ICANN67 | Virtual Community Forum – GNSO Registration Data Policy IRT
Wednesday, March 11, 2020 – 09:00 to 10:30 CUN

ANDREA GLANDON: Welcome, everyone. This is Andrea from staff. We currently have approximately two minutes until the scheduled start time.

Good morning, good afternoon, and good evening. Welcome to the ICANN 67 Registration Data Policy IRT meeting being held on Wednesday the 11th of March 2020. Today's meeting is being recorded.

Please remember to state your first and last name before speaking and please keep your phones and microphones on mute when not speaking to avoid any background noise. With this, I will turn it over to Dennis Chang. Please begin.

DENNIS CHANG: Hello everyone. Welcome to our IRT session. This is an ICANN67 virtual session but it's also our IRT meeting number 21 for the gTLD Registration Data Policy Implementation, otherwise known as the ePDP Phase 1 Consensus Policy recommendation implementation.

Today we have an agenda as follows: First I'm going to give you a very quick policy implementation overview. This is because this an ICANN meeting and we are expecting that there will be audiences who are not familiar with this policy implementation. Usually, our IRT meetings are held only by the IRT members in a closed session. We do have observers

who are following our work and anyone can sign up for that as well, if you wish.

After the short implementation overview, I'll tell you about the implementation team activities have been, and then we'll be looking at our IRT agenda on our IRT Wiki, then we'll have our working session, and after our working session we're going to reserve five to ten minutes at the end of the session for all of you to ask questions or provide your inputs to this policy implementation.

And the last session, what we call studies and reports, I'm not going to go over that today, but I have left the slides in there for you to review later after the meeting if you wish. So, what I'm going to ask the audience and the public especially is, if you do have questions, please go ahead and use the chat function and then we will gather your questions and try to answer later after our working session. So, with that let me continue.

So, this is a board resolution that was made 15th May 2019 in consideration of the GNSO ePDP recommendation on the Temporary Specification for the gTLD Registration Data. There were 11 resolutions total and 27 of the 29 recommendations from the ePDP team, the Policy Development working team, were adopted by the board. Two of those recommendations, two of the twenty-nine, were adopted in part.

There was Recommendation 1, Purpose 2, and Recommendation 2 regarding the [old] field deletion. We categorized these [board] recommendations into three categories using the board's scorecard, a)

recommendation adopted as is, b) recommendation adopted with comments, and c) recommendation not adopted in whole.

It began in 2019, as you can see on the slides. The first thing we did was we published the Interim Registration Data Policy on the 20th of May 2019. And then, we continued to work with the IRT on the analysis of the recommendations and we put out various reports, and we continue today.

The important point here is that, as of right now, effective 20 May 2019, we do have a Registration Data Policy and it is called the Interim Registration Data Policy. What it does is that it continues to implement the measures consistent with the temp spec. We had to do this because the temp spec expired on the 25th of May 2019.

So, the implementation team is made up of two groups, essentially. We call them IPT and IRT. IPT is the organization, ICANN Org staff and IRT, Implementation Review Team, is a community group that reviews the work of the IPT and supports the IPT to ensure that the policy language that we are drafting is consistent with the recommendation but also provide expertise in different technical areas.

We have 38 IRT members from the community representing various stakeholders as you see here. For those who are not familiar with the policy implementation process, we start with the recommendation evaluation and we try to create implementation tasks within those recommendations, along with drafting the actual policy language that will be published for public comment.

And as of today, we're in step four, and five, and six areas where we are estimating the time that it will take to implement those tasks and trying to complete the draft policy language so we can publish for public comment. It's not just one activity when we have a policy implementation, as you can see here. Drafting the policy language is one part but there are various other parts, especially with this policy implementation, such as the studies that we were asked to do and provide to the GNSO Council and the ePDP 2 team. One example here is recommendation 17, legal versus natural study, which we promised to do by about mid-May, to be delivered to the ePDP 2 team.

So, outstanding activities is that we have to … And you will see what we do today. We're going to be working on the policy language. Along with that, we're going to continue to evaluate the task and assess the time it will take to complete the implementation and, therefore, providing a realistic timeline for the community.

So, all of the policy implementation work for the public consumption is held in the Wiki, community Wiki, as you see here. And in the community Wiki, we have all the IRT meeting agenda and minutes published along with the IRT members' list, with their statement of interest.

At this time, we're going to switch to our meeting agenda on the IRT Wiki and start the IRT working session. This is the IRT Wiki. This is the agenda for today's session, and we just covered the overview of the policy implementation. We're going to be looking at the rationale doc, which we have created specifically to collaborate on the rationale for

why we would have a 24 hours disclosure requirement for what we call "virgin requests." So, here, I'm going to open it up to the IRT members and see if there are any questions from the IRT on this document that we shared earlier. I'll pause here for a minute. Okay. So, there're no hands raised and no one is wanting to speak.

We'll look at a response that was provided by CPH. CPH is the Contracted Party House consisting of registry operators and registrars. So, let me just quickly read here. So for the audience, the first box is the box that the IPT have created that is, basically, the documents, background, and the various inputs that we receive from the IRT for this topic.

