the invalidation of the safe harbor framework, which I think, you know, this is kind of along the lines of what Steve was saying. The safe harbor framework is not necessarily a privacy law, it is, it's a way to comply with some elements of the applicable privacy laws that exists.

So it's... I think Steve, you called it implementation. I personally am thinking of it as a tool. I think they're kind of the same thing. So, from doing a cursory review, it seems as though, it seems the invalidation of safe harbor, doesn't raise privacy law issues that weren't already considered by the EWG memo, as it relates to the transition of data from thin to thick.

And this is because the underlining law in the EU data protection directive, that was a draft in the EWG memo, and in the thick WHOIS memo still stands. So what is changed is that one, not all, but one of the methods that US companies could have relied on to disclose registrant personal data to the registry, and transfer the data to another country, was found to be invalid.

So just to kind of repeat that, it's not the privacy laws that changed, but what changes is one of the methods, not all of the methods, for how US companies can work with this data across international lines. They fund their research... From members of the IRT, it seems that none of the registries involved in the transition from thin to thick, or transitioning,

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excuse me, to thick WHOIS have relied on safe harbor. So, that's I think, another key factor in this discussion. And then as kind of a final point, consent of the registrant, which is discussed in the memo that we provided a year, a year and a half ago.

Consent of the registrant still seems to be the viable path forward as I said, as we discussed in the thick WHOIS memo that we provided. So it doesn't seem like there is an actual reason to reopen that memo, or reassess that memo, and I'm not, it's not clear to us what question being asked.

We looked at the laws, which haven't changed. Again, one of the tools for complying with those laws, has gone away, but it appears to be a tool that nobody is using, or the effected registries aren't using. So it just, we're not sure what other questions we would be posing at this time. Thank you.

DENNIS CHANG:

Steve, do you have your hand up?

STEVE METALITZ:

Well, I did. It was an old hand actually, but I just want to thank Krista for that summary. And I think what... The way I interpret what she is saying is that, obviously of course, the staff isn't inclined to reopen the legal review, but secondly there don't seem to be issues here that actually meet this criteria of requiring additional policy consideration. So I guess I would just repeat what I had said before about that.

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Again, I understand that companies, individual companies have to attend to this and pay attention to this, but the question from, I think, from what we're doing here is, is there anything that would require re-looking at ICANN policy? And I think Krista has summarized one point of view that there isn't. Thanks.

KRISTA PAPAC:

Dennis, it's Krista. If I could just... I know there is people in the queue. So my apologies, Marc and Theo. I just wanted to clarify one thing. The comments I'm providing are not about additional policy consideration. I don't think that was actually in scope for the question. It was whether the legal review that we conducted is still applicable, or still, you know, make sense at this point in time.

And so I just wanted to be clear Steve, staff wasn't really weighing in on what should be a policy consideration or not. I think that's more of a you guys things, and a GNSO thing. But just really clarifying that from, in looking at the legal review memo, we don't see anything here that warrants that memo being reopened, or re-looked at, or whatever we...

The invalidation of the safe harbor isn't about privacy laws, it's about a tool that is available for companies to deal with these issues, you know, these cross-border issues, and again, it doesn't seem to be impacting the parties involved in this conversation. And then my last point, and sorry to be repetitive everyone, consent of the registrant still seems to be the most viable path forward, as we discussed in the memo we wrote.

So thank you for allowing me to clarify.

STEVE METALITZ: Thanks for the clarification, Krista.

DENNIS CHANG: Marc, go ahead.

MARC ANDERSON: Thank you Dennis. This is Marc. You know, I want to thank Steve and Krista. I think you both made very good points. You were very clear on that. I think Steve made similar points last week. There is a question... Obviously there are privacy laws and concerns out there, and Steve did an excellent job of differentiating, are these concerns things that require registries and registrars to take certain action?

Or are these things that raise the bar where the GNSO needs to consider is additional policy required? And obviously, since we brought it up, we're concerned that it does raise the bar. I know Steve's point and feeling that that's not the case, and that it doesn't reach that point. Again, I think to our part, we're concerned that it does, but that ultimately that that's a decision that the GNSO Council needs to make.

I think that's... I think we'll all agree that's the question, is additional policy work required? That I think we all agree that's beyond the scope of the IRT. That's a question only the GNSO Council can make. Our bar is, is it something that they need to consider?

And I think it is. And I want to highlight one of the... In the draft memo that VeriSign provided, I want to highlight one of the paragraphs,



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because I think it keys in on one of the points that Steve and Krista made for the invalidation of the safe harbor program. That, in of itself, has, and I think both Steve and Krista have pointed out, that's just a mechanism of obtaining consent.

