

Sara Bockey:Is it not possible to connect audio via computer?

Theo Geurts:Should be?

Andee Hill:yes

steve metalitz:I have the same problem as Sara -- I was audio connected via computer but then kicked off and now not being offered that option.

Sara Bockey:it's not an option when I go to connect

Michelle DeSmyter:How about now, Sara?

Sara Bockey:Yes, works now! Thanks, Michelle :)

steve metalitz:The option re-appeared for me too. But I am not hearing anything. Has audio begun?

Theo Geurts:no

Theo Geurts:Nothing is being said

steve metalitz:Thanks, I am hearing audio now.

steve metalitz:...and welcome back Amy!

Amy Bivins:thank you! :)

Sarah Wyld:Welcome back Amy!

Eric Rokobauer:welcome back!

Theo Geurts:Welcome back Amy!

Margie Milam:Welcome Back!

Lisa Villeneuve:Welcome back!

Amy Bivins:thanks, all!

Griffin Barnett:agree w/ pushing jan call to the 9th

Theo Geurts:9 jan is fine!

Lindsay Hamilton-Reid:Fine by me.

Eric Rokobauer:agree with jan 9

Sara Bockey:I'm fine with that

Margie Milam:agree to skip the first week

steve metalitz:I'm OK to meet 1/2 but OK to delay to 1/9.

Lisa Villeneuve:agree

Theo Geurts:I will provide input re last weeks call, maybe this week

Lindsay Hamilton-Reid:I will also try to provide feedback this week?

Peter Roman:In the event of a dispute over ownership, historical data may be needed to resolve

Lindsay Hamilton-Reid:That's fine but under GDPR, we may not be able to hold onto that data. I think we need more explanation.

Sarah Wyld:Sure, but GDPR does require a legal basis for data retention, I think Lindsay's comment here is a very good one

Vicky Sheckler:i think we need to look at the public interest, contractual requirements and legitimate interest reasons for collecting and saving the data.

Lindsay Hamilton-Reid:Sarah is right - can we say that it is in the public interest or has a legitimate interest? Contractual requirements won't be sufficient.

Theo Geurts:Then I suggest we skip all GDPR related comments for now during this call?

Vicky Sheckler:@caitlan - in that case, we should assume that there is a legitimate interest for collecting and disclosing the data for now.

Mary Wong:Second Hamilton legal memo that was published yesterday available here:

[https://urldefense.proofpoint.com/v2/url?u=https-3A\\_www.icann.org\\_en\\_system\\_files\\_files\\_gdpr-2Dmemorandum-2Dpart2-2D18dec17-2Den.pdf&d=DwICaQ&c=FmY1u3PjP6wrcrw1l3mSVzgfkbPSS6sJms7xcl4I5cM&r=8\\_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe\\_5iHWG1BLwwwehFBfjrsjWv9&m=CxcRnuHokW8p1l19uCN88QFA1G0kmSP6WBH1\\_LnN\\_s8&s=A9ADeU15ymi4A0Do4uwq-mHjKCisGvUANWyF\\_SUICb8&e=](https://urldefense.proofpoint.com/v2/url?u=https-3A_www.icann.org_en_system_files_files_gdpr-2Dmemorandum-2Dpart2-2D18dec17-2Den.pdf&d=DwICaQ&c=FmY1u3PjP6wrcrw1l3mSVzgfkbPSS6sJms7xcl4I5cM&r=8_WhWIPqsLT6TmF1Zmyci866vcPSF04VShFqESGe_5iHWG1BLwwwehFBfjrsjWv9&m=CxcRnuHokW8p1l19uCN88QFA1G0kmSP6WBH1_LnN_s8&s=A9ADeU15ymi4A0Do4uwq-mHjKCisGvUANWyF_SUICb8&e=)

Lindsay Hamilton-Reid:OK thanks. I have concerns about doing that but if everyone agreed that, then that's fine.

Darcy Southwell:Agree with Lindsay - not sure we can make the assumption Vicky states.

Darcy Southwell:But we can deal with GDPR issues later.

Theo Geurts:@Steve applicable law works indeed for me

Alex Deacon:+1 Steve - sounds like a pragmatic way forward.

Lindsay Hamilton-Reid:Applicable law could work but it would need to be clear we would abide by that.

Griffin Barnett:+1 to Steve's suggestion as well

Lindsay Hamilton-Reid:We can't agree to applicable law or one year, whichever is longer. That will contravene applicable law.

Theo Geurts:I would not make a choice between 1 year vs applicable law which is lasting longer

Lindsay Hamilton-Reid:That works.