It provides the current policy language requirement here and provides why the baseline language, as we call it, is drafted this way with 24 hours. So, this document was published and provided to the IRT using our IRT task list with two weeks for review. We provided due dates for the IRT to complete their task and that date has passed, so now we are discussing the input from the IRT.

So, let's see. So, this is a Contracted Party House encouraging the IRT team to dedicate meeting time to discuss this. Let's see. So, here, I see in quotes, "What's being used is within one business day from the receipt." Section 10, "one business day." This is a reasonable timeframe? "Request that our [inaudible] now submitted." Okay. So, thank you for this response. Is there anyone from the CPH who would wish to speak regarding this input? If not, that's okay. Thank you for

your input and we will review your input and continue with our policy language drafting.

ALEX DEACON: You have one hand now. Roger Carney.

DENNIS CHANG: Who? Roger. You have the floor.

ROGER CARNEY: Hi Dennis. Just on the CPH language, I think this is consistently what we've been saying throughout the IRT. Going along the business day concept, I know that staff put in the rationale doc "about 24 hours" from a couple of other documents, but it seems like there is a jump from "acknowledging" in the other documents to actually responding in this policy. So, I think the rationale is making a big leap between acknowledging within 24 hours and actually responding within 24 hours in the OneDoc policy. Just my comments. Thanks, Dennis.

DENNIS CHANG: Thank you, Roger. Alex?

ALEX DEACON: Thanks, Dennis. Yeah, just a few comments on this. Remember, these are urgent requests. So my concern with the one business day is that that could, depending on weekends and holidays, actually mean three

calendar days, maybe four, depending on the holiday, which I think for most urgent requests would be way too long.

Regarding the comment that LEA has the means to contact contracted parties, yes, that's true, but this policy language here is not limited to only LEA. It's meant to apply to others who are investigating cybersecurity issues of an urgent matter, too.

So, I would be concerned that if the assumption here, in the CHP response, is that only LEAs would have access to or have the ability to request, or mark a request as urgent, then I think that would go against the policy as we had, I believe, said it or defined it during the Phase 1. So, I think more discussion on this is needed. Clearly, I think that, with regard to the 24 hours and the language that exists from staff, I think we would support that. If it's different then more discussion would be needed. Thanks.

DENNIS CHANG: Thank you, Alex. There will be more discussions on the business day versus hours later/calendar days. This is an important point that we've learned from our experience and it's sort of our policy in the policy implementation not to use business days but always use calendar days. We'll talk about that case in the OneDoc where this is going to come up again, so we'll discuss it more then. Oh, Roger. Go ahead.

ROGER CARNEY: Thanks, Dennis. Just to follow-up. Thanks, Alex, for that. I think another critical point here is the definition of "urgent" and again, as we've said before, critical infrastructure is not defined. Again, it's one of those items that until it's defined it seems like it shouldn't even be in here. It's so broad that anybody could make a claim for critical infrastructure. So, I think that we need to hone that down if we're going to keep that language in here, as well. Thanks.

DENNIS CHANG: Thanks, Roger. There is no other input on this 24-hour rationale doc. We're going to continue with our next item on the agenda in OneDoc. So, for the audience and public, OneDoc is what we affectionately call our policy draft language here. So, the reason that we have labeled this "OneDoc" is because, in the past, we have broken out all the recommendations here—you can probably see here—and we have done analysis for every single recommendation, separately creating separate documentation. It is toward the end where we have merged all those draft languages into one document. That's why we call it OneDoc.

So, first, the table of contents. As you can see, it starts with an introduction, scope, and definition, and then we have the "requirements" language followed by appendices, implementation notes, and background. This is the draft in work right now, and what we said was our first item was the introduction. We had commented on the introduction that this is our typical fashion. Let's see, there are no more comments on the introduction.

So, maybe I have resolved that and then … Oh! Just to say that, one thing that we noted, we were receiving some comments on the language and it seemed that we kind of skipped this introduction section because we all knew this policy and recommendation so well that we didn't think that we would really need to refer to the introduction to do our work, but we're finding, as new people are coming on to read the language, that they're finding, perhaps, gaps or it's hard to follow. So, the next thing the IPT will do is fill out the introduction section for the IRT meeting. So, I'll leave it there.

The next item is the IR Team put on the definition. On the definition, we have a pretty clean definition. We have 12 items on here and the outstanding comment is from Sarah. So, Sarah's comment says, "'Redact' means data which is held by [inaudible] is not displayed." Yeah, that's true. Sarah, did you want to speak on this? Go ahead, Sarah. I see your hand. You're here. Welcome.

SARAH WYLD: Sure, Dennis. Thank you. I hope everyone is doing well. This is, I believe, not a substantial change to the meaning of what we're doing here, but the way it's written in 3.7 it is not a definition of what redacted means, it is how redaction works in real life. Is that they must not display the data. That's not actually what it means, so I think our definition section could just be a little bit more strictly a definition. Thank you.

