

# 2019-01-03 EPDP Team call #37

The meeting of the GNSO Temp Spec gTLD RD EPDP is scheduled on Thursday, 03 January 2019 at 14:00 UTC for 2 hours. Please note, will plan for 90 minute discussion with 30 minutes to run over if needed.

06:00 PST, 09:00 EST, 15:00 Paris CET, 19:00 Karachi PKT, 23:00 Tokyo JST, (Friday) 01:00 Melbourne AEDT

For other times: <https://tinyurl.com/y8m8ftgp>

## PROPOSED AGENDA

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### EPDP Meeting #37 Agenda

Thursday, 3 January 2018

1. Roll Call & SOI Updates (5 minutes)
2. Welcome and Updates from EPDP Team Chair (5 minutes)
  - a. Update from legal committee
  - b. Review of outstanding action items
  - c. Other updates, if applicable
3. Public Comments on the Initial Report (85 minutes)
  - a. High level overview of input received (10 minutes) (see <https://community.icann.org/x/R4cWBg>)
  - b. Review and discuss proposed approach for review of public comments (15 minutes) (see <https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001131.html>)
  - c. Commence review of public comments (60 minutes):
    - i. Purpose 1 – Establish rights of Registered Name Holder (see [PCRT](#))
    - ii. Purpose 3 – Enable communication with Registered Name Holder (see [PCRT](#))
4. Next steps to get to Final Report (15 minutes)
  - a. Preparations for F2F meeting (16-18 January)
  - b. Decision-making methodologies / Consensus call process
  - c. Final Report development
  - d. Timeline
5. Wrap and confirm next meeting to be scheduled for Tuesday, 8 January 2019 at 14.00 UTC (5 minutes)
  - a. Confirm action items
  - b. Confirm questions for ICANN Org, if any

### BACKGROUND DOCUMENTS

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### AUDIO CAST INFORMATION AND VIEW ONLY ADOBE CONNECT FOR ALTERNATES AND OBSERVERS

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To join the event, click on the link:

Listen in browser: <http://stream.icann.org:8000/stream01>

Listen in application such as iTunes: <http://stream.icann.org:8000/stream01.m3u>

View-Only Adobe Connect room for alternates and observers: <https://participate.icann.org/gnso-epdp-observers>

## RECORDINGS

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[Mp3](#)

[Adobe Connect Recording](#)

GNSO transcripts are located on the [GNSO Calendar](#)



## PARTICIPATION

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### Attendance & AC Chat

**Apologies:** Matt Serlin (RrSG), Alex Deacon (IPC), Thomas Rickert (ISPCP), Ashley Heineman (GAC), Benedict Addis (SSAC)

**Alternates:** Theo Geurts (RrSG), Brian King (IPC), Chris Lewis-Evans (GAC), Rod Rasmussen (SSAC)



## Notes/ Action Items

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Notes and Action Items

### High-level Notes/Actions:

**Action item #1:** EPDP Team to review all public comments to the Initial Report using the Public Comment Review Tool (PCRT). The Google form is available for comment review also. The agenda for each meeting will indicate which recommendations will be reviewed for each meeting but please review all comments for Recommendation 1 (all purposes) now.

**Action item #2:** EPDP Team to notify staff support of any unintentional errors as they appear in the PCRTs.

**Action item #3:** Staff support team to update PCRT with notes and agreed upon actions by EPDP Team in review of the comments to Recommendation 1, Purpose 1.

**Action item #4:** RySG reps to prepare an explanation to the rationale (without editing the input received) separating out Purpose 1 into two parts.

**Action item #5:** Staff support team to send latest version of the workbooks to RySG reps for reference in preparation for creating two workbooks to match the RySG comment.

**Action item #6:** Leadership team to give further consideration to whether small teams could accelerate review of proposed edits.

