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STEPHEN DEERHAKE:

Good morning and good afternoon. Welcome to the first post-ICANN 63 teleconference of the PDP Working Group. Many thanks to those of you in Asia-Pacific who are up in the middle of the night and thank you for the Europeans who have torn themselves away from [Brexit madness] to attend today.

With respect to administrative matters, as you know we're, again, using Adobe Connect, and as you know, there have been instances where it's worked and instances where it doesn't. I'm hoping it works for us today. If it falters, as I've said on a previous call, we'll try to get it sorted as quickly as possible, but if it really goes down a rabbit hole, then I will do an adjournment so it's not wasted time.

We do have a single action item today that was completed, which is the draft of a letter to the ccNSO Council regarding the bylaw situation that we discussed in Barcelona. I note that we have a post on the [inaudible] about it which is good. My apologies for not getting that up there sooner than last night.

Plan of the day is fairly straight forward. We'll begin with a discussion of the draft letter to council and the comment received on the list. I'll then do a quick presentation of the slide deck that I've used for presenting the progress of the working group to the ccNSO members meeting in Barcelona. It's primarily to get us all to focus back on [where we work]. There's been a bit of a lull between the end of the Barcelona meeting and our getting together today as well.

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*Note: The following is the output resulting from transcribing an audio file into a word/text document. Although the transcription is largely accurate, in some cases may be incomplete or inaccurate due to inaudible passages and grammatical corrections. It is posted as an aid to the original audio file, but should not be treated as an authoritative record.*

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At that point, we'll do a rather deep dive into the results from the face-to-face. Art has put together some mind maps for us and the informal notes and we'll go through that in some detail.

If we still have time after that, I'd like to then take another look at the mind map and duration retirement process from our 13 September meeting as well as beginning to take a look at the staff transition plan that Bernard put out on the list.

We will also try to jump into the strawman paper that Alan also posted to the list, but given that he's not on this call, I don't think we're going to get into that in much depth and I don't think we're really going to have time for it as well. But if we could provide some substantive comments on the list between now and the next call, that would be great, on both papers, but particularly Alan.

Then, we'll have AOB and we will confirm the time of the next meeting. So, unless I've left anything out, I think we can go straight to the draft letter, unless Bart, Kim, Joke, or Bernard you think I forgot something.

As you recall, at our face-to-face, we came up with this little problem in the bylaws version 3.0 came into effect October 2016 and there was a definitional change where they dropped out reference to the [inaudible] database. What the purpose of this letter is, is to point this out to the council and suggest to the council that they begin work with the board to remedy this definitional change.

Patricio, as you can see, this is a one-and-a-half-page letter that I've put together with not one, but four, footnotes referring to bylaws. I note that Patricio posted some alternative language and I'm not wedded to

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my language by any means, so if we want to [inaudible] his language and cut out four footnotes and eight paragraphs, I'd be happy to entertain that. As I said, I'm not wedded to this at all.

Any comments on the letter as written or with regards to what Patricio has proposed? Patricio, you have your hand up. I will go to you, sir.

PATRICIO POBLETE: Can you hear me?

STEPHEN DEERHAKE: Yes.

PATRICIO POBLETE: Good. The alternative text I sent in terms to highlight the fact that what was done was actually the removal of a phrase of a certain segment of the old language and that looks a lot like an editing mistake. It does [remove] the reference to the agenda database. It also removes the reference to the sponsoring of [inaudible] which might be not a bad idea [inaudible] when they remove that, the rest of the sentence didn't make any sense because the final part refers to the sponsoring organization. It says either sponsoring organization or whatever is in place in the future. So, my intentions, as I say, was to highlight the fact that this was essentially the removal of a segment of the old clause.

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STEPHEN DEERHAKE: Okay. I think it's probably an editing mistake, myself. GNSO had something similar and they went ahead and got a change to their bylaw to fix whatever it was they were not happy with as well.

Eberhard, you're next in the queue, it looks like.

EBERHARD LISSE: Hi, there. Yes. I was the person responsible for or asking for the word sponsoring organization to be changed to [current] terminology. I have some insight into this.

I don't understand what the problem is. I am not going to look at [inaudible], but I think the obvious way to say that that was an edit, that we call it an editing mistake and point this out that this must be [inaudible]. But we cannot refer to sponsoring organization. We cannot use the words sponsoring organization anymore. Otherwise, I don't care either way.

To be really honest, I rather prefer the definition to come from the Framework of Interpretation article because that elevates their report into policy better.

STEPHEN DEERHAKE: Okay. I note that it's already policy having been adopted by the ICANN board, but maybe we should go back and pull some language out of there and just replicate it here. I don't have an issue with that. Nick, I see you're next.

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NICK WENBAN-SMITH:            Yeah. Hi. Can you hear me okay?

STEPHEN DEERHAKE:            Yeah.

EBERHARD LISSE:                You're not loud enough.

NICK WENBAN-SMITH:            I'll speak a bit louder now. How's that?

