
BARCELONA – ccNSO: Retirement of ccTLDs PDP Working Group
Saturday, October 20, 2018 – 15:15 to 18:30 CEST
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UNIDENTIFIED MALE: 20 October 2018, ICANN 63, Barcelona, 15:15 to 18:30, ccNSO Retirement of ccTLDs PDP Working Group.

STEPHEN DEERHAKE: If you guys can take your seats, we'll start in one minute. Would the vice chair take his seat, please? I'd like to get started here very shortly, so if you guys can get your kits plugged in and sit down, that would be great. Shall we start? Okay.

UNIDENTIFIED MALE: [inaudible]

STEPHEN DEERHAKE: Oh, yeah, [I did.] Okay. Good afternoon, and welcome to the face-to-face PDP Retirement Working Group meeting here at ICANN 63 in Barcelona. I want to thank everyone for coming. Looks like we have a pretty decent turnout.

For those of you who looked at the agenda that was circulated a couple days ago, you'll note that on the agenda before us here on the screen, we switched items five and six, thought being is we start worrying about the timeline after we get an overview, some idea of the steps that are going to be involved on that.

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So, the core of what I'd like to achieve here today is to capture at least a rough consensus regarding the likely steps that a registry would have to undertake between removal of their string from the ISO codepage, from the ISO list, and the eventual removal of the corresponding string from the rootzone.

And secondarily – and we're going to do that via breakouts. As you can see, we have flipcharts arrayed around the room for that purpose, similar to what we did in Panama. And secondarily, I'd like to run a second flipchart session, if we have time, to start investigating the question as to what we might think is a reasonable length of time between the triggering of the removal process and the actual removal of the string from the rootzone [on that.]

With regards to some administrative announcements, let me begin with a note that we do have coffee in the room in theory. Hopefully, the pot's not empty. We're scheduled to run until 6:30, it gives us about three hours, a little less. I don't have a formal coffee bio break scheduled, but if we get to a logical endpoint, we might consider taking a quick break. Otherwise, feel free to wander in, wander out, etc.

With regards to the teleconference frequency and rotation schedule going forward, post-ICANN 63, I propose that we continue to do the every other week frequency and also continue with the six-hour rotation so that we all kind of share the pain of either staying up really late or getting up really early. And if anybody has serious objection to that, wave your hand and we can discuss it. otherwise, I'll assume we're going to continue with that timeframe as well.

With regards to when we start up again on the teleconference cycle, I propose that we take a week off after the ICANN meeting, which would set our first post-Barcelona conference call on the 15th of November at 17:00 UTC. I'll remind everyone of this towards the end of the meeting.

With regards – yes, Peter.

PETER KOCH:

Thank you, Stephen. One question, because we've changed or adjusted this a couple of times now. For many of us, the daylight savings time is going to end. Are we expecting to stick on the UTC, or adjust again in a way? I'm not suggesting anything, just want to know.

BART BOSWINKEL:

[inaudible].

STEPHEN DEERHAKE:

We'll stick to UTC. For those of us [on the northern hemisphere,] I think it'll be dark most of the time anyway. Anybody else have a question, comment? Okay, seeing none.

If I can move on now to the bylaws definitional issue, which is item three on the agenda, as you know, those of you who were on the last couple of teleconferences, we had some discussion regarding Article 10.4(a) of the ICANN bylaws, which revolves around ccNSO membership and stuff.

And as you may recall if you were on the last call, I suggested somewhat rather directly that this matter is really outside the scope of this

working group. We're not the first community members to discover that there's something not right in the bylaws, the GNSO's already had a standard bylaw change run through the board to fix a couple things that they have encountered. We won't be the last either.

My proposal with how to deal with this, because I really feel it's out of scope, is I propose I will write some correspondence to the ccNSO council pointing out the working group's observations with regards to this matter, put it on the list for review by this working group, and plan on discussing it at the next teleconference call.

And assuming we get consensus as to the wording, I will go ahead and on behalf of the working group send that off to the ccNSO council and dump that little problem on their lap instead of ours. And with regards to that, does anybody have a question or comment or concern about that approach? Okay. Nothing remote?

BART BOSWINKEL.

No.

STEPHEN DEERHAKE:

Okay. So, I'll get the correspondence organized and out on the list as soon as I can. It won't be until next week because this week is all ICANN all the time.

Moving on to this applicability discussion, which got a fair amount of traction on the mailing list over the last three, four weeks or so, I'd like to remind everyone, as I did on the last call, that our objective here

really is to define policies directed at ICANN with respect to retirement process and not so much at individual TLDs.

I'd also like to reiterate that I feel it's important we respect RFC 1591, and as a result, I really feel that we have an obligation to develop retirement policy that continues the linkage between the ISO codepage table and the rootzone insofar as ccTLDs are concerned. I really don't think we need to go down the rabbit hole of, "Can a two-letter TLD be a gTLD?" Etc.

And I'm [inaudible] convinced that we will at the end of the day be able to come up with some relatively lightweight policy anyway for ICANN to follow in the event of a retirement triggering event. And my feeling there is that at the end of the day, the effected registry in ICANN cannot sort out an orderly wind down, then the parties can either engage in arbitration or litigation. Which they care to pursue, I really don't feel is of concern to us at this point. I really feel we can't micromanage that type of process.

So what I'd like to do today is start off with a final discussion on this applicability question that began on the list. I do think we have a relatively rough consensus around Patricio and Allan's positions, but I'd like to do a final review just to check this thing off since we're all together.

And I know that the vice chair has some comments he'd like to make regarding applicability and the removal date concept, so Eberhart, if you wish to comment, I will give the floor over to you, or I will give it over to whoever wishes to comment.

EBERHART LISSE: Let's start the discussion before [I go.]

STEPHEN DEERHAKE: Anybody – as you can see, what we have up on the screen is what we reviewed at the last teleconference. Does anybody have any further remarks on this particular topic?

UNIDENTIFIED MALE: [inaudible].

STEPHEN DEERHAKE: Go ahead.

NENAD ORLIC: Hi. Nice to see you here. I missed the previous live meetings. And from what I have followed on the list and what I saw is the question put out there, does ccNSO lack the authority to develop policy for such TLD? But let's return to the root question and scope of this group, what triggers retirement.

I think that in this discussion and everything, there was a presumption – and something that was largely accepted in a previous discussion in the group – that trigger for the retirement is deletion from the ISO 3166. But – and [in the review] that Garth pointed out that might present a problem in terms of the current bylaws and everything.

But maybe we just chose a wrong trigger for retirement. I think that we should in some point ask for opinion, managing authority for the ISO 1366 in some way. I don't know what the formal procedure for that. What's their procedure for the deletion? Maybe we can trigger the [deletant] before and officially still have without any discussion or doubt under the current rules undisputed authority over the retirement of the ccTLD.

Also, I need to point out that when there's authority [in] what is the scope of the domain, only – thought the discussion, only in one point did Kim notice IDNs. What about IDN ccTLDs? Are they ccTLDs? If they are, they need to be included in this, but they do not have anything to do with ISO 1366. So, what is the trigger for the IDN ccTLDs?

I think there are several points that indicate that we maybe presumed wrongly what should be a trigger for retirement. And the part of the problems that we are now discussing could be solved by just changing the trigger point. As short as I could say.

STEPHEN DEERHAKE: Nigel?

NIGEL ROBERTS: Yes, thank you for that. The best of my understanding with IDN ccTLDs – and I'm looking to be contradicted on this if I'm wrong – IDN ccTLDs, first of all, are ccTLDs, and they are based on the ISO list even though the representation of the country or territory may be something

completely different in local script. So, it's still somehow tied to the ASCII entry on the ISO list.

BART BOSWINKEL:

If you would look at the definitions in the fast track process or in the overall IDN policy, which has not been adopted, but there is a link between the IDN ccTLD and the ISO list, is that the IDN ccTLD needs to be a meaningful representation of the name of the country that is listed on the ISO 3166 list.

[In fearing from] this is as soon as the name of the country is removed from the ISO list, ISO 3166-1, then there is a retirement. Or a substantial change of name. Because it can't be a meaningful representation anymore of a name of a country. So that's the link between the ISO list and the IDN ccTLD. It needs to be a meaningful representation of the name of a country listed on the ISO 3166-1 list.

NENAD ORLIC:

I'm just trying to link myself to the discussion that was on the list, because we heard some strong stances and opinion about what is two-letter domain, what triggers it, what are the bylaws. There are no IDN ccTLDs in the bylaws. [By the discussion, it should be occluded] from this list. But also, since it's in the fast track [inaudible] I was told that they will be included in the bylaws as soon as the [inaudible] fast track process ends. Is it true? Right?

So part of the problem with the noted problems in the bylaws will be solved by itself.

BART BOSWINKEL: If I understand you, you're referring to what Garth mentioned, and then we're back on the previous point. You refer to Garth's interpretation of the definition of Article 10.4(a) in the ICANN bylaws. That's around ccNSO membership.

NENAD ORLIC: Yeah, and Eberhart's comments that there are no two-letter domains as ccTLDs if not on ISO 3166.1 list. Those two comments are basically what I'm referring to from the discussion.

BART BOSWINKEL: That we separate the two – so the first one, I think the Article 10.4(a) has been addressed in the previous round, and the agreement or the opinion of the group at that point was it's outside of scope of this group. There are issues with this one. So that definitional part has been taken out of the discussions of this working group, and it goes up and maybe it will be addressed. So that's the first bit. So we don't have to revisit that, you agree on that one.