DENNIS CHANG: I see what you mean. Thank you. Okay, moving on. This is what Roger commented on earlier, critical infrastructure. Yes, we were thinking about how we might further define this. Critical infrastructure is not something new that we have just created here. It's been used before and in many terms. It's been used in our security framework and I know it's being used in the ePDP team, in policy recommendation languages, and it means that the critical infrastructure such as the power grids and emergency response network and things like that that are associated with the threat for life and serious bodily injuries and whatnot.

But I get your point, maybe we do need to provide some clarification or definition of what "critical infrastructure" means somewhere and we'll have to figure out how to do that. We know what it means but we'll figure out how to add some language somewhere to communicate to new readers who may not be familiar/who're obviously not familiar with what we have been discussing. So that's our action. Thank you for your comment, Roger. So that is the definition section.

The next item is a new section in six. So, let's go to six, the differentiation for legal and natural persons and geo basis. This is a section that was moved from the scope section. I think it was Alex who pointed out that these languages are requirements. They're normative language, as he says, and it should be in the requirements section, not in the scope section. And the IRT, at our last meeting, agreed to this, so we have moved it down here.

There are a couple of things, though. One, they're the exact same language that we had up in the scope, and second, we added this

language, this phrase. Roger, I believe, was the one who requested that we add this and other members agreed. So those are the two changes that we have. I'm sorry Beth.

BETH BACON: Hi. I'm sorry to interrupt you. There've been some hands up in the room for quite some time.

DENNIS CHANG: Sorry. I am paying attention. Okay. Why don't I go to Marc? Go ahead.

MARC ANDERSON: Hey, there. Can you hear me?

DENNIS CHANG: Yes, I can.

MARC ANDERSON: Great. My hand was actually an old hand, I was raising to agree with Sarah about the definition of "redacted." I think the 3.7 definition doesn't quite convey exactly what redacted means in this context. So, I thought that was a great point from her. Since it's up, I'll just say I think the move on geographic differentiation and legal versus natural is an improvement. I know we've moved this around a couple of times but this seems better, so I'll just give you a plus-one, here.

DENNIS CHANG: Beth, you're next.

BETH BACON: Thanks. I apologize. I didn't want to shout at you. I couldn't wave at you like I normally do in our rooms.

DENNIS CHANG: You normally Skype me.

BETH BACON: I know, I normally Skype you. I just didn't want everyone to hear the boops, the Skype boops on the microphone. Sorry, I didn't mean to shout at you. I just wanted to not get too deep into this section because my hand was up for the definition section.

DENNIS CHANG: That's quite all right. Anytime from you, Beth.

BETH BACON: Thank you. I know my face is on a dartboard in the office somewhere. So up in the definition section, I just wanted to clarify on critical infrastructure. It doesn't appear in the recommendation but it has made its way into the language simply because we've been talking about the reasonable requests.

Are we agreed that we're clarifying this, or that we're going to take it out, or are we just going to discuss it more? I'm unclear on the path forward for critical infrastructure because it is used in discussions in ePDP and it is used in the framework, but neither of those either cite actual definitions of critical infrastructure and neither of those are policies.

So, I'm reticent to have us put things into a policy that are sourced from something that is an agreed consensus policy. I just wanted to put that into the conversation and we can then move along and revisit this I guess at our next meeting. Thank you very much.

DENNIS CHANG: Thank you, Beth. Alex, you're next.

ALEX DEACON: Just quickly on what Beth just said. Just remember that recommendation 18 almost at the very end says, "Timeframe to be finalized and criteria set for urgent requests during implementation." So yes, you're right, it's not defined in the policy, but we were asked to define it. So, I think that's what we're doing here. Thanks.

DENNIS CHANG: Yes, Alex. That's exactly right. And Beth. I think we used this critical infrastructure word when you and I worked on our security framework a long time ago. At that time, we talked about it. I don't think we

actually put in any definitions and spelled it out. Roger, you have the floor.

ROGER CARNEY:

Thanks, Dennis. I agree with Alex that some of this needed to be defined, but critical infrastructure was not a piece, but that's something that someone can probably add and not just define. Again, I think critical infrastructure, if we're going to define it and use it, we have to define it so that it's logical for people to understand. Thanks.

DENNIS CHANG:

Yeah. Thank you for that input. It's coming in loud and clear. If it's not defined anywhere else, we will attempt to define it here. It is an important part of an urgent request. So that's our direction. I think somebody was asking what our direction was. Our next step on the critical infrastructure is a definition that we can all bind to.

Regarding the differentiation of legal and natural, I have, actually, a question for the IRT, here. Now that we agree where these languages belong, and we found the right home for it, the important question is, and this is getting back to my proposal earlier, is to remove this from the language altogether because, as we think about it, what are the requirements for enforcement if we do have these two languages and what does it really mean to differentiate?

Based on the discussion that we had much, much earlier where the IRT, at one point, had agreed not to add languages and then we changed

our mind and we added languages. So, we were going back and forth. So, for every language that we put into our policy here we really need to make sure that there is some purpose for this, and just to add the language because there was a recommendation that we had to match to is probably not a good enough reason.

