

Mary Wong:Dan Halloran from Legal sends his apologies - he was supposed to be here but is ill.

Ayden Férdeline:Very disappointing that ICANN legal has opted not to participate.

Lori Schulman:and very telling IMHO

Lori Schulman:Maybe Samantha Eisner can substitute?

Mary Wong:Hello again - please note that Dan sends his apologies; as noted, he is ill and cannot be here today.

Jeff Neuman:@Lori - My guess is that nothing would be said that would be different from what John said this morning

Jeff Neuman:It may not have been a very productive session

Romina Florencia Cabrera:thanks all

Lori Schulman:Probably not. I am sorry that Dan is sick. I feel his pain. I just wish they would have sent someone else.

Romina Florencia Cabrera:Maryam

Jeff Neuman:@lori - Agreed

Ozan Sahin:Please kindly note that remote participants are considered to be observers in the NCPH Intersessional meeting. You may still post comments or questions in the chat box but they will not be read out loud by the remote participation manager. On the other hand, in-room participants may bring these questions or comments forward during the discussion.

Ayden Férdeline:One of the criticisms of the Intersessional was the lack of participation from senior ICANN staff. One of the rationales behind holding it in Los Angeles was that we'd be in proximity to senior staff. A pity then that Legal could send no one.

Anne Aikman-Scalese (IPC):Re: complete suspension of WHOIS policy enforcement, I do not see how that falls outside Specification 1 Section 2 of the Registry Agreement. Saying it is suspending just the enforcement of the policy and not the policy itself is a distinctio without a difference. Further, the section says any Temporary Policy should be tailored as narrowly as possible. I think the Directors should be asked about this. They have the responsibility for oversight of ICANN staff in this process.

Jeff Neuman:@Anne - It is a distinction with a difference according to them

Mary Wong:All, we believe Sam Eisner will be coming this afternoon. Please note that specific sessions had specific ICANN staff invited to them, so it was not possible to switch out at this late stage, especially with the Board workshop also going on. Really sorry on Dan's behalf that he can't be here.

Jeff Neuman:We may not like it, but we are where we are

Jeff Neuman:ICANN's obligations under a contract cannot be modified by a Consensus Policy or a Temporary Consensus Policy. Only a contracted parties obligations can be impacted by those

Jeff Neuman:The only way the community can change ICANN's obligations is through a Bylaws change or through a contractual arrangement

Anne Aikman-Scalese (IPC):Sorry Jeff but I lost the link you posted to the RA due to session switch. Could you please post again? Thank you.

Jeff Neuman:https://urldefense.proofpoint.com/v2/url?u=https-3A_newgtlds.icann.org_sites_default_files_agreements_agreement-2Dapproved-2D31jul17-2Den.html&d=DwIFaQ&c=FmY1u3Pj6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=SJoAZJPf4sll7c5HM-90jeUSDBNV8i1H6DgoihUn1_U&m=WSYq1J7MilT3VZesk93H9xfgA8SfO2Sbi7K7868eFHE&s=FwuL5AkV-JNgHCaYycVug-EdPLUIUoqjN44m9ZGhB0&e=, Specification 1, Section 2 is Temporary Policies

Renata Aquino Ribeiro:Continues to be a great turnout the RP room of NCPH Intersessional

claudio:@Renata, what better way to spend a friday? :)

Steve DelBianco:BC actually said that Model 2 would be acceptable ONCE we have a centralized certification system in place

Romina Florencia Cabrera:thanks Renata

Margie Milam:Also - the geographic scope distinction was also raised by the BC

Renata Aquino Ribeiro: :) - claudio, romina

Romina Florencia Cabrera: :)

Romina Florencia Cabrera: Placer and Honor

Renata Aquino Ribeiro: Maybe we can fwd the questions for them to reply on list NCPH Intersessional?

Renata Aquino Ribeiro: and agree on hearing a few responses here too

Romina Florencia Cabrera: Question: How can community participation be encouraged so that they can better know, defend and promote their human rights online and regarding domain registration policies? If I know, I can comment. Respectful greetings

Romina Florencia Cabrera: thanks

Mary Wong: All, we have sent our colleagues in Legal the questions developed by Vicky and Tanya. Again, please note that Dan Halloran was supposed to be here, but unfortunately fell ill. At this late stage, it was not possible to get someone else in his place - Erika Randall, who works with Dan, is away and others (including John Jeffrey) are in sessions with the Board at the Board workshop.