The second part, I would say, is around what Eberhart said, and that will be the next agenda item in the point of retirement. This is about the applicability of the overall policy that was a discussion that was triggered by Allan, I think right after Panama, wasn't it? [And that we revisit,] and this became part of the broader discussion initiated by Garth, and this was a solution that everybody felt reasonably comfortable on the scope of the policy that will be developed by this

working group as part of the PDP, and ultimately approved by the ccNSO in general.

So that's, again, a different discussion than you just referred, which we will revisit under the next agenda item. Do you agree with that one, that we revisit your argument [at the retirement?]

NENAD ORLIC: Okay. Not a problem.

BART BOSWINKEL: Yeah, [there you have it.] Otherwise, we mingle the discussion.

STEPHEN DEERHAKE: Eberhart?

EBERHART LISSE: Okay. Garth's position in this regard was solitary, and he has in the meantime withdrawn his position mentioning "falling" and "sword" in the same sentence. With regard to the IDN, my understanding is also that each IDN is tied to a country name. the only issue that I can foresee is if a country changes its name. I do not – let's see if one Arabic country changes its name in a slight manner which would affect the ISO code but it would not affect the way they're dealing with it in their own language. That is something that I think is very specific, and I think we don't need [inaudible].

And I'm also saying we shouldn't just say removed from the iso list, we should say removed from the active and/or the exceptionally reserved, and not reappearing on one [on] the other. Because otherwise, you trigger retirement if a country code would move on the ISO list from – transitionally from active to – in any case, the IDN is a separate issue.

I believe that the founding document that we need to talk about is the RFC 1591. It clearly states ICANN or PTI, IANA, is not in the position to decide what a country is, and the ISO has a provision for that. and this is the operation concept we have been working for many years. So I think we should continue with this. If we can agree that we use RFC 1591 as the basis, then we come to the position that what happens if an ISO code is removed.

It's not my problem how ISO does that, because I'm not in the business to decide what a country is. That's ISO's problem. We have always said ISO codes can have an associated delegation or delegations should have an associated ISO code. From this, clearly follows if that ISO code goes away, the delegation must go away.

Garth's problem was that he said once the delegation goes away, the domain remains in the root but it's not a CC anymore. There is no third one, there's only a CC or a gTLD. So that's the error of his ways. Yeah? We basically have no control over the trigger element, and we must accept the fact that this is something we may have to have an external event take place, which is not coming out of the blue if a country changes the name. That takes [five years.]

This is an issue that doesn't come out of the blue, and we have to accept that it's going to happen and it has an effect. It has happened in the past, and the only problem we have is that ICANN didn't have a policy. And ICANN – and Kim said this, they would like to have a written, a proper policy. [inaudible] nobody really cares what the policy says to some extent – to some extent. There may be different positions there, but the point is even a worse policy or a bad one is better than none. And we should try to get a good one, but that's the point we're having. We have no policy. And it's not that we need to decide, are we going to do it? It's going to be done, it has been done, it will be done. We just need to write a policy on this.

STEPHEN DEERHAKE:

Peter? You want to have Peter and then Nick, and then we'll close it out at that point.

PETER KOCH:

Thank you. So, on this previous topic, I think there are some edge cases with IDN ccTLDs that we should look at when it comes to triggering event and how we deal with this, like the language goes away or something like that. On the applicability, yeah, I believe that we hopefully have agreement that changes in the ISO code don't immediately have an effect on the status of a TLD in the root. However, when we talk about being on the list, there's only one list. There's the ISO standard. And I think we need to be a bit clear and concise in the language here.

While there is this exceptional reserved list, private to the ISO 3166 maintenance agency, I think we would have some difficulties basing policy on accessibility or availability of that list. So we might end up in a situation where we have TLDs or ccTLDs – today, to the best of my knowledge, there are four of those – that are not on the ISO 3166 list, but we do know that they are on the reserved list. So we are missing the trigger, and again, deferring to the next item. So I believe that we may need to discuss whether or not we desperately want to include these four TLDs in the list of applicable TLDs for the policy.

STEPHEN DEERHAKE: Nick, you want to close this out?

NICK WENBAN-SMITH: Yes. [inaudible] obviously, we're one of the four special reserved ones, so we'll defer any position on that for the time being. But just coming back to the applicability of the policy question, which I think is where we started, I think the list discussion actually was really good in the sense that we fleshed out the issue very thoroughly, and we agreed that even once it's removed from the 3166, it is still a ccTLD pending retirement, and that's a useful thing for us to have established in terms – and we should minute and document that in the report so that we don't have the same discussion again, because I can see this being a Groundhog Day sort of situation. We need to properly document this in our report so that we've left it for people to follow us.

STEPHEN DEERHAKE: Duly noted. I'd like to close this out at this point so that we can move on to – yeah, are there any objections to closing this out at this point so that we can move on to the next part of the meeting?

BART BOSWINKEL: Eberhart.

STEPHEN DEERHAKE: Eberhart?

EBERHART LISSE: In short, I think Peter is wrong. ISO doesn't have one list, they have gone four lists. They have got an active list, and exceptionally reserved, a transitionally reserved, and a permanently reserved list. And – sorry, and we have never – mixing up this list. There is – GG for example have moved from exception to active. It can go both ways. But we should really be clear on what we're meaning here. Are we only meaning active list? That means the four on exceptional don't fall under us? Or what are we meaning?

STEPHEN DEERHAKE: Alright. Anything else [over here?] Alright.

BART BOSWINKEL: We'll address this point at the next item. Yeah.

STEPHEN DEERHAKE: Yeah.

BART BOSWINKEL: So, one more round around the applicability on the scope of the policy. This is not about the retirement definition, etc. This is about that this group definitely can make and define the policy and that it is applicable. And I don't see any objections, so this one will not return on the agenda. So, now we go to the next item on the agenda, that's about the retirement, what the triggering event of the retirement process. And then we'll have the debate that we started.

And I note there was this question about, say, first of all, the lists, and secondly, whether or not ISO has a mechanism to remove countries from that list. And may I ask Jaap to start that discussion? Because he's on behalf – he's a member of the maintenance agency, so he's deeply involved and he's on this working group for that particular reason. Jaap, will you start that discussion? Kim, can you go to the next item?

JAAP AKKERHUIS: Well, talking about lists, there's only one list, and it's the list of aligned codes. About exceptional reserved code elements, the standard says it may be reserved, but it also says it is not part of the standard. So, there is really quite – so that's what all this reserved and whether they are reserved or not are not part of the standard. So if you really want to adhere to the standard, you should only talk about [the assigned] codes.

Anyway, the deletion from – I just had it before [me]– when are codes deleted from the list? Section 7.3 from the standard, 2013. “Deletion from list of country names shall be made on the basis of information from the United Nations headquarters – that’s the one in New York, not the one in Switzerland – [and/or] upon the request of member of the ISO 3166 MA. And the MA – stands for maintenance agency –shall decide [upon deletion] on the basis of the information given.” That’s when a code is deleted.

So, it then goes on to say that it’s actually [ISO part three] will contain a list of deleted...

BART BOSWINKEL: Yeah. So, going back, does that address your concern? There is a clear trigger point by the MA based on – with respect to two-letter codes.

NENAD ORLIC: I don’t think so, because I do not know for example in Russia how does RF in Cyrillic relate to the ISO 3166 list. If you say it is a ccTLD, for me, the obvious answer is that Cyrillic .RF is not on ISO 3166 list.

BART BOSWINKEL: I understand your concern about IDN ccTLDs. We’re focusing now on two-letter codes which are included in the ISO 3166 list, which is the starting point of the discussion, and where you said there was no clear trigger point.

NENAD ORLIC: No, I said that it may be presumed that the most logical trigger point for the [start of] the deletion process for the ccTLD domain is deletion from the ISO 3166 list. That's what I said. Since Jaap's here, I think maybe he can provide us with insight what triggers deletion with the MA. Maybe we can get [prior] information. I'm not sure I can explain what's on my mind.

BART BOSWINKEL: I think he just listed or he just said what would trigger this.

NENAD ORLIC: Yes, but –

BART BOSWINKEL: That's information from the UN headquarters or –

NENAD ORLIC: Yes, but does that – happens, how long does that process take?

JAAP AKKERHUIS: That really depends on when the UN – the regular contact with the UN headquarters, when there's a change, ISO get the e-mail. That's it. There's nothing magic about that. If the UN decides to remove a country from its membership list, that's for the UN administration to do that. [That's until they] don't exist anymore, they're not a member of the UN, so the UN says, "This country doesn't exist anymore." And then ISO removes it from the list. That's it.

BART BOSWINKEL: Going back to your point, say, when the maintenance agency deletes the name from a country or deletes an assigned code from the country – from ISO 3166, that is a triggering point that takes on the next step, that’s the outside event in order for the start of the policy. Do you agree with that part?

NENAD ORLIC: I agree it could be.

BART BOSWINKEL: Could be for what? What is your concern?

NENAD ORLIC: That if the scope of this group is to determine what is the trigger point for the deletion of the ccTLDs, ccTLDs in general, whatever the definition of ccTLD might be in the future by the ICANN bylaws, if we put –

BART BOSWINKEL: I'm sorry, I don't understand what – ccTLDs –

NENAD ORLIC: Would that trigger deletion [of .srb] domain if it's ccTLD?