So, a question to the IRT: what aspects of these two requirements require enforcement, and what do they really mean? What would you expect from these two requirements in terms of enforcement? Let me hear from you. Beth.

BETH BACON: Thanks, Dennis. I'm not sure what you're asking. So, when you say, "What does the differentiation mean in terms of enforcement?" I think we're all fairly clear on what it means to differentiate between two different things. And there's you "may" do it, which means you're not required. So, I'm not sure what the enforcement would be.

I think this is less of something that's a compliance hook and more of a clarification so that compliance understands, and users understand, that it's not a requirement to ... Guys, I'm sorry. Losing my voice. It's not a requirement but you are allowed to do these things. So, I don't necessarily think there is enforcement attached to this particular section. Thanks.

DENNIS CHANG: Marc?

MARC ANDERSON: Thanks, Dennis. You mentioned at one point that the IRT agreed to not have any language here and that's a little bit different from my recollection. As I recall, you brought it up at one point suggesting that no language was there and you heard from the IRT that we really should have that language there, and so it went back in. I get your line of questioning. I know that "mays" are … There's really no practical way to enforce a "may". And so, it's a fair question to ask; if it's a "may" couldn't you do this anyway and is this language really needed in the policy?

But here, I really agree with Beth. I think both of these, both legal and natural on a geographic basis, are really really important to have in here. As Beth said, let's make it clear what registries and registrars can do and set boundaries on what compliance can enforce.

And so, this language isn't necessarily there to require enforcement as it is to make it clear what compliance should not be enforcing, if that makes sense. I know that sounds a little bit like a negative requirement but I do think it's important we have this language in the recommendation, even though it is a "may" and not something that is practical for compliance to enforce.

DENNIS CHANG: Sarah?

SARAH WYLD:	Thank you. I definitely want to support what both Beth and Marc said, so thank you to my colleagues. I guess I just understood Dennis's question to be a little bit different and maybe I misunderstood. I thought what Dennis was asking is, if the registrar or registry does differentiate then what actually changes? And I think the answer to that would be the requirements in section 10.3 are what would be affected by the decision to differentiate. That's the redaction requirement. Thank you.
DENNIS CHANG:	Thank you for that. Yeah, there was quite a bit of discussion before. What really is differentiating? Redaction certainly was mentioned in the recommendation but does it also apply to collection and transfer? So, the way it is stated, it seems like we can differentiate in all cases. And also, the question about legal versus natural person: does the IRT feel as if the legal versus natural person needs to be defined for us to have this language, or is it okay as-is without further definition? Alex, go ahead.
ALEX DEACON:	Thanks. So, these are important definitions. We spend lots, and lots, and lots of time in Phase 1 and are actually continuing to have discussions in Phase 2 about these topics. Again, like Marc Anderson said, I understand your question here. If it's a "may," it's not enforceable. Do we actually need to have a language in an implementation doc? And I think I agree with Beth, and Sarah, and Marc

that it is important for clarity's sake to place this policy language that reflects the Phase 1 final report and the implementation for clarity.

There are registries, it has been mentioned in the chat, that require some of this to happen, and if that's the case this will allow them to do that. But as the text says, they're not actually obligated to do so unless they are required to do so by an agreement. Again, bottom line, I think it's important that even though these are unenforceable, it's important for clarity that these stay in here. I think putting these separate in section six, as you've done here, is a good way to do it. Thanks.

DENNIS CHANG: Beth?

BETH BACON: Thanks. Alex, I agree. I think at this point this was phrased this way purposefully in the recommendations. I don't think we need to define anything else. I think it's found a good home. It's clear. It's concise. We know what it means. Let it live its life. I think we're in a good spot with this particular language. Thanks.

DENNIS CHANG: Susan?

SUSAN KAWAGUCHI: Thanks, Dennis. And I'm just piling on and agreeing but from a little bit of a different perspective. In my former role at eBay and Facebook of

managing domains, I would insist on a registrar actually displaying the legal entity of the domain names that I was managing, so I would rely on this as a domain registrant.

And obviously, there are services out there that provide for corporate customers, and they would most likely do this, display the legal entity, but I think this also not only gives clarity for registrars, it also gives some clarity for a registrant: "No, no, no. You have the right to do this, look at this in your agreement, and please display all of my company's data."

DENNIS CHANG: Thank you, Susan. Beth, did you want to go again? That would be no. So, thank you for your inputs. Good discussion there. So, we found a nice home and I'm hearing that the IRT does not feel any further definition or unpacking of what it means is necessary and they're comfortable with this language as is. Do you like the title? I just wrote it out. Are there any suggestions for section six title? Fine. Okay.

BETH BACON: Dennis, are you looking for something special like a Rainbow Bridge? I think this is good. I know I'm coming to you like it's a messy title.

DENNIS CHANG: It's so messy. Okay, fine. There is that. Thank you very much. Thank you for that input. We will continue with our next item, which is we're going to review IRT input on 7.7. So, 7.7 is, just from Alex … Oh, Alex, you're

here. I was asking you if you had any suggestions here on your comment as well. Go ahead, Alex.