**Action Item #7:** Entire team to consider if there is another place in the report for proposed change #4.

**Questions for ICANN Org from the EPDP Team:** None

### Notes & Action items

*These high-level notes are designed to help the EPDP Team navigate through the content of the call and are not meant as a substitute for the transcript and/or recording. The MP3, transcript, and chat are provided separately and are posted on the wiki at: <https://community.icann.org/x/ZwPVBQ>*

Proposed Agenda:

1. Roll Call & SOI Updates
  - Attendance will be taken from Adobe Connect
  - Remember to mute your microphones when not speaking and state your name before speaking for transcription purposes.
  - Please remember to review your SOIs on a regular basis and update as needed. Updates are required to be shared with the EPDP Team.
2. Welcome and Updates from EPDP Team Chair (5 minutes)

- Make sure to have <https://community.icann.org/display/EOTSFGRD/Public+Comment+Review+Tool> readily available during the meeting. This page contains the public comment review tool for all purposes and recommendations.

a. Update from legal committee

- Second meeting took place yesterday. Further reviewed process for refining questions as well as procurement process with focus on how to avoid conflicts. Three small teams will work on refining the questions outlined in the Initial Report. Next legal committee meeting will take place next Wednesday.

b. Review of outstanding action items - see <https://community.icann.org/x/NwsNBQ>

c. Other updates, if applicable

3. Public Comments on the Initial Report (85 minutes)

a. High level overview of input received (10 minutes) (see <https://community.icann.org/x/R4cWBg>)

- Obligation for EPDP Team to review and consider all input received. EPDP Team is expected to document how input has been dealt with, even if it is decided that no change is made as a result of the comment.
- Need to consider how to document this consideration - PCRT is expected to aid with that.
- Agendas for upcoming meetings will include links to the relevant PCRTs that are expected to have been reviewed.

**Action item #1:** EPDP Team to review all public comments to the Initial Report using the Public Comment Review Tool (PCRT). The Google form is available for comment review also. The agenda for each meeting will indicate which recommendations will be reviewed for each meeting but please review all comments for Recommendation 1 (all purposes) now.

b. Review and discuss proposed approach for review of public comments (15 minutes) (see <https://mm.icann.org/pipermail/gnso-epdp-team/2019-January/001131.html>)

- See proposed approach circulated
- Want to focus on rationale and new thinking - not focus attention on arguments that have already been made and considered.
- Need to consider time available and how to best use that time.
- Idea for this call would be to focus on purpose 1 and 3 to ease into the process as there appears to be general support for these purposes.
- Consider categorization as proposed by Milton on the mailing list: 1. those which are clearly consensual (1, 3, 4.) 2. those which seem to be easily amendable to attain consensus (5, 6) 3. those which have serious opposition and may need to be discarded or greatly modified. EPDP Team should first agree on a categorization of all purposes and where they belong in these categories.
- Need to avoid wordsmithing on a call - try to focus on what are themes and have a small team working on those edits that enjoy general support.
- Chart in PCRT provides an illustration of types of comments received, however it cannot be taken as a perfect delineation of support across the group as all commenters have been 'counted' individually. Yellow and red parts may need to be the focus areas for EPDP. Could serve as an indicator, but this is not a numbers game as input is not necessarily representative of different interests / parties affected. Nevertheless, still important to hear and listen to other voices. Focus on where same point is made by different stakeholders across the divides.

**Action item #2:** EPDP Team to notify staff support of any unintentional errors as they appear in the PCRTs.

c. Commence review of public comments (60 minutes):

Purpose 1 – Establish rights of Registered Name Holder (see PCRT)

Purpose 3 – Enable communication with Registered Name Holder (see PCRT)