And the point we raised we raised in the memo is, I'll try and paraphrase here, the use of consent... The invalidation of the USCU safe harbor program, development of privacy shield, use of consent to [inaudible] transfer of personal data, which the legal review memo identified as likely to be the most expedient way of addressing the transition, has been called into question by regulators in the EU.

Particularly in the context of a large and/or repeated transfers of personal data. That's sort of one of the key concerns that we have. Certainly the transition of comment and jobs from thin registries to thick registries, and the continued operation of those registries as thick registries, if that doesn't, if that doesn't qualify as a large and/or repeated transfer of personal data, I don't know what does.

So I think, I agree with Steve and Krista's point, I think you're both are right. I'm not disagreeing at all with the points you made. I'm just saying, our concern is that that really calls into question the mechanisms whereby consent is obtained, I think it raises a specter that this is something that may require policy considerations, and then we have an obligation to notify the GNSO, and for the GNSO Council to make that determination, if additional policy considerations or policies are required. Thank you.

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DENNIS CHANG: Theo, you have the floor.

THEO GEURTS: Thank you Dennis. Well, I'm kind of baffled here about how people are interpreting how the privacy shield should work, or how it is working. But let's not go there. But for those who are interested, can look up on privacy shield dot gov, and see that right side registries, for example, got themselves certified.

Apparently they think it is necessary, being a thick WHOIS registry. Yes, they did it all for nothing. But we're not getting any further here in this discussion. Is there anything why we shouldn't send out a memo to the GNSO? Is something bad going to happen?

I mean, I'm looking for a path forward here. I mean, we can discuss the pros, and the cons, and the negatives, and the positives. I don't see any progression here. And I really don't really understand if there is anything bad that would happen if we send a notification to the GNSO, hey, maybe look at this.

And if those guys want to look at it, great. If they think everything is okay as it is now, great also. Then we're done. I mean, we are already going to the comment period. I don't see any issue to move along here. Thanks.

DENNIS CHANG: Anyone else have comments? Steve, go ahead.

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STEVE METALITZ:

Yeah, thanks, this is Steve. Let me respond to Theo and to Marc. Again, I think if you look at what the direction we've been given here in this recommendation is, any privacy issues emerge for this transition discussions that were not anticipated by the working group, and which would require additional policy consideration.

That seems to be an area where we disagree, but we certainly don't have consensus if there is anything here that would require additional policy consideration. In terms of what the negatives for sending this letter forward. I mean, when you send a letter that says, we think you need to look at whether there needs to be additional policy consideration, you're basically saying, let's put this back on the table.

Let's open-up the policy that was adopted about three or four years ago. And we've all spent a lot of time trying to figure out how best to implement, and let's start over. Let's open it up. I'll tell you, your February 1<sup>st</sup> 17 date isn't going to mean anything if you send this letter, because you're basically telling the GNSO Council to start over, or open it back up again.

Again, I don't think there is a basis for doing that. Yes, this would be out for public comment, and perhaps some of these issues will be raised in the public comments. But I don't think, and certainly the draft here doesn't reflect a consensus viewpoint, if it were kind of in the form of noting that certain things have happened. We could do that.

But again, I think most of those have to do with the method by which individual registrars or registries could bring themselves into compliance, and the privacy shield may be well part of that. If a

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particular company has decided that's the way they want to go, then fine. That's the law right now.

That's a policy that's in effect right now. The one area where I think I would depart from, or at least one of beyond what Krista did, reported to us, is she said... She focused on the safe harbor, and that invalidation doesn't necessarily have an impact on us. But, and I think she's absolutely correct that the law today, October 18<sup>th</sup>, 2016, has not changed, but we do know in the European Union anyway, on a date which I don't remember in 2018, I think it's May, the law will change.

And some of the analysis that's in the legal review, it's based on the framework directive from 1995, and subsequent interpretations, and those include, by the way, the interpretations that are in VeriSign's draft. Those interpretations by regulators are based on the 1995 framework directive and current law.

Those laws are going to be supplanted by European law, general data protection and regulation. That is going to have an impact on individual companies, but I don't think... I guess the question is whether in anticipation of that change, the legal review ought to be updated. But that's where the law is going to change, at least in Europe.

And again, I still don't think that there is any evidence that that would make it impossible to carry out this policy, or that we would need to review the policy that was adopted, there would have to be additional policy consideration. But we know that is something that is going to change in the legal landscape.

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That change could actually increase the certainty, reduce the uncertainty, because there will be one law applicable throughout the entire European Union, 28, or I guess at that point, maybe 27 countries. It obviously raises issues that individual companies that operate in the market have to take into account.