BART BOSWINKEL: I think there are some – let’s unpack it a bit. Say, you refer for the definition of ccTLDs to the ICANN bylaws. There is no definition in the ICANN bylaws of a ccTLD.

NENAD ORLIC: Yes.

BART BOSWINKEL: So don’t confuse this part, because it’s not included. I think – and that’s the point Eberhart made – ccTLDs and what’s about – and that’s the starting document – is in RFC 1591. That’s for ccTLDs, two-letter code, ASCII. So that’s .ru, that is .nl, that is .ca, that is .na and .an.

NENAD ORLIC: Okay.

BART BOSWINKEL: Do you agree with that?

NENAD ORLIC: My concern is what triggers deletion of IDN ccTLD. In what I heard from now from everybody, to me, it doesn’t seem that it can be triggered by deletion from ISO list.

BART BOSWINKEL: I think – and this group has not reached a point of discussing IDN ccTLDs.

UNIDENTIFIED MALE: I was going to say, sounds like a very similar conversation we had at the beginning of the group where we worked out for example UK is not an assigned code either. So what we're doing, we started to talk about the assigned codes, and then we realized there are other areas, like UK, like the IDNs, which are not assigned codes on the list, and they'll be dealt with sequentially after we've sorted out the main problem, which is the bulk of the ccTLDs under the 1591 – number are allocated. And there are some small edge cases, but we think if we get the policy right for the majority of the two-letter ascii codes, that we can use similar principles for the other ones which are edge cases and exceptions. I think that's right, if I remember. It was a long time ago. It must be over a year, right, Nigel? Yeah.

STEPHEN DEERHAKE: Fair characterization.

NIGEL ROBERTS: Certainly, when I was still chairing this, I think it's about a year ago. But I think the IDNs are going to be easier than .uk, to be honest.

UNIDENTIFIED MALE: .uk will be very easy, don't worry.

BART BOSWINKEL: Are you comfortable that this group will address IDNs?

NENAD ORLIC: Okay. I am. My concern is not to be left out.

BART BOSWINKEL: Yeah.

STEPHEN DEERHAKE: Thank you guys for that.

BART BOSWINKEL: Now this point, the trigger point.

STEPHEN DEERHAKE: You want to do the trigger? Hold on a second.

BART BOSWINKEL: I think the next one – and this is the start of the [inaudible] we discussed it, but this is, again, to find conclusion. I hope we do it quickly. Whether the group agrees on trigger event, yes or no, and the trigger event is the removal of the assigned code in the ISO 3166, and which kicks off the retirement process. We've discussed this quite some time. So the code element, the two-letter codes is removed as an assigned code from the ISO 3166-1 list. That's the trigger event. And that's when the clock starts ticking.

STEPHEN DEERHAKE: And that really, in my view, needs to be the triggering event to maintain the linkage between ccTLDs as defined in the root and the two-letter codes that were adopted via RF 1591 out of the ISO list. So, do we have a consensus viewpoint that that is in fact the triggering event? Can we agree on that? Peter?

PETER KOCH: Clarifying question, because you said the triggering event. We're still not talking about IDNs, are we?

UNIDENTIFIED MALE: [inaudible].

PETER KOCH: Okay.

STEPHEN DEERHAKE: No IDNs. We're deferring that. We want to get the bulk of this, get the 95% done and then come back for the remaining 5%.

NENAD ORLIC: Then maybe my previous concern and the concern with the exceptionally reserved domains might be alleviated by just [pointed] "For the ccTLDs in the ISO list." "It's the triggering event for the ccTLDs in the ISO list." Because I see there is a consensus there are ccTLDs that are not on the ISO list.

STEPHEN DEERHAKE: Yes. I agree with you there.

BART BOSWINKEL: Sorry.

STEPHEN DEERHAKE: Okay.

BART BOSWINKEL: ccTLDs are not in the ISO list, the country codes are in the ISO list. I think we need to be very careful around it, because I understand, but I just want to point this out again and again. I feel like [inaudible].

NIGEL ROBERTS: I just think the work of the committee will be long if we start to use the sort of lawyerly type language that would define this properly, which is something like ccTLDs that correspond to a code that is on the ISO 3166-1 alpha-2 list. But it's a bit of a mouthful. And every time you say that, it's – I think we kind of know what we're talking about, but Bart's point is extremely well made.

BART BOSWINKEL: Process, now we're going to [the process.]

STEPHEN DEERHAKE: Yeah. Alright, if we could, it'd like to move on to –

BART BOSWINKEL: Oh, no, there's one more.

STEPHEN DEERHAKE: Wait.

BART BOSWINKEL: There is one more, and then we – again, to – no, you can't read it. Can you go back to the agenda? There's one more point for just consensus building, then we're going to do the fun stuff. And this is – so the understanding that once a trigger event happens, the code or the ccTLD is removed from the DNS rootzone at some point in time. Because then this – if you agree, then the work of this working group becomes easy, because then it's about defining the process from getting from A to B, so exclude the point – as soon as it's removed from the country code, is removed from the ISO 3166 list. At one point in time, the ccTLD, so the top-level domain, is to be removed from DNS rootzone. And that was more or less discussed, and this is probably a second reading of that point, because once you agree on that so we don't have to revisit it and it's clearly – these are the two trigger and endpoints.

STEPHEN DEERHAKE: And I'd like to emphasize we're not saying what that duration in time is at this point. We're just trying to get agreement that at some point down the road, it does go out of the rootzone. At least that's what the policy will stipulate. And if we can get that nailed down, then we can

move on to starting to look at all the possible things that a registry and ICANN might have to do, either independently or in cooperation with each other, to get from point A, the removal out of the ISO table to point B, the removal out of the rootzone. And that's really what I want to focus on for most of the duration of this meeting.

BART BOSWINKEL: Any concerns, any comments, questions or clarifications, opinions? No? Then I think, yeah, then you can go on. I think there is a rough consensus on this one, so that's good, we don't have to revisit this one again.

UNIDENTIFIED MALE: Formally, there was no objection. That means there is consensus of the attendants.

BART BOSWINKEL: Eberhart, you're [inaudible].

EBERHART LISSE: No, I don't know what I'm talking about at the moment.

STEPHEN DEERHAKE: You don't know? You don't. Okay. What I'd like to do at this point, give you an overview of where I hope to be moving on this, is to nail down, particularly today with the flipcharts, to get some idea of all the possible actions, activities, etc. that might be associated with getting from point A to point B, the idea being that we can discuss this in some

depth on the next few teleconference calls with the idea that by Kobe, we will actually have some text that we can start going through in detail, similar to how the policy was developed with the FOI working group. We'd like to try to mimic that. And of course, we have Bernard here to help us along on that.

What we're going to do is break up into groups as we've done in the past. Bart's got the groupings here. I would read it, but I can't read his writing, so I'm going to let him do that. With the idea of spending 20 minutes or so in groups, trying to discuss and come up with any and all things, activities we might feel a registry and ICANN/IANA might have to do as part of this movement from point A to point B.

There are a couple of interesting variants on this that I have thought of just to give you some contextualization for the beginnings to your discussions. Consider for example the potential retirement of .pr if Puerto Rico becomes a state rather than a territory. It would presumably be dropped by the UN, which means the maintenance agency would drop it, which means that it would start a from point A to point B.

If it was being absorbed into .us, which would be the probably outcome, they would have an issue of what to do with non-U.S. locale registrations, because .us has a U.S. locality requirement. So that's one weird edge condition to consider as a possibility. And in many ways, I think it makes it a little more complicated than just a case of country code X being substituted for a new country name be an associated country code.

So, given that, we'll spend 20 minutes or so discussing, and each group will pick a lead that will then present their group's findings when we all get back together, and I'm going to let Bart read the list of who's in where.

BART BOSWINKEL:

Yeah. And this is the same groupings as we used in San Juan and Puerto Rico. If you're not, say, your name is mentioned, please pick one. And preferably not with somebody you know, to make it more interesting.

So the first group is Steven, Danko, Wafa, Tom, Jaap, then I go into group two, that's Nigel, Peter Koch, Allan, I don't know if Nenad is around – no. Svitlana is not around, Patricio is not around. Naela, and Olévié. I don't see him around, so this is Nigel, Peter, Allan and Naela, and so that's, again, a small one.

And then the third group is Eberhart, Mirjana, Nick, Barrack, and Kim. And if the others who were not named and want to participate, just go to one of the groups and make sure that the groups are even distributed.

STEPHEN DEERHAKE:

Group one over there. Group two, you get a choice of either one. And group three behind us over here in this corner to my right.

BART BOSWINKEL: So, if you're not listed – if you didn't hear your name, pick a group and participate in discussion. As soon as you're ready, I'll start the clock. You have 20 minutes.

NENAD ORLIC: But I know somebody in every group.

BART BOSWINKEL: Sorry?

NENAD ORLIC: But I know somebody in every group. Okay, but you put me into –

BART BOSWINKEL: Yeah, okay, go there. [I'm bad.] Sorry.

UNIDENTIFIED MALE: [inaudible] didn't visit ICANN for a long time.

BART BOSWINKEL: So that's why.

NENAD ORLIC: That's why. And there –

BART BOSWINKEL: So you go – so that’s with Nigel. So that’s over there. Could you please go to your groups so we can start? So, group one over there, group two, group three.