Theo Geurts:+1 Steve

Margie Milam:that's fine

Theo Geurts:If we do this throughout the entire document we are done quickly with the GDPR

Theo Geurts:That is correct Caitlin

Steve Metalitz:3.2.3 could cross-reference the period stated in 3.2.2

Steve Metalitz:Re Rob's comment, don't understand the problem with copying

Sarah Wyld:Agree with Rob

Peter Roman:Sure, what is the exact issue? Is it a GDPR issue?

Lindsay Hamilton-Reid:I also agree with Rob.

Sarah Wyld:From GDPR perspective, if ICANN is copying the data, what are they doing with it, how are they storing it, why do they want to keep a copy? Inspection should be enough for them to confirm the requirements are being fulfilled

Lindsay Hamilton-Reid:It would be a GDPR issue.

Lindsay Hamilton-Reid:+1 Sarah

Sarah Wyld:(this is my interpretation, I also can't speak for Rob or anyone else)

Margie Milam:ICANN has a legitimate interest in ensuring ability to engage in compliance activities - the copies support it

Peter Roman:I thought we were not goign to address GDPR issues here but wait for the parallel process to finish

Lindsay Hamilton-Reid:That will not be sufficient reason Margie.

Theo Geurts:We can flag it as GDPR and move a long Peter.

steve metalitz:Is Rob's (and Theo's and Lindsay's and others') concern only with the first sentence of 3.2.3 or the rest regarding compliance.

Margie Milam:Let's address it later with GDPR issues

Theo Geurts:Agree with Steve

Margie Milam:Dropping off computer but will be on the phone

Lindsay Hamilton-Reid:Under GDPR we have to explain use of the data to the customer so is giving ICANN that data a sufficient reason? Anyway, I will stop about GDPR and we can move on?

Theo Geurts:Ah yes, that is true also, we have to do that.. \*sigh\* we need to explain anything and everything

Lindsay Hamilton-Reid:I don't see why we need a fax number so I am happy to see it removed.

Lindsay Hamilton-Reid:Ok

steve metalitz:Keep at 7 days like RAA

Griffin Barnett:+1

Peter Roman:steve +1

Vicky Sheckler:apologies i need to leave early. agree w/ steve

steve metalitz:I don't see the GDPR issue in 7.2 . Can someone explain?

Lindsay Hamilton-Reid:That's fine.

Lindsay Hamilton-Reid:Let me find it.

Lindsay Hamilton-Reid:Is that my comment on 7.2? If so, this is a GDPR issue. In view of the GDPR, I was questioning whether we would need to supply any personal data to ICANN.

Lindsay Hamilton-Reid:Customer personal data to be exact.

Lindsay Hamilton-Reid:I think there are a few lawyers on the call Theo - I am one :-)

Lindsay Hamilton-Reid:+1 Eric

Alex Deacon:sorry - what section are we on now?

Griffin Barnett:I'm a little confused by the comment. The provision says that "if a Provider permits its CUsomers to cancel a RN prior to an din lieu or Publication...." The comment seems to suggest that the Provider would have the facility to cancel the name, but that's not the case - it is still the

Customer.

Griffin Barnett:Am I missing something?

Alex Deacon:thanks.

Eric Rokobauer:exactly Caitlin - the language i think needs to be revised

Griffin Barnett:Ah ok I think I see now.. yes the comment really pertains to that second clause there

Lisa Villeneuve:P/P providers cannot control whether a customer cancels a domain name. UDRP should not not apply to p/p providers

Lindsay Hamilton-Reid:Agree Lisa.

Griffin Barnett:The provision is redundant because the RAA already prohibits registrars from cancelling a registration that is subject to URS/UDRP

steve metalitz:Look at p. 10 of the WG report

Griffin Barnett:But I think the provision is more speaking to what the Provider must disclose in its ToS...maybe that's how we re-phrase it?

Griffin Barnett:"....Provider shall expressly disclose in its ToS that cancellation of a RN will be prohibited if it is the subject of a UDRP ..." something like that

steve metalitz:Agree that the provision 3.5.3.17 could be revised for clarity, but not dropped

Theo Geurts:Agreed Steve, it should not be dropped, but it does not work at the moment.

Theo Geurts:Griffin that might work, but it will not solve some underlying fundamental problem with the unaffiliated ones, with the affiliated ones I see no issue.

Griffin Barnett:point taken Theo

Griffin Barnett:\*Theo

Theo Geurts:We cannot provide the the UDRP provider with the data they are requesting with the un affiliated ones,.