STEPHEN DEERHAKE:            A little better, not much.

NICK WENBAN-SMITH:            Okay. Let me see if I can change my volume.

STEPHEN DEERHAKE:            Nick, we've lost you completely. In the interim, Bart, you've got your hand up.

BART BOSWINKEL:                Yes. Just for the record, the term or heading sponsoring organization has been removed already. It's now ccTLD manager. So, that's point one. That was in the original note.

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Secondly, again, to be clear, I know this sounds a bit [inaudible], but the framework of interpretation is not policy. It's an interpretation of existing policy.

STEPHEN DEERHAKE: Yes, but adopted by the board. Nick, do you want to try again?

NICK WENBAN-SMITH: Yeah. Hi. How's that?

STEPHEN DEERHAKE: That's a little better. Yes. Go ahead.

NICK WENBAN-SMITH: I don't think I fully understand the significance of the omission of the reference to the IANA database and I wanted [inaudible] give me a really simple explanation of why that's important here.

STEPHEN DEERHAKE: The short answer is that if we're not referencing the IANA database and we're developing policy about removing ccTLDs from the IANA database, based on actions taken by the maintenance agency, it's a little confusing as to what we're doing.

NICK WENBAN-SMITH: But [inaudible] ccTLD [inaudible] IANA database. Isn't that [inaudible]?

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STEPHEN DEERHAKE: I couldn't hear you and you've got background noise as well.

NICK WENBAN-SMITH: I think [inaudible] self-evident that it must be in the IANA database, otherwise [inaudible], right?

STEPHEN DEERHAKE: Correct. Okay. You've been [inaudible], Bart. You've got your hand up. Do you want to clarify that?

BART BOSWINKEL: Yeah. I think if you look at the way it's currently worded, what it really says is the ccNSO member should be a ccTLD – that is, ISO 3166 ccTLD. [That's the] core of the current definition which does not make sense at all. The reference, it was to distinguish if somebody calls itself [inaudible] when it was created, the ccNSO, it was to avoid any discussion what could and what should not be a ccTLD. That's why, at the time – so, we're talking about 2003, the reference to the IANA database was included because it signifies a ccTLD that's been delegated and that was really the core of it at the time [inaudible].

NICK WENBAN-SMITH: So, you're saying that the definitive position, the status of the ccTLD [inaudible] reference, then.

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BART BOSWINKEL: What I'm saying is the endpoint of a delegation process. So, for the purposes of the ccNSO, that's the reference point from day one.

EBERHARD LISSE: The reference point is the reference in the root, not what it says in the database. So, I don't mind changing this but we should then say which is entered into the root. But that it appears on a webpage, cannot be a criteria.

BART BOSWINKEL: No. Under the webpage, [inaudible] because the assumption is that the webpage and what is included on that webpage reflects [well] in the DNS root zone.

EBERHARD LISSE: Yeah. So, why don't we say that then or use the root zone one? Why do we make a further step?

STEPHEN DEERHAKE: I don't have [inaudible] on that.

BART BOSWINKEL: Nor have I. But I think it's not up to this group to decide as was ... Unless you want to include this part of the definition, the work of this PDP. It has a broader ramification. But we could suggest this in, say, the letter to the council. But at least there is, say, first of all there is an issue that was, say, the answer to Nick's question. And secondly, say this group



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identifies there was an issue and that it's broader and out of scope, and therefore should go back to the council to deal with it one way or the other however they want to do it.

STEPHEN DEERHAKE: Kim, since you're on the call, do you want to weigh in on this at all from the IANA perspective? I'm guessing apparently not. Eberhard, you still have your hand up. Do you have anything else?

EBERHARD LISSE: I note that Kim wrote something into the chat. Why don't we do something which is much better and note that we encountered a language issue and without telling council what to do? Punt it to council. We have enough council members on this group that can [inaudible] tell them what we know and then council can decide what to do, though, actually, my opinion is council should do much less than they're doing at the moment already, so this should be punted to the membership as a whole. But that's a separate issue.

STEPHEN DEERHAKE: That would be up to council to decide. We need to just [bump] it to council. Is there any objection to replacing the bulk of my language with what Patricio has written? [inaudible].

EBERHARD LISSE: I'm not really happy with making these decisions on the call on the fly. It's better to [inaudible] this a little bit more on the mailing list.

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STEPHEN DEERHAKE: Okay. That's fine. I have no problem with that. I don't want to spend all day on this as it is.

EBERHARD LISSE: And it's not time critical, so when you have the language in front of you on the mailing list, it's probably easier to say and then we can discuss it next time again.

STEPHEN DEERHAKE: Yeah. There is no way we were going to push this out the door to council on a single all in any event. That was never the game plan. This thing needs to percolate. People need to look it over and suggest tweaking it now. Kim, I understand you've got your mic connected, so do you want to weigh in on this as well?