ALEX DEACON: Yeah. I did have an action on this, and I apologize – I haven't had a chance to suggest some language here. If I could ask for some more time, I would appreciate it. Thank you.

DENNIS CHANG: You could do it later. Don't feel so obligated. It's okay. I just want you to know that after you came on board it has been very helpful to give us clarity on different sections of the policy and the way we look at it. Appreciation for all your input. We'll move on.

Was the transfer the next one? Number eight is the 10.1 redacted for privacy. Let me look at that one. 10.1 is this one. Originally, Roger commented, "Where did this come from? Not in the recommendation," and then Alex commented this again.

So, this is an important point and there was some email discussion with the IRT also on this. We feel this very important that when it is redacted it's just not redacted but the people know whether the data was available or it was redacted for a purpose, and this language was used elsewhere and it seemed to work. So, I'm happy with the way it is right now but we want to give you the opportunity to discuss it. Brian has his hand up so go ahead, Brian.

BRIAN KING:

Thanks, Dennis. If I can be heard, my microphone is flashing fun colors so it looks like I can. I think this is okay for the substantially similar language. We have a real opportunity, I think, to give clarity to users of the RDS that a particular field is redacted because of this policy or the law that required this policy says that it is redacted versus data belonging to a privacy proxy service or the value that the registrant put into that field. I think it's important that we have consistency across the DNS on what goes into this field.

So, I circulated a few good reasons on the email list as you mentioned. I didn't see anything that persuaded me that the flexibility or having a variety of different outputs in this field across different contracted parties would trump the real strong need for clarity in what's happening with a given field. So, I would really push that we remove just the three words "substantially similar to" and allow for clarity across the DNS. Thanks.

DENNIS CHANG:

Thank you, Brian. Laureen?

LAUREEN KAPIN:

Thank you, and apologies for joining late. Chris and I were both making our Public Safety Working Group presentation to the GAC. On this issue, I support Brian's perspective here because I can tell you, from a practical standpoint, that we have had many reports from law enforcement and public authorities being confused about whether the data is redacted because of compliance with the Temporary

Specification or whether it's unavailable because it's protected by a privacy proxy service provider.

So, whatever we decide it would be one, really, really useful to be consistent and the "substantially similar" interferes with that consistency, and two, it would be great if there was some way to signal that these redactions tie to the need to redact because of the temporary specification, i.e., have something that isn't confusing with the privacy proxy scenario. Because as I said, practically speaking, it's actually creating a lot of confusion with people who are seeking to make requests for non-public information/domain name registration information.

DENNIS CHANG: Thank you, Laureen. Beth?

BETH BACON: I think Marc and Sarah were first.

DENNIS CHANG: Go ahead, Marc.

MARC ANDERSON: Thanks. Happy to jump in front of Beth. I actually raised my hand to say something similar to what Laureen said. I don't have any objections to the points Brian made but I think maybe perhaps "redacted for privacy" isn't the best choice of words. What we heard on a previous call from

EN

Theo and what we just heard now from Laureen is that "redacted for privacy" isn't a great choice of words because it leads to confusion among the users or the people viewing the data.

As I recall, the reason why we used the words "substantially similar" in the recommendation was to allow for flexibility in the development of the RDAP profile and in the implementation of the language. I think we have some real-life input into this particular requirement and we have enough flexibility in the recommendation itself to be able to improve on this and come up with something that will be clear to the user and address potential confusion with privacy proxy services. That's a long way of saying I agree with what Laureen said.

DENNIS CHANG: Thank you. Sarah, you want to go next?

SARAH WYLD: Yes, thank you. Most of what I wanted to say has already been said so I'll keep it brief. And I am sorry to draw this out. I know we've discussed it a few times but I just cannot get behind a more exact requirement here. I think it's really important to maintain that level of flexibility. I was also going to refer to Theo's very good points from our recent meeting. I also think, for example, what if the registrar wants to include another language in that.

Here in Canada, we often try to provide the information in both of our country's official languages. If I'm providing this service I might want to

say "redacted for privacy" and then the French [redacte pour privece]. And I think that should be an option. And just one other thing I want to point out is that redaction won't be due to the temp spec because this policy is going to override that one. So, it would be due to this new policy. Thank you.

DENNIS CHANG: Beth, do you still want to yield or do you want to go next?

BETH BACON: I will just quickly say I think that the flexibility is important, especially considering that we think of WHOIS as the "WHOIS is what we have," but we do have the new protocols coming into play. So, I think that it's important to understand that it's going to display differently and have different functionalities, so the flexibility is important.

I wanted to say I appreciated Laureen's comments. It's good to understand how this will impact other users. I will just say, is it even easier if we didn't put anything in that field? Because when you do return a WHOIS record and it's a privacy proxy, it doesn't say, "protected by privacy proxy" it says the privacy company proxies name or the registrars' company name in all the fields.

So, you can tell it's privacy proxy but it doesn't say that. I think we all agree that flexibility is important but if we could noodle on a solution, maybe offline, to create some consistency and clarity, maybe that's the way to, but to leave this very flexible. Thanks.

DENNIS CHANG: Roger?