EBERHART LISSE: There seems to be some confusion whether we’re engaging in roleplay with .pr or what –

BART BOSWINKEL: No, that was just an example.

EBERHART LISSE: Okay.

STEPHEN DEERHAKE: General things that have to be done between [inaudible] and remove.

BART BOSWINKEL: A and B. So, this appears to be a bit –

MIRJANA TASIC: Which one? Three?

BART BOSWINKEL: Yeah.

MIRJANA TASIC: Three. Yeah, okay.

BART BOSWINKEL: Hi, Barbara. Stephen, over there. Yeah, that's your group.

UNIDENTIFIED MALE: Hello.

BART BOSWINKEL: Hello.

UNIDENTIFIED MALE: [inaudible]. There are a few people who came [inaudible] late and want to – is it possible to –

BART BOSWINKEL: Just –

UNIDENTIFIED MALE: Join any group, right?

BART BOSWINKEL: Yeah.

UNIDENTIFIED MALE: If it's not too crowded.

BART BOSWINKEL: Yeah.

UNIDENTIFIED MALE: So, can I ask, just to make [inaudible] you want to join the group?
Anyone?

BART BOSWINKEL: Yeah, but not the three of you in one. Preferably –

UNIDENTIFIED MALE: No, individually. [inaudible] any name.

BART BOSWINKEL: No, just go there. Yeah. Join that one. So, the goal is to describe and identify what you think needs to be done between the removal of the CC code from the ISO list and the removal of the ccTLD from the DNS rootzone. The example – say, Stephen just gave an example. It's not about roleplay, that's the example you could play on, but it's what you think as a group needs to happen between point A and point B.

Could you please wrap it up, say, in four minutes to be starting the reporting back? If you're ready, the coffee is back in the room. Or there is coffee in the room. At least brown water.

UNIDENTIFIED MALE: Alright, ladies and gentlemen, if you'll please take your seats, we'll begin the wrap-up of this exercise. Thank you.

STEPHEN DEERHAKE: And people return to their seats except for whoever's going to be presenting for your group should remain.

BART BOSWINKEL: Okay, let's reconvene. We'll start with group one. Stephen, are you the spokesperson? Ladies and gentlemen, please get your coffee in quiet or go into the hallway and continue this discussion, please. Thank you. Before I call names. You've got the handheld microphone.

So, the way we do it, or as we did in San Juan and Panama, is that the spokesperson of each group presents and that the other groups can ask questions either for clarification or more in-depth, and the first one will have ten minutes, and the assumption is that the second and the third group don't need as much time because it will be repetition.

So, Stephen, go ahead.

STEPHEN DEERHAKE: Thank you. We looked at how to get from point A to point B where A is the trigger event and B is removal from the zone. Didn't regard the timing of that at all, but we were looking at various things that might pop up, and there are actually some simple scenarios and some really complicated scenarios.

But in terms of bullet items that we thought as activities, the first one was basically restatement of the .pr problem I gave at the outset, which is, how do you solve the locale issue if the gaining registry has one?

Issue of stopping registrations, question is when [inaudible] question again is when the process of transferring registrations to the gaining registry, if that gaining registry is empty for example, a simple country name change, for example Congo to Zaire, that's fairly straightforward. If there are already strings in the "gaining registrar – registry" you've got a more complicated problem because of potential name conflicts.

If the TLD is simply going away with no real successor, then there's a question of, do you just play out the renewals until all the domains have expired, or do you do an active cancellation at some point? Which is one of the reasons, I think, the question of the time period between A and B is going to be rather larger than smaller.

We felt it was critically important in terms of ranking – it's the only ranking we did, was communication by the registry with the registrars, the registrants, i.e. the community, as well as getting input from the community early on in the process as to how the community best thinks this transition ought to occur.

The issue of potential trademark issues due to differences in policy from the registry that's retiring to the successor registry came up as well as IANA activity with regard to the IANA database and changes and so on and so forth there. Any questions on that? No? Who is doing number two?

BART BOSWINKEL: Spokesperson for number two.

ALLAN MACGILLIVRAY

Thank you, Stephen. Our logic, I think, followed yours quite a bit in the sense we first started talking about the need for communication between the IANA functions operator and the ccTLD manager. At some point, there'd have to be a determination of the state of the zone file. In other words, how many are in it. And there'd also have to be communication with the registrars and the rants the broader community and with significant interested parties, recognizing the fact that the government will no longer be one of those parties.

Then we kind of flipped into – as we got into some of the minutiae was this notion of requiring a plan between the Internet function operator and the ccTLD manager in which there would be some parameters, there would be flexibility on those, which we didn't talk about, just the fact that there would be flexibility in the plan. So in other words, to plan for an orderly transition.

And a notion that there would be a default plan in the event that the ccTLD manager either simply refused to cooperate in the development of a plan or did actually agree to a plan but then didn't respect it. So that was our sense of it. And then we started a little bit on the elements of the plan. Obviously, it includes communications.

Something might be – for example, they couldn't accept new registrations that are longer than the length of the transition, for example, so that was the sense that we talked about. And in that scenario, obviously, the default plan would be more severe than, let's call it, the negotiated plan, because that would be the incentive for the manager to actually cooperate with IANA. Thanks.

STEPHEN DEERHAKE: Number three?

BART BOSWINKEL: Any questions for Allan?

STEPHEN DEERHAKE: Sorry.

BART BOSWINKEL: And group two? Comments, suggestions. Nothing? Nick, please.

NICK WENBAN-SMITH: Thanks. Ours is pretty similar to the first two groups. I suppose the only things which we focused on, I suppose following the first discussions of today, we did clarify that we're just talking at the moment about code element changes in the 3166 and we're parking for now the questions around exceptionally reserved and IDN ccTLDs.

Similarly, I think a key event being the removal of the code and then that leading to PTI notifying the ccTLD manager, and that then setting in chain a process at the end of which is a long stop date where the domain would be turned off in the root and it would not work any longer.

So in this sort of gap, that gap, there's a bunch of stuff here which we felt that a lot of it would be left to the discretion of the manager and PTI

to agree between themselves. And we did think a bit about various factors that might play into all of that. I don't think we ruled out whether there'll be one long stop date, whether that long stop date might be shorter if the ccTLD manager was nonresponsive and non-responsible, but they would maybe be given longer time with the agreement of PTI to come up with a proper, orderly scheme for a good retirement in everybody's best interests.

In terms of orderly retirement process factors, we came up with a handful, but obviously, steps which would inevitably be in any orderly retirement would be at some point to stop taking new registrations, at some point to stop taking renewals of existing registrations, at some point to stop allowing transfers of a domain name between domain holder A and domain holder B, at some point to stop allowing registrar changes for a domain name registration.

And then there are a whole bunch of policies which most of us operate. It's different from ccTLD to ccTLD, but we all have policies for dispute resolution, for abuse, and at some point, those will also need to be turned off and you're not going to accept any more dispute [inaudible].

And then we looked at the plan you might come into place would look quite different where you've got the Puerto Rico example which Stephen raised where essentially, PR is going to disappear but you're going to absorb it into, say, .us, versus a new ccTLD being created like in the case of Congo and Zaire where you have essentially a sort of straight swap of a new ccTLD for an old one.

And then there are other sort of merger fragmentation ones like Yugoslavia, and maybe your plan would have to take into account different factors, and it might look quite different from the other sort of examples. So, there are already – I mean, this is a sort of simple view, right?

So there are already quite a few different permutations you might end up in, but we felt that the actual plan is best left to the ccTLD manager to come up with something, and most of us, I think, would probably consult with our local communities. But that's up for the ccTLD manager to do in their domestic environment and what they want to do with it to have an orderly [decommission.]

And yeah, I don't know, I think I talked a bit about whether there would be like a template, best practice decommission plan. Whether that might be out of scope or too difficult is a good question.

STEPHEN DEERHAKE: Any questions for Nick and his group?

UNIDENTIFIED MALE: [inaudible]

STEPHEN DEERHAKE: Nick, I actually have a question for you.

NICK WENBAN-SMITH. Christ.

STEPHEN DEERHAKE: One of the couple of things you mentioned there was at some point in time, going from point A to point B, you would stop allowing transfers from registrant A to registrant B, and also at some point, you would stop allowing transfers from registrar A to registrar B. I don't really see the necessity of that, because really, at the end of the day, if you stop accepting renewals, eventually, they all expire. Can you give a little background as to why you guys thought that –

NICK WENBAN-SMITH. Well, suppose you've got a five-year retirement phase, say. Could be whatever. Anyway, so it's five years, and you've got annual registrations. And if at the end of the TLD before the lights get turned off at five years, you have the right to grandfather into a new successor TLD, the ability to renew is important.

That ability is not so important if there's going to be no succession or grandfathering rights into a new TLD, no sunrise, effectively, for a newly created country code because there's a new code assigned for that territory or equivalent. So at some point, you might want to think about simplifying everything, because it's like at the end of the universe, everything is going down to absolute zero, things start getting turned off, and the last things that get turned off might be, say, the abuse policies for phishing and scams, but something quite early on would be turned off I think would be the new registrations.

So, we're not being prescriptive about whether these necessarily need to be included in it, but they're the sort of things that you might want to have in mind when you're coming up with a plan.