KIM DAVIES: Yeah. Just really briefly. Just echoing everything [inaudible] language right now, but I did want to make one observation. I think given the purpose of the definition, I'm not sure that simply referring to the root zone is sufficient because the [inaudible] doesn't contain anything about the identity of the manager. The identify of a manager of a TLD is what's in the IANA database and I think that's why that reference [inaudible] the IANA database rather than the root zone itself.

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STEPHEN DEERHAKE: Yes. I note your comment on the [inaudible] in the notes in the chat and that's duly recognized. I appreciate that comment. Thank you. So, can we put this one on the shelf and have people comment on the list and we can take it up again on the next call?

EBERHARD LISSE: Yeah.

STEPHEN DEERHAKE: Okay, let us do that. I think that will close the discussion on the letter and we can move on then to the next item which is a quick run-through of the slide deck I used for the ccNSO [inaudible] meeting. Bear with me here while I figure out ... Does that work? Yeah.

So, this is a quick run-through of the slide deck I did at one of the ccNSO meeting sessions. I can't remember which day it was. I think it was day two. I pointed out that since the Panama meeting we have closed items, as you can see on the list, and we began discussion of the process of removal and the duration of the removal and those were the subjects of course of our two breakout sessions at our face-to-face.

I then summarized for them the whole bylaw issue and since we just discussed this regarding the letter, I don't think we need to spend time staring at this one. It just gave them a summary where we were.

I then walked them through what we were having discussions about and the first one was the applicability of the PDP and present it to the membership since those present in the room, the [inaudible] working

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group. So, that's where we are with that to make them aware of our position on that.

Then, discuss with them the trigger event and our definition, consensus really of when does the retirement process start, and as you can see there, it's reflected in [inaudible] that it's the country code that's being removed from the ISO list, not the ccTLD on that and had that little side bar on IDN ccTLDs as well.

I then walked them through what the process to get from the trigger event to removal looks like in broad strokes and what we're currently discussing obviously and some of the major steps that we've identified along the way there in our discussions.

Then, from there, I took them down to the consensus that we had regarding the end of the process which is the removal of the ccTLD from the IANA DNS root zone and the IANA database as well.

Again, within the process, we're under discussion actively, as you remember from our face-to-face breakout, that we had anywhere from three to five to ten years as a suggested timeframe. A lot of discussion on the minimum and maximum period, the type of retirement involved, cooperation, the economics, etc. All that stuff that we discussed and which we will dive into a little later when Bart gets to the mind map.

So, that's [inaudible]. I did do a next step slide for them, just to give them a head's up of kind of where we're going. So, this is where we would like to go. And that was it for them. So, are there any questions, comments on that? It's a bit of a reminder where we've come from and

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what we did last time around. So, it's a first look through for those who were not at the particular session and second look for those who were.

So, that's all I have to say on that. The reaction from the audience was one of complete silence for the most part. I don't know whether that's good or bad but nobody seemed unhappy with where we've been going with this, so I take that actually at the end of the day as a good sign.

Barring any questions or comments, I see none. I have no hands. So, I think we can dive into the mind maps that captured our breakout sessions at the Barcelona meeting. I think I will turn the floor over to Bart if that's acceptable to him. Bart?

BART BOSWINKEL:

Thank you, Stephen. Kim, could you please [inaudible] the first one? I hope [inaudible]. So, what I've done is captured the ... Based on the notes. We had two breakout sessions. 1a is how the process should look like. We had done a similar kind of exercise some time ago, but this is more a really how looking forward. Again, we captured what the different groups have responded and what you see, you see [the] signs underneath. That's the language from the notes which is captured in the outline version which we'll look into in a minute.

So, I think the first question is whether you agree that if you were in group one, two, or three – sorry, whether the items were captured correctly. So, a good one, identify – say, in short, a local issue, staff allocations with the ccTLD. The transfer process between the current and future manager, registry communications [inaudible] oldest,

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relevant stakeholders. The IANA database removal process and trademark issues.

Group two was around the complication between the ISO and ccTLD. That needs to be [inaudible] and documented. Second was a relevant point and we'll go into it a little bit more in detail.

The next mind map was how many domains were under management by the ccTLD probably that determines at one point the resources needed, but also the duration for the removal or retirement process. Communications by the ccTLD. So, that is similar to registry communication. So, clearly, that [inaudible] a common activity or an activity that identifies the two groups for the ccTLD manager of the [inaudible]. So, [we] remove the ccTLD that will be removed. Retirement process of plan will go into more detail at the, say, next item on the agenda with the [inaudible] data on that and a default plan which also is included in the paper prepared by Bernie. So, that's the next item on the agenda.

The third, group three identified as a starting point the change of code element. That's the key event to the removal. Also, identifies a communication between PTI and the ccTLD manager or IFO. PTI needs to notify the manager, so that's probably a starting point of the retirement process in their view. Also, a long stop date which could be longer or shorter, depending on circumstances, which are included in the outline version. And in between steps, if agreed.