ROGER CARNEY: Thanks, Dennis. I'll leave it to Brian because I think Brian has some good ideas on the wording here. I agree on the flexibility. It needs to be flexible so it's not exact but I'll harp on something I've harped on all the time, the display. The use of the word "display" is, I think, inappropriate here. As we've put in our definition, maybe we say "publish" here. The display is yet to be decided and we're talking about what needs to go into RDAP which does not display things. Thanks.

DENNIS CHANG: Brian?

BRIAN KING: Thanks, Dennis, and thanks, everybody. Thanks, Sarah, in particular, for explaining why that flexibility is necessary. I hadn't considered that use case of the different languages. That is probably the only thing that would be persuasive to not just have one agreed-upon text. But if we could perhaps allow for a specific set of words or a translation thereof, then that would be helpful. And then, I think "return" is the answer to the question about what goes there instead of "display". Thanks.

DENNIS CHANG: Thank you. Susan, you're next.

SUSAN KAWAGUCHI: Thanks, Dennis. I like there suggestion in the chat "redacted" but I was also thinking, if there is a need for variation because it's for languages, then if the registrar would define that on their website in a place that was easy to find then that would make sense because then, as you're reviewing something, you could go, "Oh okay, this is what this means for this registrar." I understand that there's clarity here. I can rely on their definition. It's their definition. I would hate to see 2,000 different terms used but it gets us back to another requirement that the registrar would need to provide detailed information on the process.

Of course, this may be returned through a central portal but it would be much more helpful to understand what the registrar means instead of just guessing because right now the records are extremely confusing and it is very difficult at times to understand. I make assumptions all the time: "Well, I think this is a proxy. No, this might be a redacted." It's very hard to say because it's confusing right now.

DENNIS CHANG: Chris. Chris Lewis-Evans?

CHRIS LEWIS-EVANS: Sorry, double-muted. I think Alex suggested something in the text which in the UK we also have similar to Canada where we have Wales, with .cymru, where we realistically need to display things in English and in Welsh. So, I would like to propose getting rid of the "substantially

similar" and then putting something on the end to say, "allowing for multiple languages to be displayed" would be good. Obviously, I don't want to wordsmith here. That would be better on the e-mail system. And then, my other suggestion is to maybe think along the lines of, actually, what we've done with the parts that have been redacted so that those fields are no longer public fields. So, maybe something along the lines of a "non-public field" instead of "redacted". Thank you.

DENNIS CHANG: Thank you. Brian, again.

BRIAN KING: Thanks, Dennis. I called your attention to the language that Griffin put in the chat, which I think constructively gets us where it sounds like most everybody wants to go. Thanks.

DENNIS CHANG: Griffin's chat. I'm looking for it. Is it the one that says, "Insert 'must provide text redacted in English and any additional languages at the discretion of the registrar/RO'"? Is that the text you're referring to?

BRIAN KING: That's it. Thanks, Dennis.

DENNIS CHANG: Okay. Thank you. Thanks for that, Griffin. Beth, your hand is still up. Did you want to speak?

BETH BACON: Sorry.

DENNIS CHANG: Susan, your hand is up. Susan? Marc, your hand is up.

MARC ANDERSON: Thanks, Dennis. I'm a little hesitant to be explicit on languages here. Is there a translation and transliteration policy, recommendation …? Isn't it in IRT right now, perhaps on hold? I guess I'm not sure exactly on the status of that but I think there are currently recommendations on translation and transliteration. I'm not sure on how this, what we're talking about right now, intersects with that. Maybe just flag that for some follow-up work to see how this discussion intersects with that.

DENNIS CHANG: Thank you. Officially, that policy implementation is on hold. You are correct. So, I will go ahead and do that, to see how this would intersect with that policy implementation. Any other inputs from the IRT on this? We're getting good inputs today. And I understand both sides of what IRT is recommending here and we'll try to draft some new language. So, feel free to suggest in a comment, in this OneDoc, as you have done. Feel free to suggest it.

So, what I will do is probably clean this up and consolidate it into one comment and allow you to continue to provide suggested languages as a comment, and we'll see how we can get to an improvement. Really good to hear the real experiences from the field users. That was very helpful. Thank you so much.

Let's move onto our next topic, then. We have 11.4. This is the business day discussion, 11.4. So, this was two business days, as Sarah said, as it originally came from the recommendation. We have changed that to five calendar days and we added: "from receipt." So, five calendar days, as I have initially attempted to equate to two business days from the recommendations, and that is what we have as a baseline language right now. We'd like to hear from you. Alex, first.

ALEX DEACON: Thanks, Dennis. I think it's important to just remind people that this is an acknowledgment that a request has been received by whoever is receiving it. Five calendar days seems, I don't want to say absurd, but way too long in order to receive an acknowledgment of receipt.

I think most large organizations are using helpdesk software that will return a ticket almost automatically. Even for those smaller registrars who may be doing this by email, this obligation can be easily complied with with a simple out-of-office response when an email is received. You know, "Thanks for your email. We have received it and are working on it."