STEPHEN DEERHAKE:

Okay. Thank you for that. Peter, were – okay. Anybody else with any questions for any of the groups on that? Okay, we will have staff summarize this and we'll have something out on the list prior to the next meeting. I think this was useful as a starting point on trying to identify some of the tasks at hand.

One of the things that my group was looking at – and it sounds like Nick's group was as well – were basically the different cases, the simplest being, as Nick cited, Congo going into Zaire where you're just swapping the names out of one TLD and dropping them into an empty TLD. Variations on that would be Czechoslovakia going into CZ and Slovakia. And again, both those successor namespaces started out empty.

The harder case, I think, is if you're trying to merge a retiring registry name into a nonempty successor TLD such as the PR into .us hypothetical example. Are there others that anyone can think of along those lines?

UNIDENTIFIED MALE:

South and North Korea.

STEPHEN DEERHAKE: Yeah, that would work. So the Koreas combining would be an issue. Any thoughts on whether the policy ought to dive into – try to address the scenarios that I've just outlined, or do you feel this is something best left to the individual TLD manager to sort out with either the successor registry and/or perhaps with some input from IANA? Any comments or thoughts on that? Kim?

KIM DAVIES: Can I throw a question back to you? Asking what are the essential differences between those scenarios that you think would influence this policy? I can see them being different scenarios, in one you have to do some form of string selection, it's not automatic. But how would that convey into policy? Do you have any thoughts on that?

STEPHEN DEERHAKE: I'm not sure that it does. That's why I've put it out there. I think from our responsibility standpoint, I don't off the top of my head think we actually need to consider that. I think that's going to be such a case by case basis, but I was just wondering if that's something that maybe we should think about. Peter, and then Eberhart. Oh, Eberhart first then.

EBERHART LISSE: It makes a difference with regards to time it takes. So for us, we don't need to look at what the issues, the delegation issues [or the transfers,] we need to just consider how long this will take. If it's 50 names, it's like North Korea to South Korea, this is not a big drama. Whether 5 million go into 50 or 50 go into 5 million, the overlap is small.

With PR, if they become the 51st state of the union and they moved away and they went to look at .pr.us, that could be a big problem. Not our problem, we just have to look at the timeframe. If 10 million UK names have got ten-year date of life on them, we would have to factor this in.

If they split apart into .gb and .scotland for example, that would however mean .gb would be a new one, the Scottish one would be a new one, so everybody could self-select, also not a big drama. The only big drama we have is somebody enters a large, already existing TLD, which even with .pr, I don't see at the moment.

STEPHEN DEERHAKE: But is that something we need to be cognizant of from a policy development process for us?

EBERHART LISSE: No, just that we have to factor in sufficient time that people can sort themselves out if it's a more complicated situation.

STEPHEN DEERHAKE: Okay. Peter?

PETER KOCH: Yeah, I think the two aspects that I'm not sure have been mentioned, one is that depending on how it ends up, the outgoing TLD may still be critical infrastructure in some jurisdiction somehow and may be subject

to regulation because regulation is broad enough to cover all TLDs, no matter what.

Something in the EU might be an example, like countries splitting as you suggested, and so on and so forth. The other one is with the big numbers. The economics of TLD sunset, to the best of my knowledge, haven't been studied too well so far.

So phasing out a 16 million registration TLD would be interesting because it would have an acceleration at the end where the final registrants would have to cover interesting registration cost so that all influences the timelines and may work in favor or against the migration and will depend on the situations.

STEPHEN DEERHAKE:

Thank you, Peter. I'll get to you in a second. I hadn't thought of the economic impact towards the end as you're suspending your revenue sources, but that obviously is a question. I don't think it's in scope for us. I think it's something that the plan would have to – the manager coming up with that retirement specific to that registry would have to sort out.

PETER KOCH:

Yeah. I think to that extent, I'd agree, but it will influence the negotiation space for the manager and/or the significantly interested parties.

STEPHEN DEERHAKE: I agree with you there.

PETER KOCH: Provided there are any remaining.

STEPHEN DEERHAKE: Right. Allan?

ALLAN MACGILLIVRAY: So, actually, on the question of .pr and .us, I don't think our policy can in any way affect what .us does. So, whether they accept or don't accept certain domains being transferred from .pr, I'm sorry, that's sort of out of scope. There's nothing we can do about it.

As to a more general point, and I think this is what Eberhart said and also Peter, is this is an example of a more complex situation, and so to what extent should our policy deal with this complexity? I don't think we should deal with it specifically, but rather, I think we should have a range of time that would allow the Internet functions operator to develop, to discuss, and the IFO would have the flexibility to give a longer period of time where there was this complexity. And I think that's the only way that we can really deal with those issues in our policy.

STEPHEN DEERHAKE: Thank you. Eberhart.

EBERHART LISSE: Yeah, I agree fully. Our group agreed fully. I'm personally a friend of having a formula to help us in assessing – if we cannot have such a formula, then we must come up with something else. I understand RIPE has developed a complex formula for payment systems, for how much they pay, and so maybe if we have a guideline that we say a smaller [TC,] let's say a ccTLD with 5000 can take from two, one with 500,000 from two, one with 5 million from two, that kind of thing.

But I'm not talking that we need to look into what happens with .pr and .us. It makes it more complex, more complexity makes it more time, so that, we need to factor in into our policy, not how this eventually happens. But we must have flexibility to say if it's simple, then it's faster, if it's more complex, it takes longer.

STEPHEN DEERHAKE: Kim?

KIM DAVIES: I Just want to flag – I think one challenge with the formula approach – I mean I'm in favor of formulas as a general principle, but the inputs into this formula are essentially defined by the operator that is losing the TLD and might have every incentive to inflate domain counts, just as an example.

But I think one thing I just wanted to flag is that in our group, and I hear in other groups, there's a lot of talk about domains might have long registration periods and that needs to be honored. I think there's no constraint on what a registration period can be today. There might be

99-year leases on domains. I think there's at least a few ccTLDs even today that have no concept of renewal, you just get it for eternity.

So I think a practical solution can't be fully gated simply on the length of registration periods. It's a consideration, no doubt, but I think a strict formula where that's an input, where that's a gating factor, I think wouldn't be operable.

EBERHART LISSE:

I'm not so much saying that we must have a formula that we publish on the website that ccTLD X gets [inaudible] plug it in and it comes out, that's the amount of time you have got left. Now, never mind that I think there are ways and means of assessing sizes of even ccTLDs. If they want to have longer range, they will probably have to give us data that we can verify.

But what we need to have, we have to have some form of an idea that we can develop that we cannot just say pull something out of the trousers and say 15 million .uk takes X years and 50 names .pr takes Z years. We need to have some form of guidance. I would much rather prefer a strict formula that you can plug in in the website, but this is not happening.

UNIDENTIFIED MALE:

I'm just bringing up one more scenario for the food for thought. If the TLDs [inaudible] but not the registry, which may be replacing that string, then how these policies will apply?

UNIDENTIFIED MALE: To your question, there's any number of configurations. If the registry is still operating – maybe restate the question.

UNIDENTIFIED MALE: So, there's a registry which intends to just change the string on the top level, intends to operate, and retiring the old TLD and switching to the new TLD.

UNIDENTIFIED MALE: Renaming.

UNIDENTIFIED MALE: Renaming.

STEPHEN DEERHAKE: Is that a question of how long the overlap should be between the old registry and the new registry, or is that a cutover question?

UNIDENTIFIED MALE: I don't have an answer, I just have food for thought for everyone. So, maybe even more issue to be dealt with.

KIM DAVIES: My really quick observation is that's actually probably the most typical scenario that we're considering. Usually, if a country is changing its name or reconfiguring, there is some through line between the previous

operator and the new operator, except in the case where a country is folded into another, where presumably, there is an existing operator already. So it's good to know to consider, but I think that's actually the more typical [inaudible].

UNIDENTIFIED MALE:

So, in my experience, generally, the government authorized agencies are operating the country codes, and they're likely to continue. And maybe they change the name. Just change of the name will not change the agency in the government, so if in India, government of India operates, NIXI operates, if India changes its name, NIXI is not going to change. It's going to continue and operate the same infrastructure.

So most of the time, the registries will not change if that change of country happens or merger of the countries happens [or the breakup of countries] happen. One registry is likely to continue.

STEPHEN DEERHAKE:

[I don't know which one -]

EBERHART LISSE:

A pure name change has happened in the past with .zr, .cd, it's not a problem from what I understand. I think – it's probably not even a real new delegation, it's probably an administrative new delegation. Or if – explain to us maybe. It's maybe a good idea that this [inaudible]. What would happen if .cd change its name back to .zr?

KIM DAVIES: I think the considerations we're wrestling with here mostly still apply, because my assumption is – and again, correct me if I'm wrong – if CD were to transition to ZR, you still want a period of overlap. It's not that you're just going to shut down .CD on day X, and day X plus one, you bring up –

EBERHART LISSE: That's not what I mean. What I mean is, will the new .zr be a new delegation? That means the applicant who's managing .cd will have to go through all your rigamarole and community support and all of this. Or will it just go flip over to you?

KIM DAVIES: That would be my assumption, that it would go through a new delegation process, because there's no policy to provision for an automatic transfer in such a scenario. Now, assuming the local community is in support and so forth, I think it would be a fairly straightforward process, but there's no way of jumping through the hoops and skipping parts of the assessment process [where] we do it normally.