So, in general, there was also one issue identified which may or may not need to be addressed. That's the reversal name change. The case that

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was started was from [inaudible] say to Democratic Republic of Congo and maybe in future a reversal again to [inaudible]. That was used as an example.

Could you go to the outline document, please? Because I think that captures more what was discussed. So, [inaudible] increase the font size a bit? [inaudible].

The [local] issue. So, this was from the notes. So, group one [local] issue is how to be resolved to solve the local issue of [the gaming] and [inaudible] as one.

Staff allocations, that's for I would say the ccTLD manager itself. It's how to keep staff on board knowing that the ccTLD will be retired. Transfer process is process of transferring registrations to the gaming registry [inaudible] straightforward, [inaudible]. If a TLD is going away with no successor, how do you play out the renewals until [all] domain names are expired or do you have an active cancellation process? Again, that's something that needs to be looked at.

Registry communications, [inaudible] registry between the communications in registries-registrars, but also to the broader community, and to allow input [inaudible].

IANA activities regarding the database, [seeing how that's] captured and that's probably around what we've identified earlier as the actual removal process. Whether that's a natural [inaudible] or a policy issue, that's to be seen. Trademark issues, potential trademark issues.

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Is there anyone, any questions [inaudible] whether this was captured. Okay, I see Brent noted his comment [inaudible] more about dispute resolution. I assume this is dispute resolution at the level of the rest of the registry or the operator rather than at the level of, say, between PTI, ICANN, and the ccTLD manager, because the latter will be part of the other part of this PDP on review mechanisms.

Any other comments regarding the summary of group one? None? Then, I'll go to group two.

STEPHEN DEERHAKE:

You've captured it pretty well, Bart.

BART BOSWINKEL:

Group two. Communication between ISO and ccTLD, [inaudible] communication. That's similar to the previous one. How many domain names in zone file? This was a ... Peter Koch [inaudible] and you will see it later on. As I said, later on as well with respect to the duration of the removal process is.

The next use of the [code] is not [at the table]. Also, the [inaudible] will have more [inaudible]. It will take more energy or resources and time to transfer all the domain names, etc. So, that's an issue. Also, as you said, [inaudible] as noted, the real stakeholder is not at the table. That will be the new ccTLD manager.

Communication, ccTLD. Again, this is probably similar to the communication from group one. Retirement plan, I've already talked about it and we'll not spend too much time. As I said, we'll discuss it in



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more detail on the next item. Default plan as well and the relation between the two. So, this was from group two. Any comments, suggestions, additions from group two members or questions to group two members?

STEPHEN DEERHAKE: This looks good to me, Bart. Thank you. Any comments, questions from anybody? Guess we can go to group three then. Thanks, Bart.

BART BOSWINKEL: Yeah, group three. Again, they've identified change of code element as a starting point. I assume that's the key element to [inaudible] the removal. So, the [inaudible]. And this was already agreed upon, as you may recall, at the meeting itself. So, that's really ... Again, the notification from PTI to the manager. The question is – and again, this will come up again with the duration of the removal process, whether this notification is a starting point or something else.

[Last update], that's the ultimate day that a ccTLD is removed. Shorter if there is no ... And these are circumstances which determine I would say the timescale. If a ccTLD is non-responsive, non-cooperative, whatever, the [inaudible] be a shorter timeframe. Possibly longer if agreed upon. So, that's around the duration but also the link between the duration and a retirement plan. Again, some process factors that determine the short or the duration. Again, [inaudible] circulate yesterday. In between, [inaudible] probably the retirement plan if agreed by both PTI and the manager.

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Again, questions? Stephen, go ahead.

STEPHEN DEERHAKE: It's actually a question from Nick regarding his comment to [inaudible] 50 and 51. Nick, if you could clarify that for me, that would be great. Thank you.

BART BOSWINKEL: Yes, Nick?

NICK WENBAN-SMITH: Hold on. I'm just reading it.

STEPHEN DEERHAKE: I know I'm putting you on the spot.

NICK WENBAN-SMITH: No, I'm just trying to think about if you've got a monthly [inaudible] and you get to the five-year retirement process that some registrations go over the five-year [inaudible], then [inaudible] grandfathering. I think the point is if you have ... If you're going to stop taking renewals, [inaudible] registry, if you have grandfather rights, you need to be mindful that you don't want to stop people from the [inaudible] might [inaudible] take part in the [inaudible] registry based on the [inaudible] registration [inaudible].

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STEPHEN DEERHAKE: Okay. Thank you for that clarification. Back to you.

BART BOSWINKEL: Yeah. So, going back to the same question, any comments from group three or suggestions, Stephen, on say this summary [inaudible] the question. Finally, an issue identified is reversal of name change. I just spoke to it and you can see [inaudible] some comments on this one. It's captured, so that's with respect to the issue identified.