Five calendar days, I think, is worse than what the current policy says, which is two business days. So, I would hesitate moving from two business days to five calendar days because I think that two business days is already too long. I wouldn't agree with this five-calendar day change at all for a simple acknowledgment of a receipt that a request has been received from the registrar or registry.

DENNIS CHANG: Thank you, Alex for your input. Roger?

ROGER CARNEY: Thanks, Dennis. I'll agree and disagree with Alex. I'll disagree on the two days. I think that's appropriate, two business days, but the other part, I do agree with him. I don't why or how we get to five calendar days. It seems a little strange to move from business days to calendar days. The purpose of a business day is to allow for geographic jurisdictional areas that have slightly different operating methods at certain times. I don't think trying to translate to calendar days makes sense. I agree with Alex that five seems very extreme, here. If we get a request on Tuesday we have until sometime on the weekend to respond. That seems a little ridiculous. Thanks.

DENNIS CHANG: Sarah?

SARAH WYLD: Hi. Thank you, and plus-one to what Roger just said. I really think we should go back to the recommendation. It says, very specifically, "two business days." It has a whole thing about "without undue delay but not more than two business days." I think that would be fine. I think most registrars and registries would respond really quickly, perhaps even instantaneously using an automated system, but two business days seems to me to be a reasonable set point as a maximum for normal requests. Thank you.

DENNIS CHANG: Laureen?

LAUREEN KAPIN: Ditto. Everyone has said what I was going to say. I am also mystified how this requirement gained a lot of [inaudible] from two days to five calendar days. It doesn't make any sense to me.

DENNIS CHANG: Thank you, Laureen. Anyone else? It seems like five calendar days is too long. That's what I'm hearing from the IRT. That's helpful. Now I want to get back to the discussion of using business days in the requirement. So, business days is not something that I think we all agree on because the business day is defined by the business, and if the business itself defines a business day and only works four days a week than if you get a request on the last day of the week the business day could easily turn into, as someone I already mentioned, three, four, or five days. So, I

have no objection to changing the five to two, even, but we need to avoid using business days as a requirement. I want to hear from you on that point, from Laureen.

LAUREEN KAPIN: So, on that point, I guess I didn't appreciate what was generating the change here. I do think that business days is actually a commonly understood convention, and while I appreciate that various businesses may choose to operate on various days for a variety of purposes, their business needs, religious practices, etc., etc. I do think there is a common understanding that when we say "business days" it means those five central days during the week that are not weekend days, excluding holidays.

So, because the recommendation contains that language, from my perspective, I can live with the convention of using business days. My preference would be to keep to that language. What I'm uncomfortable with is the variety of scenarios that we can contemplate as to what's going to constitute the outer range of what "business days" could be because it could simply expand too much, to as much as five, and that I'm not comfortable with. So, at least from my perspective, we're okay with business days. My two cents.

DENNIS CHANG: Thank you, Laureen. Beth.

BETH BACON:

Hi team. Thank you. There seems to be aggressive agreement on this. We should just revert back to the actual language in the recommendation. It's one of those delightful times when none of us disagree with the language that's in the recommendation. Just to Laureen's point just now, I'm not sure what the concern is with the outer bounds of business days. I do agree, as she said, that it's a commonly understood phrase. It's going to be an automatic acknowledgment of something so I doubt it will even take the two days.

So, I hesitate for us to keep digging into the edge cases of every single thing that could happen because you can't litigate every single thing that could happen in the world. If it's a concern that has systemically happened then, yeah, let's think of a way to figure it out. But I'm just not sure what the concern is with pushing the outer bounds. If it says two days, it's two days. I don't think it will go to the five. But again, I think that this is one of those times where we have an actual agreement on the recommendation language, so let's do it.

DENNIS CHANG:

Thanks, Beth. I'm tracking the chat here. Business weeks start on a different day of the week in different countries. The term "business days" is used frequently in the policy. Let's see. What else? U.S. holidays are not equal to China's holidays. So, we are an international organization. This policy needs to apply globally. So, we are concerned that, when we say "two business days," in terms of real requirement, it could be interpreted in a different way by different regions as well.

So, for that reason, when we have used 24 hours here instead of one business day, it's the same concept that we are insisting on using hours instead of days. And at one point this requirement was one business day and we changed it to 24 hours for the same logic, so that's the reason now. Beth, I think you have your hand up. Go ahead.

BETH BACON: Thanks, Dennis. I just wanted to note that most of the chatting/all of the comments are that we agree with the recommendation language. My question here, as you were just going through a summary of that and you where saying we're an international organization and this is used in policies already, perhaps compliance could enlighten us as to how they currently enforce business calendar days if it's a requirement?

If it's in a policy that you respond to compliance within three business days but compliance knows that their speaking to a company that's based in a region where Friday is a weekend and Saturday is a weekend but Sunday is the first day of the business week, I'm sure they take that into account. So, maybe if we understood that it would calm people's concerns.

Again, I think we need to have clear language here and just understand that if I'm sitting here in Reston, Virginia Saturday is probably another business day, but I'm probably going to answer anyway. But if you're sitting elsewhere in the world Saturday might not be a business day or might be a business day. If compliance could weigh-in on how they

work with that now maybe that could help us. But I do think we agree on using the recommendation language here.