Again, that's not something that we need to be running to the GNSO Council about. That's something that each company has to figure out, get its own legal counsel. And figure out how best to structure its agreements that traditional consents, and so forth, as might be necessary, in order to fulfill this policy.

But that's where the legal change is coming. We know it is coming in less than two years' time. So that could be an area in which we would ask for additional legal review. I'm not sure what Krista just said really addressed that, but I agree with her as of today, October 18<sup>th</sup> 2016, the law hasn't changed.

DENNIS CHANG: Anyone else? Raise your hand.

JOYCE: Joyce.

DENNIS CHANG: Go ahead, Joyce.

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JOYCE: Well I think that whatever the safe harbor will be any privacy, the European privacy, rules and regulations, they all apply to other registries. So it's not unique to com, net, job. And I just feel that we are the transition team from thick to, from the thin to thick. And whatever the existing regulation there that applies to all of the others, should really apply to com, net, job.

And it's not really, as I said, not unique to this three gTLD. So I just don't think that we should risk any other issue other than, as I said, on this whole transition.

DENNIS CHANG: Theo, go ahead.

THEO GEURTS: Thanks Dennis. So, I think just to be clear. I look at this very simply. And I'm not trying to make this into an issue between Steve and VeriSign, or me and Steve, or anything. I really, I personally believe that it's our obligation to provide this notice, or a form of a notice, to the GNSO Council, because I do believe that there had been changes that have occurred since the expert working group completed their memo.

I mean, even if I go back to the legal review that ICANN did a year and a half ago. You know, part of that said that, it's really, from an implementation perspective is up to individual registries and registrars to do their own analysis, which we have been doing. But I do think that there are, that we do have that obligation to provide that notice.

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So if it's just VeriSign and just a couple of us, I know we've had some observations on both sides about whether this is needed or not, I would tend to side on meeting the obligation that says if you've identified something that may require additional consideration, and again, we're not saying this requires new policy work, or policy work that would be related to this initiative, but I do think that that's an obligation.

So I really, I guess I'm open to other observations from other IRT members, but ultimately, I think, I'm still supportive of providing this letter, or Steve, if you have edits, or if anybody else has edits to the text of the letter, we can certainly have that discussion as well. Thanks.

DENNIS CHANG:

Steve? You have the floor.

STEVE METALITZ:

Thank you. I think we can certainly look at edits and think about sending something forward, but let me just... If you look at this draft, you know, Joe is saying that VeriSign or his position, is not that it necessarily requires additional policy consideration, but the first sentence of this letter says, privacy issues have emerged from the thin to thick data transition discussions that were not anticipated, and that appear to require additional policy considerations by the GNSO Council. So this basically is answering a question, yes, we think this does need to be reopened.

We need additional policy consideration by the GNSO Council. I certainly agree with everyone who has said this is policy changes or not

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for this limitation. So I can't sign on to a letter that says that, because that's not my position. I don't think that we've encountered anything that I know of, that would require additional policy consideration. There have been developments that are significant for individual companies.

Certainly companies that relied on the safe harbor, that invalidation is an important development. As I said, I think for any company doing business in Europe, you'd have to, you know, make your own analysis of how the general data protection regulation is going to impact this. That, I think, that part that's in the legal review, I think we can all agree with, which is that it's really... Each company really has to look at this independently and make its own determination.

ICANN is not their lawyer and is not in a position to counsel them. So in terms of next steps, I think if there is something that we can agree upon, a text that we can agree upon, that would be sent to the GNSO Council, may be accompanying the release for public comment on our policy, I'm happy to work with Joe, and Marc, and others to try and achieve that, but I'm not going to support anything that says these changes, these developments appear to require additional policy considerations.

I don't think that's the case. I think the impact of this is primarily on individual companies making sure that they, when they carry out the policy, that they do so in a manner that conforms with the applicable law. Thank you.



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DENNIS CHANG: Thank you Steve. Joe, go ahead.

JOE WALDRON: Yeah. Thanks Steve for that. And we're certainly open to working with you. I think we're really getting hung up on policy consideration as a phrase here, and I don't think that we're intending to decide for the GNSO Council whether there are policy issues, but just that there is the information that we've outlined in the memo that we think is relevant for their consideration.

So I think if there are ways of revising the text of the letter, we're certainly open to that and look forward to working with you on it. Thanks.

DENNIS CHANG: Thank you. Let's see, thank you Joe. Anybody else in line? I wanted 10 minutes at the end of the meeting to talk about our next steps, so if everybody is okay with this, this certainly is not the end of the discussion here. It doesn't sound like it. I would like to move on to our next step, and just make sure that we have our next steps in line, first, as a team.