STEPHEN DEERHAKE: Peter, did you have a –

PETER KOCH: Yeah, I was trying to get back to the formula, but only if this topic is [inaudible].

STEPHEN DEERHAKE: I want to segue into the formula. Again, with breakout groups and going to the flipcharts. And what I've heard from this discussion is that depending on the specific scenario, are the names transferring into an empty namespace or are they going into a preexisting namespace and which is more complicated, that perhaps the “formula” has to be different. In other words, the elapsed time between the retirement trigger event and the removal of the TLD from the zone might have to be different for the different scenarios that we have tentatively identified.

That being the case, what I would like to see come out of this upcoming flipchart session, breakout session, is some thoughts from each of the groups as to what the possible scenarios are, which we've identified at least two or three, and for each scenario, how long you think that elapsed time from the retirement triggering event to removal from the zone ought to be, and why you think the number you picked is reasonable as an outside most extreme case. Peter.

PETER KOCH: Yeah, thank you. I would like to remind all of us that one of the stakeholders we're talking about is not at the table, which is the next user of the code. And the larger the TLD is and the longer the use will last, we can also assume that the larger TLD will leave more waste in terms of use of the name outside the DNS, so on and so forth. So this is kind of contradictory.

We're giving a big TLD or – independent of these other scenarios, if we base this on usage, we'll give the bigger ones a longer time, but that leaves more for the next user. I think something we should also weigh in, if one of the goals is to hand over kind of a clean TLD the next time or clean code to be precise in 3166 terms.

STEPHEN DEERHAKE: So, are you proposing then that we take under consideration possible ancillary economic fallout from the retirement process based on the size of the TLD?

PETER KOCH: I didn't mean to point out economic consequences. That was the previous remark, and that depends indeed on whether there's a successor or not. Like “renaming” a big TLD would be easy, getting it out of the business, because the next registry is a different one. But that constrains their negotiation space.

My concern here is that we are trying to be accommodating and so on and so forth with the TLD operator, whereas the real stakeholder is not present and somebody needs to take their role and negotiate on their behalf.

STEPHEN DEERHAKE: Okay. Given that additional input, can we reassemble in the groups that were assembled before and spend 20 minutes or so discussing what the timeframe ought to be for these various easy and hard scenarios that

we've come up with? And if you come up with any more, document them as well.

So if we can go to the flipcharts and fire up the timer, Bart, give us 20 minutes or so. Yeah, maybe [inaudible]. Alright.

BART BOSWINKEL:

Please go back to your original groups. Group one, group two, group three. If you come up with a brilliant thought, please don't hesitate to mention it.

We'll continue until 30 past, so another ten minutes. And one of the questions I will ask each of the groups is whether there is a need to separate the endgame for a significant – say, the cases of significant name change and, say, dissolution of the country.

You have five more minutes to wrap it up.

Please wrap it up. We're going to start because one of our major contributors has to leave at one point.

Okay. Can we start with the spokesperson of group three, please? The microphone is – so you end it and you start. Please sit down. If you have a side conversation, please take it to the hallway. Thank you. Excuse me. Thank you.

NICK WENBAN-SMITH:

So the question we thought we were asking and answering even is the timeframes for retirement. And I think it's important to preface that

before any formal triggering of the process, we thought there would be sort of a three-year lead up process before a country doesn't exist. It's not going to just happen like that. People will know. It's like Brexit, it's like painfully slow before it actually happens. Right?

UNIDENTIFIED MALE: [I don't know though.]

NICK WENBAN-SMITH: Right. I'll talk to you later. And we then had essentially a five-year period, so from the point that PTI writes the ccTLD manager to say, hey, you're not the 3166 list anymore, this is now formally triggering retirement process, there would be a five-year period. And if the ccTLD is hopeless and does nothing, the lights get switched off in five years from the anniversary of that notification.

However – and I've put a little smiley face here – we would hope that the ccTLD manager would come up with a retirement plan, agree it with PTI. This would have a proper detail to it in terms of milestones [inaudible] planning, consultation with stakeholders, and then execution of the plan, including updates, red, amber, green status, proper project planning to PTI.

And if that was all done, with PTI's agreement, the period of time could be extended out to ten years. Or it might be that the ccTLD manager in fact doesn't need five years because it only has 50 domains and it's going to be done within one year. So five years is kind of the automatic.

However, you would have potentially a shorter period for a small one, but up to a maximum long stop date of ten years is where we ended up.

BART BOSWINKEL: Thank you. Any questions for Nick from the groups? I do have one question for you, and I've said so, based on the discussion is, did you make a distinction between a significant name change resulting in the removal, or is this only applicable if –

NICK WENBAN-SMITH: We didn't make any distinction. I think it's –

BART BOSWINKEL: So this is across the board, across the line.

NICK WENBAN-SMITH: Across the board. I don't think we ruled out it being potentially different, but there are so many different permutations, it ends up being extremely complicated to try to legislate in policy terms for that sort of –

BART BOSWINKEL: [This whole] significant name change is very clearly based on the experience to date, is one major factor that causes –

NICK WENBAN-SMITH: I think it's very hard to predict things, especially in the future. We didn't do it.

BART BOSWINKEL: Okay. No, that's fair. Group number two. Or Naela, you had a question?

NAELA SARRAS: No, you already asked it. Thank you.

BART BOSWINKEL: Okay. Go ahead.

ALLAN MACGILLIVRAY: So, thank you, Nick. So you kind of went ahead of us, and I think we're largely where you are. We had a lot of difficulty debating around the different cases, and the point was made, yes, they had the complexity, but many other things add to complexity as well. So really, that's not a prima facie basis onto which to differentiate in the policy.

That being said, our sense of what a complicated transition end date would be was nine to ten years. Okay? Then we talked around the question of what the shorter time period would be for an easy one, and it didn't so much not achieve consensus as we ended up talking about other things.

Five years was mooted, let's put it that way, and so I'll put that out there. But much like Nick, we saw this as a range that could be adjusted

by the operator based on the complexity of the situation. Right? So there's a minimum period, a maximum period.

I think the only point we would make is I think it's important that there be a minimum period so the manager knows that I have a minimum amount of time. So even if where there is a very simple one, even if they could do it in 12 months, which is what we talked about, that led us to this notion of a voluntary retirement, like just what if the manager comes in now and says, "I want to surrender this. We're flipping the switch." They don't have a plan, there's no letter, there's nothing.

And so we'd just flag this for the group, that I don't think there's an established process within PTI for the termination of a ccTLD outside of the process that we're going to deal with. So we may have to consider a process for voluntary surrender in a retirement context. Thank you. Questions?

EBERHART LISSE:

I don't think that has anything to do with the scope of our working group if a ccTLD manager decides to abscond. If there is – I don't think it happened in the past, but it can happen – it has happened in the past that they couldn't be reached, there wasn't function, and then PTI stepped in to assist in one way or another.

If a ccTLD manager decides to abscond and run away and leave everything, I'm quite sure the community and PTI would try to step in to assist with the operation until the people there can come – the local community can come up with another [thing.]

But that's not what we're talking about. We're talking about retirement where it's [not] involuntary, where we live by the sword and the sword stabs us.

ALLAN MACGILLIVRAY: Yes, and that isn't a situation we're talking about, Eberhart. We're talking about a situation where Congo and Zaire, they have five years. Let's say we deal with this, they have a minimum of five years, they get it done in 12 months. Right? What happens? So, in other words, what does PTI do?

EBERHART LISSE: No, that's not a problem. If it gets done, it's done. The point is that they should talk to IANA, to PTI. If they show it's done, then they just get switched off.

ALLAN MACGILLIVRAY: Well, the question that I'm putting forward is, are there processes within PTI to deal with this? Because apparently, it's never happened. That's the point. Kim.

KIM DAVIES: I mean, it's happened insofar as the previous retirements didn't have sort of a long stop date, but at the conclusion of the process, it was mutually removed from the root. But I think there is one scenario that is instructive if not relating to retirement, which was that the operator of .um expressly asked us to remove the delegation to wind down the

domain, and it was a normal rootzone change, effectively, that based on their consent – which we verified very carefully – it was removed. So I think a TLD operator can come to us and –

ALLAN MACGILLIVRAY: Okay. That’s fine.

BART BOSWINKEL: Just one more – two more questions from my end for clarification. Did you make a distinction between significant name change and the dissolution of a country?

ALLAN MACGILLIVRAY: No.

BART BOSWINKEL: No? Okay. And the second one is, you talked about the period of five to ten years. Your ten years, is that a – to use my own language – a drop dead date?

ALLAN MACGILLIVRAY: Yes.

BART BOSWINKEL: It has to be removed at that point in time?

ALLAN MACGILLIVRAY: Yes. Well, to be fair, we said nine to ten. Yes.

BART BOSWINKEL: That's the end of it?

ALLAN MACGILLIVRAY: Yes.

BART BOSWINKEL: Group one.

STEPHEN DEERHAKE: Thanks, Allan. We were a little more hardcore than the other two groups. We looked at three cases which can roughly be defined as old TLDs being replaced by an empty new TLD. Two subcases under that were whether or not the old and new registry operator is the same entity or not, case 1A and 1B. Then we looked at case 2, which is old TLD getting rolled into an existing TLD that's not empty, the PR .us case. And the third one was old TLD being split up into multiple new empty TLDs.