What I suggest is steps forward are effectively twofold. One is to capture, say, consolidate this as we did before. But secondly – and I think that's more important – is that this is more or less used as a checklist to check against the different documents that have been circulated right now, so it's more getting into drafting mode [inaudible] paper that Bernie prepared, so that's more the [inaudible], etc. And secondly, [Alan's] paper which will be on the agenda at the next call. And use the consolidated framework, this consolidated framework, more as a kind of checklist to see whether these two documents capture the discussion and where further discussion is needed with respect to how the process should look like. So, that's a proposal. That would be my proposal, how to use this particular mind map and its outline version. Certainly, if anybody has any other suggestion, but I think, say, going into detail ... Yeah, go ahead.

STEPHEN DEERHAKE: What you've proposed works for me and I don't see anybody waving their hand up and down, so I think we can continue on your proposed approach.

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BART BOSWINKEL:

So, that's an action item for me to consolidate and use the consolidated outline as a checklist for other documents. So, everybody, all the groups [inaudible] whether the elements are dealt with and where there is no consolidation possible, yet there is a need for further discussion. So, [inaudible] the first breakout session [inaudible] mind map on the duration, please? Thank you.

So, duration, again, I will try to increase the font. I'll increase it a little bit more. Again, the question here was when should [inaudible] because the working group agreed that at one point the ccTLD should be removed from the root zone database file and that would end the ccTLDs. So, that's the actual removal, actual retirement.

So, the next question was – and that was the more difficult, which the working group has been discussing [inaudible] regularly is how long should the process take between the removal of the code element from the ISO 3166 standard and the removal of the ccTLD from the root zone database file? That's what this is about. So, effectively, what's the duration of the removal process?

Again, group one and three, so the same groups. I'll increase the font a little bit more if that works. Yeah, it works.

So, focusing again on group one. Group one identified three cases, all replaced with [inaudible] TLD, new ccTLD [inaudible]. I assume they have already domain name under management. And the [inaudible] removed is [inaudible]. So, this would be something that [inaudible]

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case and into new [inaudible] or the [dot-AN] case and that will feed into new [inaudible] TLDs.

The outcome of that discussion was that in all these cases three years would be sufficient. So, that is the high-level summary of the discussion by group one. Again, a question – I'll revisit this in the outline version. It's probably easier.

Group two were identified [inaudible] ten years for the process. A need for a maximum, a minimum period or maximum period, policy only on process [inaudible] process for removal. So, exclude the [trigger] event and excluding the actual removal. This was noted as well by Patricio through one of his comments today on [Alan's] paper.

There is a need for a voluntary process and there is no distinction between whether the removal is caused by a significant name change or complete removal. So, [inaudible]. So, that was the summary in [inaudible] terms of group two.

Group three identified roughly a three-year pre-removal CC process. If I'm correct, what they refer to is people in country or in the territory will be very aware, including the ccTLD manager of that [inaudible] will be removed either by the [inaudible] country or territory will cease to exist and/or a significant name change. So, that's ... People in country are [inaudible] are aware. So, that's the pre-removal [inaudible] process.

Based on this and this assumption, they assume a five-year [inaudible] period for the removal process and ten years if extension is needed and they did not make any distinction between the removal or significant

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name change. Some of the issues, topics identified which are factored in or should be factored in either in the duration of [inaudible] stress testing [inaudible] going to do a [inaudible] to ICANN PTI if it removes too quickly or without the sufficient safeguards. The associated risk with the different timeframes. [inaudible] this relates a little bit to what was identified by I believe it was group one under the process. What happens if a staff leaves a ccTLD manager or how long can you extend the removal process if there is no revenue, etc., anymore? So, they do not have any financial resources. And they need to ensure the stability of the name space, both locally and globally.

So, this is the mind map. Kim, can you change to the outline version, please? Say [inaudible] introduction by Stephen at the face-to-face meeting. This is how it should look like, timeframes. Again, group one already alluded to it. We'll not go in too many details. [inaudible] question to group one [inaudible] does it capture what you have been discussing and/or are there any questions to group one? [inaudible].

STEPHEN DEERHAKE:

[inaudible] in group one and she can see we're pretty [inaudible] in saying three years, three years, and three years. I think you captured it pretty well. I personally have come around to a longer timeframe, i.e. five, but I just want to put that out there. Thanks, Bart.

BART BOSWINKEL:

Okay, thank you. So, group two, nine to ten years, five years [inaudible] minimum period needed and max period needed as well. So, that's probably the long-term date that was identified earlier on in the

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previous or the other breakout sessions and outline version. Need of a minimum and maximum period. So, again, I think the arguments are pretty straightforward there.

Policy [only] process for removal. Again, this is an interesting observation by the group, say the termination of a ccTLD outside this process by PTI should not be done. So, need for a voluntary process. We'll talk to it a little bit later in the document from Bernie as well. And no distinction between significant [inaudible] as I already said. Any questions, comments around group two?

STEPHEN DEERHAKE: Thank you, Bart.