Theo, did you want to say something? Oh no, it's okay. Theo just lowered his hand. So let me go to the next page, which is our next step. And so we agree that we are going to go to public comment with our transition policy. The next IRT meeting, now I'm posing it as if needed is next Tuesday, 25<sup>th</sup> of October 2016.

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And if we feel like we need to have this meeting, and I had thought of that meeting as being required, if we were not done with the policy language, but since we are done with the policy language, I don't particularly feel the need for that meeting. And would be perfectly happy to go to the next meeting in Hyderabad.

And that meeting has been posted, it's on the 8<sup>th</sup> of November. We have 75 minutes. And did you have something to say? Go ahead.

KRISTA PAPAC:

I have a question, yeah. This is Krista. So that sounds good to me, Dennis. I was just maybe going to put out there, I know that the IRT was having a substantive discussion on this memo, and I don't know... I may be put it out to the IRT, if you guys would like to have this meeting on the 25<sup>th</sup> to further discuss the memo, or if you'd rather wait until Hyderabad.

We're happy to host the meeting and facilitate it so that you can continue that discussion, or we can continue the discussion in Hyderabad.

DENNIS CHANG:

Yes, exactly. So that's why I wanted to get to it and to make that decision and leave it to you. So go ahead Steve. You have a comment for this?

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STEVE METALITZ: Yes. I'm not sure that a meeting next week is going to be useful on that point. It might be more useful for us and Joe and Marc to work on this offline, and see if we can work out something that we can bring back to the larger group. But I'm not sure that would be done by, I'm not confident that that would be done by Tuesday.

My other question, actually, on the timing, and I apologize if this was raised earlier in the call when I was having some hardware difficulties. When we get to Hyderabad and we have this meeting on November 8<sup>th</sup>, will the document have already been posted or the comments?

DENNIS CHANG: Absolutely. That is our goal.

STEVE METALITZ: Okay. That's what I thought, but I wasn't sure. So was the idea...? I mean, I'm not sure what your thoughts were about what would be the agenda for this face to face meeting in Hyderabad, and whether it's, you know, more informational for the community? Or is it to hear feedback on the policy? Or is it a working meeting for this group?

I wasn't sure where you saw this.

DENNIS CHANG: Yeah. So I'm this meeting, and it all had to do with how we end up going into the meeting with the IRT. If we didn't finish the policy document, obviously, that would have been our priority as a working meeting, but since we did, and when we get there, we will have two

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public comments posted, and it would be first, largely informational to make sure that everybody understood because it could get confusing. And we would invite public comments, and if there were any substantive comments already received, I will present it to you, the IRT for the discussions.

And other than that, it would be such thing as this privacy item, that I think it would be much more productive to have this discussion face to face, in real time. And that is really what the face to face meetings are for, are best suited for. And then, of course, we'll be talking more about the implementation side, assuming that we are both, both policies are in line for next 1 February announcement, then we'll be working about, working on implementation activities, and we can have some detailed discussions if any time is left over.

So that's what I was thinking. But I would be happy to hear your thoughts on what you think that we should be doing in Hyderabad. Go ahead. Does anybody have any thoughts?

Hearing none, I will communicate you all on the agenda items for our next meeting in Hyderabad. I think Roger has his hand up. Go ahead, Roger.

ROGER CARNEY:

Thanks Dennis. This is Roger. I guess, just kind of a follow on, maybe to one of your earlier slides, Dennis. I assume, especially since this short window after comment closes to when we want to get this published, we're going to work these comments as they come in? Is that the plan?

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It just seems like that would be the most efficient, but maybe I don't know if we need weekly meetings during that time, maybe every other week or something, just a suggestion.

DENNIS CHANG:

Roger, I've been thinking about that too. And I was going to think more about it, and maybe talk about it with you in Hyderabad after the public comment has been opened, how frequently do we really need to meet, and how, you know, I think we should change the way we've been working.

It doesn't really have to be as intense. I know that we've been having a weekly meeting and it has been pretty demanding on everyone here. So let me work on that, sort of a working plan forward, and I'll propose something to you. But I do think that, I do agree, as I watch the comments come in, and if there are things that we should be discussing, I don't want to wait until the end of the comment period.

I think we should discuss them as we go along.

Any other thoughts?

It's three minutes to the top of the hour, and I would like to close the meeting if there are no other comments from the IRT or any other members on the call. So, I gather that we do not need a meeting next week, so we will not have a 25<sup>th</sup> meeting.

So next time we will meet is in Hyderabad. Everyone have safe travel, and I will see you there, and we will be talking online, as we always do. Thank you very much.

[END OF TRANSCRIPTION]