Theo Geurts:WIPO has 9 questions

Theo Geurts:NAF has 7

Theo Geurts:Though WIPO could work that issue out themselves :)

Eric Rokobauer:whoops - "dedicate" was what i meant

Eric Rokobauer:Provider shall at all times dedicate at least one perons...

Eric Rokobauer:\*person

Eric Rokobauer:yes

Eric Rokobauer:my apologies

Lindsay Hamilton-Reid:+1 Eric

Theo Geurts:+1 Eric

steve metalitz:@ theo, isn;t this about Provider fees, not Registrar or Reseller?

Lindsay Hamilton-Reid:I understand that but they should not be referenced in this agreement though. Yes it is only with the

working group.

Theo Geurts:Well actually the reseller sets the prices for the services provided by the Registrar, but since it is goign to be free I am letting it drop, this is in reposnse to steve on 3.8.3

steve metalitz:@Lindsay so are you saying ICANN should develop the self-assessment form without input from providers?

Lindsay Hamilton-Reid:If you are referring to any amendment to this agreement, then that should be dealt with at the amendment section.

Lindsay Hamilton-Reid:No Steve, I am not saying that.

steve metalitz:@Lindsay that would be the effect of dropping reference to working group in 3.9

Lindsay Hamilton-Reid:Yes Steve that is all I mean

Lindsay Hamilton-Reid:Sorry, I had real issues typing or connecting by audio. My point was that we should not be referencing how this audit or the form is put together in this agreement. This is after all, for providers. If we need guidelines to go alongside this then that is fine.

Lindsay Hamilton-Reid:I will respond to your email though Caitlin.

steve metalitz:@Theo is your e-mail service accredited by ICANN?

Lindsay Hamilton-Reid:Agreed Theo.

Sara Bockey:AGree with Theo

Alex Deacon:knowing who is responsible for the service seems important for an accreditation framework. no?

Margie Milam 2:+1 to Alex

Peter Roman:Is this information going to be available somewhere? Concerned about crimiinals and nation states manipulating the domain space

Griffin Barnett: agree w/ Alex/Steve

Sara Bockey:Doesn't this go to the need to have a separate agreement for affiliate and non affiliate service providers? Bundling the two is burdensome.

Lisa Villeneuve:+1 Sara

Eric Rokobauer:+1 Sara

Lindsay Hamilton-Reid:What differences would there be if you are affiliated or not?

Griffin Barnett:there could be overlaps in the officers, etc., but there may not be bc of separate legal entities

Theo Geurts:Does it help when you know who the security officer is at a Registrar??

Lindsay Hamilton-Reid:I am concerned we are making this too complicated.

Theo Geurts:it is not you can reach them directly ....

Peter Roman:Transparency protects the domain space. Privacy

proxy providers have an enormous potential to be run by malevolent actors, and this helps protect everybody in the community. The burden of updating a web page with the correct information about the officers is pretty minimal.

Griffin Barnett:@theo, it could help - if there was info suggesting the officer had been the subject of a crime of trust, etc., or potentially for purposes of service of legal process involving the entity and individuals associated with the legal entity

Theo Geurts:Such an officer should disclose that info anyways so the applicant can disclose it to ICANN

Theo Geurts:It is not we want criminal security officers working for us

Griffin Barnett:some providers might not be so ethical

Theo Geurts:sue'em

Theo Geurts:)

Griffin Barnett:and to do so, we would want the officer info :)

Theo Geurts:lol Griffin

Lindsay Hamilton-Reid:I agree about transparency but how will this differ from how any company is currently run?

Lindsay Hamilton-Reid:What is the difference with this in comparison to a registrar, for example?

steve metalitz:It would not differ from how companies accredited by ICANN are currently run, e.g., registrars

Theo Geurts:correct Lindsay, my bank does not publish the officers also

steve metalitz:@Theo your bank is not accredited by ICANN.

Lindsay Hamilton-Reid:That's fine but could there be a contact email address rather than a name.

Theo Geurts:And I am blessed there Steve :)

Sara Bockey:+1 Theo LOL

steve metalitz:+1 Theo!

Lindsay Hamilton-Reid:Agreed theo :-)

Sara Bockey:Happy Holidays to all. See you in the new year

Roger D Carney:Thanksw everyone!

Griffin Barnett:@Lindsay, the purpose goes beyond mere contact by email...more is required to know who the officers are, for reasons previously mentioned

steve metalitz:thanks all

Lindsay Hamilton-Reid:Have a good Christmas and new year!

Eric Rokobauer:thanks all!

Lisa Villeneuve:Happy holidays !

Griffin Barnett:Thanks Caitlin and all

Theo Geurts:Happy holidays