We examined but decided to ignore knock-on economic impact on registrants, i.e. branding issues as they built their business around their domain name, possibly incorporated the top-level string as part of their branding, now they've got a problem.

In all of these cases, we came up with three years, start to finish. We felt in all these cases that that gives the registrants with the branding issue problem three years to come up with a way around it and gives the old

registry operator who may or may not be the new registry operator three years to get the job done.

So we just went for three years across the board. And that's it. Questions?

BART BOSWINKEL:

I think that's a question for the other groups as well, because that's important for [Bernie] and my work is, what's your rationale for doing three years? And that's a question for the other groups as well. Yeah, so Stephen.

STEPHEN DEERHAKE:

Our rationale in short was we didn't want to see this process dragged out. We initially had considered five, and one of the things that had us concerned, which was brought up, I believe, in questions to Allan, was once a registry starts cutting off its revenue streams, once it stops accepting renewals and stops accepting new registrations, unless it gives them away for free, in which case it has some other external funding source, will run out of cash.

And my thought was if you run them to five years, chances are that registry will run out of cash before that period is up, whereas we thought a reasonably-run registry, if they're booking their revenue correctly, ought to have sufficient funds to get the job done in two to three years, and we're thinking three. Two is a little tight, I think. So the group settled on three for that reason.

EBERHART LISSE:

Let me see whether I can remember this correctly. We basically asked Nick whether he would be able to – we asked Kim first what is his maximum time. He says not more than ten. So then we asked Nick whether he thinks .uk with its 15 million would be able to do it, and he's nodding. That, for the record, means that big registries should have no more than ten. And then the minimum time, Kim was willing to consent to was five years.

I never thought about the idea is that they're running out of cash. That's something that makes sense in a way, but our view was if they don't talk, they don't anything, it gets switched off after five years, and the last guy turns off the light. If they need longer, they talk to PTI, give regular feedbacks on the milestones, then they can get up to ten years.

But in the end, we live by the sword. If somebody runs out of cash and flips the light off, you have to switch it off. If a country goes away, they know this three years in advance. If they don't do anything, I'm sorry, there is limit to my sympathy.

STEPHEN DEERHAKE:

I would presume that what would happen if a registry – I'll get you, Nick – did get into cash difficulties and went into insolvency before X is up, whatever we decide X to be, and there's still work to be done, that that registry would be picked up by ICANN the same way they've set up these backend registries of last resort that will pick up failing gTLD registries. I can't remember what that process is called now. Nick?

NICK WENBAN-SMITH:

Well, I wasn't going to speak on this, but actually, yeah, Nominet, we are one of the EBERO, the emergency backend registry operators. So we have stepped in to take over one example of a failing registry, and we've done various tests and stuff. So there are mechanisms for that, but I think in the CC world, if a CC goes bust and the community doesn't step in to help it, then they're on their own. It's not an EBERO situation, I wouldn't have thought. Apart from anything else, who's going to kind of pick up the bill for it?

The point I was going to make was a broader one around if – so obviously, as described, there's probably a sort of three-year minimum leadup to a country ceasing to be a country. At that point, the code changes or gets removed, and then that triggers the retirement process.

It's quite foreseeable and logical that they're not going to get too many new registrations at this point, right? And it could be that they actually get no new renewals and they have most of their registrations on a one-year and they're running out of cash quite quickly.

In that case, you would expect that a responsible registry operator would be able to see, smell the coffee, if you like, and see what's happening. And the five-year, ten-year sorts of things, those are the worst-case scenarios for long and complicated processes.

If they can do it all in one year because the business is going away very quickly, they're losing staff, operations are not becoming viable and actually, two years is a sensible thing, that's always open to them. But I

think what we've mainly been focused on is kind of the maximum times, if you think about complicated situations, they've not got money problems.

If they've got money problems, registrations are falling off a cliff and the ccTLD is in essence self-imploding, then I would hope that between the PTI and the registry operator, they'd come up with something more aggressive to match that situation. Right?

STEPHEN DEERHAKE: Allan?

ALLAN MACGILLIVRAY: Well, I would say in our group, we just asked for a number, ten came out. Peter debated on that. He was more comfortable with ten, that's why it became nine to ten. And as I said, we didn't come to a consensus on the lower number. You know, five was thrown out and neither disagreed with or agreed with.

So that was the extent of the discussion in our group. I'm happy to contribute from my own perspective. For me – Stephen says we don't want this drawn out. I could throw out – I think we have to plan for an orderly transition. In other words, it's the same argument, which is a nonargument.

Something that worries me is damage to ICANN's reputation. And we all – and I say ICANN, I mean our community – where there is an involuntary removal and they won't understand that there was a policy

or whatever happened. So I think whatever we do, we have to be seen to have been more than generous in the policy.

And certainly for me, as long as there's an end date, let's not forget about registrants. Right? They bought that domain name, they're users. This is about the community, it's about the users. As long as there's no other country looking for that code, I think we should be as generous as possible, because it's about consumers and users after all. Thank you.

STEPHEN DEERHAKE: Thanks.

BART BOSWINKEL: Yeah, go ahead.

STEPHEN DEERHAKE: Yeah, go ahead. Go ahead.

KIMBERLY CARLSON: We have a comment in the chat from Liz Williams. Bart, in timelines, one question to ask would be to understand risks associated with three, five, ten years. On the latter one, would hope that in ten years, one could reasonably be personally retired.

BART BOSWINKEL: Noted, Liz.

STEPHEN DEERHAKE: Any other – oh.

BART BOSWINKEL: Kim, go ahead.

KIM DAVIES: Just coming back to the sort of failing business model scenario, I think in the majority of cases, you're going to have a situation where the existing operator is going to be somewhat related to the successor operator. So I think we're talking about a minority of cases.

I also think that the likely scenario is that at some point, if the current operator is not involved in the successor operator, that if the revenue stream is drying up, they're going to do some kind of orderly handoff of obligations to the successor operator where the successor operator might operate the old domain in its twilight until the migration has been completed.

Which raises one point I just wanted to get in the record for your notes for future consideration, is I think there is a gap in the policy, which I mentioned in our group that I wanted to flag for everyone else, which is that there's no real provision that allows us to do a transfer request for a TLD that is no longer eligible to exist.

So we might be in that transition period after the TLD has been removed from the ISO standard. It's not guaranteed that the registry will live that whole period. So we do need to have some mechanism by which if the business fails, or if not, but regardless, if they want to hand off their

obligations to another party to operate the domain, we have to [inaudible] perform a transfer and have the criteria under which that would be assessed, given that it's in this different kind of state. We wouldn't be assessing it against the normal criteria, it would be some reduced set, presumably factoring in the transition plan that is on the books.

So I just flagged that as an issue. I don't propose a particular solution to that, but I just think something we might want to consider as a group at some point during our work.

STEPHEN DEERHAKE: I agree with you. Tom.

TOM BARRETT: Thank you. Tom Barrett from EnCirca and .pw. I also feel we need to be overly generous to the registrants to ensure the stability of their namespace. So I think three years is way too short. The gTLD space, for example, there have been several gTLDs that initially came out as third-level namespaces and have since transitioned to second-level, and ten years later, those customers are still paying year after year because they like the branding of that third level. So the analogy, I think, is the same here where we should focus on the registrants and what best serves them.

So certainly, if we have a failing registry, we should have an EBERO-type program in place to take over that failing registry and strive to maintain continuity for the registrars.

BART BOSWINKEL: May I be a bit devil’s advocate in this case? You’re talking about domain names for a TLD of a country that no longer exists. I would say the registrants will know this country no longer exists, and keeping up that registration – if I were a registrant and have a domain name of a TLD or a country that no longer exists, I would try to find an alternative as soon as possible.

And this is not about, say, a TLD that you're not associated with, you deliberately take a ccTLD or a country code top-level domain of something like this, there is something like, I would say – yeah, it’s your own duty or due diligence what you do and what you buy at one point, and that goes a bit counter to your argument. You can't protect everybody against – we don’t have to save the whales, put it that way.

TOM BARRETT: Just a quick response, there are many registrants and ccTLDs that use it for another purpose other than identifying with that particular country. So again, if our focus is on the registrant, we should afford some protection for those registrars.

BART BOSWINKEL: Just going back, you take it for other purposes, but at the end of the day, you know you have your extension which is a country code and that is gone.

TOM BARRETT: Just FYI, you just gave a marketing argument for gTLDs about why registrars should not buy into a ccTLD. Just so you know.

STEPHEN DEERHAKE: Go ahead.

UNIDENTIFIED MALE: I think these numbers are all arbitrary. Generous can be 20 years and short can be six months. But I would say being an entrepreneur last 25 years, if something is dying, you never associate yourself with it. You would like to get off as soon as possible. The first will be employees.

We are not considering that example if the employee knows that three years down the line, this company does not exist, they will leave. Who will run the registry? You will not get the employees also. You will not get the managers also. Nor the registrars will continue with you. You will go bankrupt in six months or even a year. You have [inaudible] domains which are not in use but protected for the property and the brands.

They will not renew in one year or six months. We are thinking six months. Three years, I had a hard time to believe that three years is a tough time. If the registry is going – I'm running a registry, I would like to get off as soon as possible, because I'm not going to run this business in losses. And otherwise, I am supposed to fulfill.