BART BOSWINKEL: Now we go to group three. Again, this is pretty straightforward. I'll talk to it, maybe just ask the question any comments on the summary of group three and/or questions to group three? None? Then we go into the topic issues.

Again, you will see there is more language to it. This is just again to keep in the back of your mind moving forward and could be used as a checklist. Any questions around topic issues?

STEPHEN DEERHAKE: Thank you, Bart.

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BART BOSWINKEL: Okay. So, the next one is how to proceed. Again, I will consolidate this and probably which is a good thing as well dedicate some time on one of the upcoming calls to further discuss. That would be my suggestion and advice to the group, discuss in more detail what should be the duration of the process and/or how to structure it, the duration. What I mean by that is use, say, the five-year basic period and go into maximum ten years, if needed, and/or agreed and just go for a fixed period of five and/or ten years or maybe even shorter. But that's probably something to discuss and we say staff will prepare a discussion paper for that on one of our next calls, so at least to see whether there is a shared direction of [inaudible] by the working group matters on this topic. Probably it is one of the hardest [inaudible] to crack.

Stephen, go ahead.

STEPHEN DEERHAKE: I just want to encourage the group to begin this discussion on the list because it is, as Bart said, probably one of the hardest nuts to crack that's in front of us and if we can work this out between calls to some extent, I think that would make the calls somewhat more productive. Thanks, Bart.

BART BOSWINKEL: Okay. So, that was [inaudible] the bit about the breakout sessions. Back to you, Stephen.

STEPHEN DEERHAKE: Thank you, Bart. My agenda has us going into the 13 September work.



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BART BOSWINKEL:

Kim, could you put up the mind map? This is a more detailed one. I need to scroll down again. Just focus on why we thought it would be useful to bring this up. Here we go. Based on previous discussions ... If you could bear with me for a moment. Sorry for making you seasick. Here we go.

Effectively, what we have been discussing to date, initially, say, the working group identified what we said. The staffing and [inaudible] of retirement process, under discussion, and that discussion was concluded in Barcelona as well was the discussion on the scope of applicability and how to deal with this. The next item for discussion were end of life plan reference or how to remove a ccTLD. These two elements, that is what we discussed. That is what we discussed in Barcelona. We'll go a little bit in more detail into the end of life plan in the next section or the next part of this session. That is Bernie's paper.

And removal from the root, as you can see, that includes effectively the discussion on duration. So, we change the order a bit in order to say the end of life plan or how the process looks like feeds into the duration discussion.

One element that's still open that was identified by the group is the whole discussion about the oversight of the removal process. We have prepared already some papers, but that will continue. My suggestion is that the working group continues that discussion after the two papers have been discussed and there is a clear shared direction of travel on this duration of the removal process. So, that's the two items that are still open.

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So, what we're going to discuss now, say, Bernie's paper, fits into this whole notion of how the ccTLD, how the removal process should look like and effectively also the roles and responsibilities of PTI and the ccTLD manager in organizing that removal process. So, we just wanted to share this with you, to give you an idea where we are in the overall picture around the removal of a retirement of ccTLDs.

So, Kim, could you go to Bernie's paper? Bernie, I assume the floor is yours.

BERNIE TURCOTTE: Thank you.

STEPHEN DEERHAKE: Thank you, Bart. Thank you, Bernie. The floor is yours, Bernard.

BERNIE TURCOTTE: Thank you. Can you hear me?

BART BOSWINKEL: Yes, we do.

BERNIE TURCOTTE: Okay. Great. Thank you. Hi, everyone. Just to sort of face this thing in context, when I start working on these kinds of projects, I'm a bit of a process wonk, so I have to do a first pass at what the process looks like

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to see what pops up to help inform myself on what kind of issues we could be looking at. So, really that's what has happened here.

If we go to the second part, working group will identify and consider possible elements of the transition plan prior to making a decision as if and how to include these in policy. This is about exploring this, helping us have an idea of what the process could look like. This is in no way meant to be constraining as to what the process would be. It's really just an early walk through to help organize our thinking, if anything. Is that okay for everyone? If you have points or questions, just raise your hand as we go through this.

On my first pass on this, initiation and type of transition plan. I think, from all the discussions we've had, it's clear that the triggering event is the removal of the two-letter code from the ISO 3166 active list. The PTI is responsible for notifying the ccTLD manager that their ccTLD will have to be retired. The notice of retirement to the ccTLD manager of the retiring ccTLD should indicate that there is a default transition plan for retirement.

So, this builds on the idea that basically there's a long period and if there is nothing else, PTI can rely that once they've notified the manager of the retiring ccTLD, that there is a hard stop somewhere if nothing else happens.

The idea from the discussions we seemed to be having is that it would be interesting for PTI to be able to negotiate an orderly retirement with the ccTLD manager and the main incentive in something like that would be to have a shorter default date, meaning if the ccTLD manager isn't

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interested in working with PTI once they've been notified, that their ccTLD will be retired, then we have one date which is the default date. If they decide to work with PTI so that the whole community can get comfortable with a really good plan for retiring the ccTLD, then there would be a second date which could be longer than the default date. I'm not seeing any hands, so I'll just keep going through this.