Renata Aquino Ribeiro: Mary thanks for this update and action.

Romina Florencia Cabrera: thanks

Anne Aikman-Scalese (IPC): This explanation about not changing policy does not make sense. Failure to enforce WHOIS policy is in fact a Temporary Policy change, especially because the change is way overbroad and has worldwide effect and there is already a procedure for conflicts with local law. In terms of corporate governance, why did the Board not vote on this change in the enforcement of the RA provision?

Olevie [NPOC]: Have a great and nice meeting ! Warm regards.

Jeff Neuman: @Anne - It only needs to be voted on once the choose a model

Romina Florencia Cabrera: hi Olevie

Bradley Silver: They can use the trigger - the GDPR makes provision for DPAs to provide input that would trigger the Process

Bradley Silver: Dutch DPA has provided such a letter whihc ICANN has acknoewledged would meet the threshold for the trigger.

Olevie [NPOC]: Hi Romina

Ayden Férdeline: @Bradley: Forgive my ignorance here, but wouldn't that letter only allow the recipient to trigger the procedure, not all parties in the Netherlands, let alone in all the EU Member States?

Jeff Neuman: @Bradley - The WHOIS Conflict Policy does not apply to the ICANN Org as an Org

Jeff Neuman: Thus, ICANN has said it is picking a model for itself to comply with the law

Olevie [NPOC]: Dear all. I have such a problem of retention of our former website name since we need to change a registrar. Please, who can elp in such acase ?

Olevie [NPOC]: *help

Olevie [NPOC]: It's concern a .org name

Mary Wong: @Olevie, please contact ICANN's Global Support service - you can reach them by email or phone in the region closest to you, if you prefer: https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_resources_pages_customer-2Dsupport-2D2015-2D06-2D22-2Den&d=DwIFaQ&c=FmY1u3PjP6wrcrwl3mSVzgfkbPSS6sJms7xcl4I5cM&r=SJoAZJPf4sll7c5HM-90jeUSDBNV8i1H6DgoihUn1_U&m=WSYq1J7MiiT3VZesk93H9xfgA8SfO2Sbi7K7868eFHE&s=MPLmd2t-8qal27stMI_MaxII7_Kg1aTdy-mjOb1FsLM&e=

Jeff Neuman: @Olivie is this a name you owned and lost? If so, it may be easier to contact your registrar

Romina Florencia Cabrera: Thanks Renata and all

Anne Aikman-Scalese (IPC): This is true Paul. Anti-Cybersuattng Act could provide for publication of a method of service if e-mail is not available. All about in rem jurisdiction.

Anne Aikman-Scalese (IPC):*publication as a method of service in case of in rem jurisdiction over the domain name

Steve DelBianco:@Paul -- would appreciate learning more about the enforcement alternatives you described. Thanks

Anne Aikman-Scalese (IPC):Hopefully we get everything worked out before that becomes necessary.

Marie Pattullo:TM protection isn't just about protecting the TM owners. It's protecting consumers. Any consumer giving their (e.g.) payment details online should be protected as in know that the person owning the domain is who they claim to be. And that they receive the products that they believe they have paid for, based on their trust in the TM.

Lori Schulman:Agree. TM is a consumer protection mechanism which keeps getting lost in the conversation.

Brian J Winterfeldt:+1 @marie

Brian J Winterfeldt:+1 @lori

Lori Schulman:Admit that some overreach may exist but it generally doesn't. UDRP used to stop worst cases of online abuse using infringing domain names.

Anne Aikman-Scalese (IPC):+1 re purpose of trademarks and that is why the Contracted Parties are working directly with Pharma. Pharma and Toys are not the only issues in consumer protection.

Anne Aikman-Scalese (IPC):Re: layered access - Are we not able to distinguish between pure speech and websites that are selling goods and services?

Lori Schulman:If ICANN has been out of compliance, have they ever been fined?

Lori Schulman:fined?

Paul McGrady:@Lori - agree. To the extent that there is trademark overreach if the UDRP becomes useless because of GDPR, it will be before the courts, The ACPA has a reverse domain name hijacking provisions to deal with the very rare case of trademark overreach.

Farzaneh Badii:Trade mark over reach hampers freedom of speech and TM value for consumer protection as opposed to other methods is very much contested.

Ozan Sahin:GDPR session is wrapping up. Thanks for joining

Ozan Sahin:Switching to other session now