And the consequences on economic which we already discussed are huge. No doubt about it. We are not considering the brands are running on it, large portals are running on it. They are very large. If we consider

all those aspects, we can never stop the TLD. So the only answer which comes to me in my mind is that registry may go, ICANN can decide to continue that top-level TLD in their books if they need to be generous in that, but registries should not be forced to continue. Thank you.

STEPHEN DEERHAKE: Thanks. Peter?

PETER KOCH: Yeah. At the risk of diverting into more economics discussion, of course, every number is arbitrary. Arguing nine versus ten years is kind of artificial. But that makes an interesting point.

Moving a bigger registry – and we can start bigger at a million domain names or maybe more – I would expect some interesting side effects, as in not being able to take the million over. There will be bigger losses which influence the economy and the ability of the registry to continue the other one.

Also, the arguments I've heard so far from mister devil's advocate for example and also from others is that like somebody identifies with their domain name. Wow, that must be an interesting person. Lots of domain names are registered for arbitrary purposes, including clickbait and everything. And that's of course a registrant community that may or may not want to follow that.

So the economics are influenced by a number of factors, including – we've not mentioned that because that's probably so far out of scope,

what would the search engines do? Would they apply an automatic mapping of the old name to the new name and so on and so forth? We can't predict that.

I wouldn't be comfortable if for some reason – maybe for reasons outside the scope here – I had to merge – sorry, move our registry TLD from one two-letter code to another one. And yeah, basically, the question is, what would the domain name system look like in ten years or so, or nine years, if I'm concerned?

This is so much reading tea leaves, we can't get it wrong, right?

STEPHEN DEERHAKE: Thank you.

NENAD ORLIC: Like Allan said, the registrants are the basic – in this situation, they are those who we think about, not the registries, not – domain owners maybe even. But for example, I don't think that economic problem argument stands in the case of ccTLDs. For example, Serbian registry has in its rules – and on its bank account – a rule and assurances that it will have sufficient funds and resources to fulfill all already taken obligations to the registrants. That's up to maximum ten-year registration.

So Serbian registry is secured from that situation, for example. And I may presume that for the national other country top-level domains, a

country would, if nothing else, step in to save the day, because it's their national interest to do so.

As for thinking what is – I think that we are not the ones who should decide for others what is easy for them, what is not. I may tell you from the experience that we had in returning [YU] domain and as former owner of the webmail service for example, three years is not enough. Years after, we were receiving, “Hi, sorry, I need an archive of my e-mails. How can I access my e-mails? So .co.yu domain.” No, you can't.

And for example, try to change your e-mail address on PayPal. Good luck. And many other reasons that we may not perceive them all why somebody should hold on to a domain or e-mail address as long as it can.

STEPHEN DEERHAKE: Thank you. Bernard?

BERNARD TURCOTTE: Thank you. Really – well, for those that don't know me, I've been at this a real long time. I think they're all good points, but taking Kim's point of there's no process for a transfer once a country has been declared, I think that's a really good point we have to take into account. But pushing that to the next level, and to your point, if there is no one to accept the transfer – and we can think it's a corner case but it can happen – and I'm very sensitive to the reality that it's about the registrant to a certain extent.

We're looking at setting guidelines for what it should be, and that makes sense to my mind. That's what we're trying to do. But if something goes catastrophically wrong, I think we've always said, and the actions of the operator in the past have been to safeguard as much as possible, and that's a philosophy that has served us well for a number of years.

So within the context of those timing frames, we have to build in those safety procedures. I think makes sense to me. Not that you extend this forever as a timing procedure, but that you guarantee your minimums one way or another would seem to make sense to me. Thank you.

STEPHEN DEERHAKE: Thank you, Bernard. Eberhart?

EBERHART LISSE: Let me be honest about this. We have got maybe a local component which I care very much about, but if they don't pay me, it's not my problem. We have a foreign component which I don't care a lot about but they pay me a reasonable amount of money. And nobody cares about the registrants. No registry really cares about the registrants, they care about the money they pay.

And let's be very honest about it, what we are saying here is not really must support the registrants, we must support the registries. Let's at least be honest with that.

I never thought about that stopping to take registrations would create a cashflow problem. The last problem when .an flipped apart, they did not really have a cashflow problem. I also find that this community, the ccNSO or ccTLD community is actually community. Between PTI and us, we will always help.

If somebody says, “Look, I'm running out of money, I can't run this anymore,” if we have a policy, call it CC EBERO or whatever, we use it. Otherwise, we will, if necessary, assist. And running a TLD without taking registrations, without taking renewal, is a fully automatable process. Yeah?

500 names, put it on CoCCA tools, takes about 15 minutes to do. If it's a big one, we can put it on Peter's system or Nick's system, takes a day or two to do. it's not a problem. So, technically, we have this, but the economics here is some of us run totally local registries, some of us run mixed ones and some run purely commercial ones. I don't think we should treat any registry different because of the model they follow.

STEPHEN DEERHAKE: [inaudible].

UNIDENTIFIED MALE: Sao, I think the point that was raised earlier about the liability of the registry for multi-year registrations is an interesting one given that they may not expire for eight or nine or ten years. So I guess I have a question, because I think that's a good model to go by, which is why I

think ten years is a good number. Does any ccTLD registry accept registrations more than ten years out?

EBERHART LISSE: You can't really say this. There are – we do up to ten, there are some that do ten. Some accept one payment and no more renewals. Some are free, some are like the .tk's and the .ml's and the .ja's, accept registrations for free but they're owned by the registry. It's different models.

UNIDENTIFIED MALE: I'm curious from a liability perspective if anyone at the time of registration – and maybe it's a one-time fee, but is anyone expecting a liability that's more than ten years out?

EBERHART LISSE: The liability is in the country that doesn't exist anymore. Remember? Registries are located in the – generally, the responsible entity is located in the country. The country ceases to exist, the liability is there. I don't think this is an issue for us that we need to discuss.

UNIDENTIFIED MALE: Well, there might be a commercial liability where they could go to a court to enforce a payment they've made.

EBERHART LISSE: Yeah, but they [can] do this in the country that doesn't exist anymore. This is not an issue for this. It's out of scope for us.

UNIDENTIFIED MALE: I'm just curious. Is anyone accepting payment for more than ten years? Does anyone know of a ccTLD that accepts payment for more than ten? Yes? How long? How many years?

UNIDENTIFIED FEMALE: [inaudible]

UNIDENTIFIED MALE: Pragmatic.

STEPHEN DEERHAKE: Very pragmatic. Yes, go ahead.

UNIDENTIFIED MALE: [inaudible].

NENAD ORLIC: I think that we should stop using the argument country ceases to exist, because the change [inaudible] domain, we establish what is the triggering point, and that can be a name change. For the legal, physical, every other thing about that country exists, it's only a name change. So please stop using "The country stops to exist and we don't care about it."

EBERHART LISSE: I find that CoCCA Tools, the software we use, allows up to ten years, but you can renew a few times after each other. So I don't know. I think we have got none over five years, but I occasionally notice that people register two times two, so they could register three times ten if they really wanted to.

STEPHEN DEERHAKE: Okay. In lieu of any further discussion, I would suggest we try to wrap this up a little early. But I see Allan's waving his hand, so Allan, go ahead.

ALLAN MACGILLIVRAY: I'll try to be uncharacteristically brief. In the discussion about the impact of cashflow and economics, I'd just like to throw in the notion of security and stability of the Internet. In other words -and I think as Bernie said, we're dealing with corner cases, not the case where the incumbent manager is going to take it over under a new name.

So if we are in a situation where the manager is literally trying to milk every last drop out of the CC, he may not bother paying for Anycast anymore. He may not have the latest security. In other words, as the reserves start to dwindle, there could be a broader issue, which actually argues for a shorter period. So I'm arguing against myself, but I just wanted to throw that out. Thanks.

STEPHEN DEERHAKE: Thank you, Allan. With regards to going forward, I want to go back and briefly state that I will put together the letter I discussed at the outset of the meeting with regards to the definitional issue in the bylaws. I believe we have put the applicability question to rest. I believe we've also put the triggering event to rest at this meeting.

Staff will compile the salient points that were covered today in their notes and get that published before the next meeting, and they will also summarize the flipchart information that was compiled today in our breakout sessions as well under action items.

So that will all be available to us before the next meeting. Is there Any Other Business at his point? Seeing none, I want to thanks staff, I want to thank our techies in the back of the room for a seamless and flawless support today. I want to thank everyone here for coming and devoting your time to this. And before I mention the next meeting, I'll turn it to Bart.

BART BOSWINKEL: Just one question, what you thought about the – any feedback on the setup of the meeting? Did it meet the expectations? Was it fruitful? So this way of working, going over the different topics separately, and then again, the breakout sessions. At least –

EBERHART LISSE: That depends how the mind maps are going to look like.

STEPHEN DEERHAKE: Alright. Again, I thank everyone for coming and devoting almost three plus hours of your time to this important activity. And I want to remind everyone that our next teleconference will be on the 15th of November at 17:00 UTC. And hopefully, we will have an alternative to Adobe Connect with better audio quality, but I cannot assure that at this point in time.

EBERHART LISSE: If you speak to any technical person from ICANN or management, call it Zoom.

STEPHEN DEERHAKE: Alright, I think that's it. This meeting's adjourned. Thank you very much. Kim, you can kill the recording. Thank you again to everybody. Thank you for staff.

[END OF TRANSCRIPTION]