Basically, the default transition plan, PTI is advised that the two-letter code is retired. PTI sends a notice of retirement to the manager and asks the manager to contact them to see if they can start working on an [SDTR] which would be something that is negotiated between PTI and the retiring manager or an orderly retirement of the ccTLD.

If there is no agreement, then the date that has been included in the notice to the ccTLD manager ... And this is very critical, this date part. I'm basing this on a lot of the accountability work I did for changing the bylaws. This thing about the notice period, when things start and how long you have, a lot of lawyers are really picking on that and I understand why because if we're going to talk about instituting a period where there's a drop-dead date or a hard stop, then you have to be clear about when that calculation starts and what it means.

Basically, that's a short summary of the default process if the ccTLD manager doesn't want to work with PTI, to develop an orderly transition plan for whatever reason, or cannot, then the default transition date is in place and that's all there is to it.

Hopefully, the usual condition will be for a specific transition plan for retirement and the idea here is that an [SDTR] is agreed to between PTI

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and the manager, PTI monitors the [SDTR] to ensure that the manager is meeting the requirements of the agreement and what we'll see later in the document is ... This includes all the basics that we've come to understand in the categories of a retiring process, the process of retiring a ccTLD. When do you stop taking new registrations? When do you stop taking renewals? When do you stop taking dispute resolution, etc.?

If all the requirements of the specific transition [inaudible] met by the manager, PTI will send a notice of removal to the manager per the transition guidelines and PTI will provide a final 24-hour notice prior to removing the ccTLD. As I said, this goes into details. This doesn't necessarily mean it will be like that in the end. It's just when you're working through that just to get an idea.

The point is, though, if there is a breach of the [SBTR], meaning there was an agreement between PTI and the manager, then you have to develop this process about what are you going to do because if essentially the core of the agreement is we will do X, Y and Z, and PTI will retire the ccTLD at a later point than the default date because we've agreed to that and that is not working out because the manager is not meeting those requirements, then you have to have a process for dealing with that. So, that's the specific transition plan for retirement. Have I lost everyone? Thank you, Patricio. Yes.

We've got a bit of a discussion because when you get into the breach, then you have to have some sort of reasonable ... You need, again, a notice because the manager needs to know that they are in breach officially, and as PTI as the overseer of the agreement has to advise, has to allow the manager to be able to cure it, and if it's cured within a

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certain timeframe, then you go back to the standard agreement. If it's not, then you have to decide what you're going to do. The problem is one has to lay out the rules for what's going to happen if the agreement is no longer valid. How do you notify a manager that the agreement has been rescinded because it has been breached and not cured? And what kind of dates do you need to put in to now remove the ccTLD if that agreement is no longer in place?

I thought, as I was going through this, that it was interesting to look at the notion of a [inaudible] manager. At any point in the retirement process, it's possible that the manager cannot or will not continue to operate the ccTLD which is different from a manager who continues to operate the ccTLD but does not wish to initiate discussions with PTI on [inaudible].

I think one of the things we have to do as we walk through this process to create a policy, we have to think about the corner cases and what's going to happen because the basic things where everyone is in good faith and everything works out well is the really easy case and those are really easy to write down. [inaudible] for everyone as to what happens when things don't go well because if you don't think about it and you don't write it down, people start making [inaudible] and sometimes it works because everyone is trying to do their best, but sometimes they can have some really unfortunate consequences when you try and make stuff up and you're faced with a really [inaudible] situation, which a policy about something as critical as removing a ccTLD is about. So, we want to avoid that.

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So, one of the things I think we're going to have to think about is if manager is notified that their ccTLD will have to be retired and let's say the manager just walks away. There's no one operating the ccTLD. What are you going to do and what are we going to do and what should we do? Is there anything we can do?

There are a few things about the transition plan guidelines for retirement. The [DDTR] removal date which is the short date, the [SDPR] rules date. There's a notice of removal, final notice of removal. How to count [days]. As I said, it's very critical to understand the timing. And some details about breaches. Then, there's an element of the transition plan, date when retiring registries stop accepting new registrations, when the registry will stop accepting renewals, date when the registry will stop accepting transfer requests, and date when the registry will stop accepting dispute considerations.

There are some questions at the end of this document which we should probably consider. Are [inaudible] considerations required if merging registrations from the retiring ccTLD into an already existing ccTLD with registration? That is a really thorny question because if someone has a name in one registry and it's occupied in the other registry, do we want to get in the middle of that?

Will PTI be able to identify the new Internet community? The country no longer exists. As we know from our work on the FOI Working Group, one of the key members of the Internet community is the local government. But if there's no more country, there's no more local government. So, that's a challenge.

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If registrations of the retiring ccTLD are being transferred to an existing registry or registries, do these new registries support the same IDN functionality? Interesting case. Does the transition plan have to consider this?