- Purpose 1 - see PCRT as well as overview of proposed changes.
- Consider how to deliberate on these changes - one by one, or in a group? Could ask for a show of hands to determine support or lack thereof.
- Should the word 'activate' be replaced by 'activating a domain name registration'? Note that activate appears 18 times in the Registry and Registrar Agreements. Concern #2 considered addressed.
- Proposed change #1 - is there any support for further discussing this proposed change? Should transfer and recovery be added or is this already covered by the reference to the term 'use'? Not necessary to achieve the objective of the purpose. Transfer and Recovery are different data processing steps that described in other purposes, Post-recovery consensus policy may need to be reviewed as follow up work - consider flagging that. You can allocate a domain name and decide not to activate it. You can also activate a domain name and not have a web-page, this is only one function. Agreement that proposed edits are not considered necessary as it is already considered covered by the existing language.
- Proposed change #2 - adding obligations here is trying to convert this purpose into something else as it would bring in 3rd party obligations. If considered, it should be responsibilities, instead of obligations. Need to keep clear boundaries between purpose 1 and 2. Obligations are already covered in other purposes. Rationale provided conflates this purpose with other purposes. Rationale is to also reflect responsibilities a domain name registrant has in relation to a domain name registration, not only its rights. Third party access comes from other purposes, this is a registrant specific purpose - for example, updating of registrant data to maintain accurate data. Rights and responsibilities of registrant are framed in the context of responsibilities towards registrars, registries and ICANN. If responsibilities is added, it needs to be made to be very clear to whom these responsibilities are. Intro (subject to registry and registrar terms, conditions, policies and ICANN Consensus Policies) already covers any such obligations. Would legal basis change as a result of rewording the purpose? Proposal to not accept this change for now as there is not sufficient support for making this change. Leave as is. May come back at a later stage to see if opinions have changed as further changes may be made.
- Proposed change #3 - no support for discussing this proposed change. The team thought that the suggested rewording succinctly captures a reason for collecting data but, on-balance, preferred the detail included in the bullets of the previously agreed-upon Purpose 1. Already captured by the existing wording.
- Proposed change #4 - proposed as a fourth bullet. Comment is based on a policy objective not a data collection / purpose. Is this about zone file access? Not clear how processing domain name registration relates to domain name availability. Does not belong on purpose 1. Put in meeting notes to think about this recommendation as consideration is given to other purposes and comments to see if it belongs somewhere else. Also consider at the end whether issues are caused as a result of the policy recommendation. Is this out of scope for the EPDP Team? Rationale provided by commenter: "It is important to ensure the availability of unregistered names to natural and artificial persons without the availability status being masked in the middle paving way for speculative transactions by intermediaries which may not always be fair. This purpose is added to ensure fairness in the availability of Domain Names to natural and artificial persons; It is acknowledged that some names that are beyond the purview of Trade Marks are desirable names by many, hence have a premium value. To ensure fairness and transparency of opportunities for registering premium names by existing and new processes between ICANN and Registries.
- Consider asking legal counsel for guidance on how to draft purposes." Up to proponents to bring this up at appropriate time - no specific action for the EPDP Team at this point in time.
- Proposed change #5 - may be helpful to see the detailed data processing steps. Main reasoning related to transfer of data that is required for some registries and not others, for activating very little transfer of personal data is needed, while second purpose addresses those that do require transfer of additional data.

**Action item #3:** Staff support team to update PCRT with notes and agreed upon actions by EPDP Team in review of the comments to Recommendation 1, Purpose 1.

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**Action Item #7:** Entire team to consider if there is another place in the report for proposed change #4.

4. Next steps to get to Final Report (15 minutes)

a. Preparations for F2F meeting (16-18 January)

- Everyone should have made their arrangements by now - in case of questions, please contact [gns0-secs@icann.org](mailto:gns0-secs@icann.org).
- CBI has been contracted to facilitate and mediate the meeting. Leadership team and staff support will be meeting with CBI shortly to prepare for and plan the meeting. Further details to follow shortly.

b. Decision-making methodologies / Consensus call process

- As the EPDP Team moves towards a Final Report on the Temporary Specification, a formal consensus call will need to be conducted on the different recommendations. The EPDP Team should familiarize itself with the decision-making methodology as outlined in the EPDP Team Charter. The leadership team will develop further details as to how the consensus calls are expected to be conducted.

c. Final Report development

- Unless there are any objections, the staff support team is happy to start working on transforming the Initial Report into a Final Report by making the necessary administrative updates, followed by any updates that are the result of the EPDP Team's review of the comments received or prior agreements. Any such changes will be tracked in redline to facilitate review.

d. Timeline

- The EPDP Team is still working towards the existing deadline of delivery of a Final Report on the Temporary Specification by 1 February. Progress is very much dependent on the F2F meeting.

5. Wrap and confirm next meeting to be scheduled for Tuesday, 8 January 2019 at 14.00 UTC (5 minutes)

a. Confirm action items

b. Confirm questions for ICANN Org, if any