What happens if the manager stops operating the ccTLD, which we talked about earlier. Trademarking issues. Can PTI remove a ccTLD from the root [inaudible] if a court has seized the registrations as an asset or if a court requests that it not require it? Exactly what are you doing in there? Those are interesting questions but once you start getting into legal arena, how to handle those can be a little different.

I think another important point that we're going to have to consider which didn't make it in this version of the document which Kim raised while we were in Barcelona is can you transfer ccTLD registry to a new manager once you've given the notice that that ccTLD will be retired? That goes, in a way, back to 3.4 as part of it, is the [inaudible] manager. At some point, there may be issues. Maybe someone wants to get out. There's the issues to consider when you're talking about transferring managers for a ccTLD that's under notice that they will be retiring. We talked about the Internet community. How do you validate that? Because it exists in a bubble inside the standard procedures because not all the regular things and those are some of the things we're going to have to start thinking about.

So, this was one of my exercises to going through this to see what it could look like to bring out some of the key points and I'd like to generate a document from that that will list what are the thing we should look at. But I'll be glad to take any questions if there are any.



STEPHEN DEERHAKE: Thank you, Bernard, for that and for the document as well and certainly the walkthrough. Are there any comments or questions at this point? Do you guys feel that this is the proper way to be going forward? Comments are welcome. Thank you. Barrack, you have your hand raised, so the floor is yours, sir.

BARRACK OTIENO: Thank you. I was thinking that in the beginning this was much too complicated, much too many abbreviations. But I think now that Bernie mentioned, it's a good exercise to go through to look how a plan should look like, and from that we can say, okay, those are elements that need to go into a policy. I want to be [inaudible] as short as possible and leave as much open to negotiations between the ccTLD manager and PTI but we have to have some hard corners and points that need to be complied with.

STEPHEN DEERHAKE: Thank you, Eberhard. Appreciate that. I think less is more as well when it comes to policy myself. Are there any other comments? Bernard, you have your hand up, so the floor is yours again.

BERNIE TURCOTTE: Thank you. Just a follow-up to Eberhard's point, I'm a big fan of shorter is better also. But, as I said and as we have seen in the past, we really want to do our homework thinking about the corner cases, so that people don't [get] having to improvise things. That's really my only

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point in drafting this early version of process which doesn't have to be included in policy. It's really a thought exercise to help us understand the corner cases.

STEPHEN DEERHAKE:

Thank you, Bernard. I agree with you. It's the [edge] conditions where things get crazy and that's where we get into making it up on the fly and that's what gets us into trouble, as we have seen in the past.

Is there any more discussion on this at the moment? I would encourage everyone to do a close in-depth dive into this as a starting point and begin making comments and filling in some of the pieces that obviously need further exploration and flushing out on the list between now and our next meeting.

Seeing no further comments, I think, given that we're over by 15 minutes already into our last half hour, we'll go ahead and wrap this up. We will postpone until the next meeting the discussion of Alan's strawman paper with the hope that he will also be on the call as well.

So, given that, under any other business, the only thing I have is that I meant to mention this earlier when we were discussing the proposed letters, I will go ahead and redraft that, incorporating some of the chat stuff as well as see what I can do with Patricio's stuff and put out another version of the letter on the list for people to view and comment before the next call. As has been pointed out, there's [inaudible] to get this to the board. Yes, Eberhard?

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EBERHARD LISSE: I would actually think we should have a very short go at Alan's paper because we are short of time, so we don't discuss it substantively. I think we should at least [inaudible] but you're the boss.

STEPHEN DEERHAKE: We've got 15 minutes. If you feel like we want to take a quick walk through, are you prepared to walk through it?

EBERHARD LISSE: You're the boss.

STEPHEN DEERHAKE: I think we'll hold it, actually. I'd rather have that discussion start when Alan is available to really walk us through it, primarily. I think we get more out of it with him doing the walkthrough if that's okay. Given that, also we've had people drop off the call.

So, with regards to AOB, that's all I have. I don't believe there's anything else. Our next meeting is on the 29<sup>th</sup> of November at 23:00 UTC I believe. Is that correct, Bart? We seem to have lost Bart.

BART BOSWINKEL: No, you didn't. I had to unmute. Yes, that's correct.

STEPHEN DEERHAKE: Okay. So, 23:00 UTC on the 29<sup>th</sup> of November. Hopefully, we'll have some action on the list, both on about the letter and about Bernard's

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paper. Hopefully, we'll have Alan available for the next call as well, so we can look at his as well.

With that, if there are no other questions or comments from either our ICANN staff or from participants, I will declare this meeting closed. I'm seeing no comments. I want to thank Bernard, Joke, Kim, and Bart. Kim, I believe you can stop the recording and we can call this to an end, close. Thank you very much for participating.

BART BOSWINKEL: Thank you. Bye-bye, all.

**[END OF TRANSCRIPTION]**