DENNIS CHANG: Roger?

ROGER CARNEY: Thanks, Dennis. Beth just said it. It seems very overwhelming that the IRT says to use the language in the recommendation. I think we change back to that and we can move on from this. Thanks.

DENNIS CHANG: Okay. Contracted Party. Who wants to comment? "Contracted Party would determine its business days," is the example he cites. Maxim says, "In our case," Maxim is Russian, "holidays are provided by the decisions of the government." That's interesting. It seems … Through their ICANN contracts. Okay, fine. I hear "move on" from Alex, so let's move on if there are no more comments. Thank you for that input.

12.2 is next. Let's see 12.2. Oh, this language. Now is there any discussion here? I wanted to allow IRT an opportunity to discuss the logs are "must," and I think at one point a suggestion was made by Sarah that perhaps it should be "should." Before I resolved this comment I wanted to make sure that IRT had a chance to weigh-in if there were any other thoughts on this. Otherwise, we can move on. Let me give the floor to Alex.

ALEX DEACON: I think keeping this as a "must" is important, here. As I mentioned in the comment a capital "Should" requirement is essentially optional. We've been told by compliance already in Phase 2 that they could never and they would never enforce an obligation that is a "should." So, an implementation that decided to not log any of this data would technically be in compliance with the spec. I'm pretty sure this is not what we intended in the Phase 1 discussions here so I would argue strongly that this must be a "must". Thanks.

DENNIS CHANG: Thank you, Alex. If there are no objections, I would like to resolve the comment and then move on. So, Isabelle, if you're listening, you have an okay to resolve this comment on the word "must". Thank you. We will continue to the appendix. This is a URS language. Oh, Roger has his hand up. Go ahead, Roger. Did you have a comment on "must" and "should"?

ROGER CARNEY: Thanks, Dennis. The only comment is I don't disagree with Alex. I don't know. I wasn't part of Phase 1 but it seems like "must" makes sense but it is different than the policy language in the recommendation. Is this one of those where, when we go to Public Comment, that will identify for everybody that we think this is the way it should be but it's different?

DENNIS CHANG: Yeah. Let me quickly … I'm glad you brought it up. You have a homework assignment I gave you and that is the last one, 91. Just take one minute to do this. This is our Public Comment Proceeding form that we have just started to put together.

And in this part there are overviews and whatnot, but this is a particular part where I want us to focus, that we have identified as drafting errors in the recommendation that we all agree we want to point out here. We have a disagreement in interpretation that among the IRT we want to make sure that disagreement point is stated here in addition to the baseline we would prefer.

And also, the time duration. If it's going to be 18 months—and right now, I am thinking about using the paper that Contracted Parties have provided—there will be ample opportunity for us to work on the language that we would provide for the public comment which is in addition to this policy language. Does that make sense?

ROGER CARNEY: Yeah. And again, I just wanted to flag it so that we did cover that as one of the differences. Thanks.

DENNIS CHANG: Thanks, Roger. When we are at the public comment form please remind me again if I forget. So, the next item we were going to look at was the URS language, right? This was one that I think Roger pointed out. This was a requirement that was too broad when we say just "unable to

obtain," and we added this language to make it clear that it was because the registration data is not available at the registry operator. So, the IRT agreed at our last discussion that that really was the intent and we wanted to tighten down this. So, does that work for everyone? Is that an improvement? Is that what you're looking for? Let me hear from you. Marc, go ahead.

MARC ANDERSON: Thanks, Dennis. Looks good to me. I'd like to hear if it addresses Roger's concerns but, on my read, it looks good.

DENNIS CHANG: Roger?

ROGER CARNEY: Hi, Dennis. I think it looks good now. It makes sense, is what the intent was. Thanks.

DENNIS CHANG: Thanks for that. Isabelle, you may resolve this addition and we will continue. Next item, let's see. Oh, we have a nine-minute warning, here. Have we gotten any questions from the audience? If not, we will continue. Andrea?

ANDREA GLANDON: No, there have not been any questions.

DENNIS CHANG: Okay. Thank you. Just feel free to interrupt me if I'm headed toward the end and there are questions that we need to address. Let's see. Appendix, outstanding comments. Let's see. Brian. Do you have a comment? Do you want to speak on this? Your comment that you made here? If not, that's fine. We'll take your input and we can move on. Roger has his hand up. Go ahead. I'll give the floor to Roger.

ROGER CARNEY: Thanks, Dennis. Nothing about Brian's comment—I think Brian may have had to drop, I didn't see his name in the list—but just an update. I sat on the RPM PDP yesterday and they did talk a little bit about this and they're planning to put language in their report addressing this part as well. So, I told them yesterday in the RPM that there is language that is going into this so that they could steal and borrow that, but I know they're looking at it. I don't know when it'll get put in their report but I know they're looking at it, just as an FYI for everybody. Thanks.

DENNIS CHANG: Thanks, Roger. It's good to know you're on that working group. So, I'm going to rely on you to be our liaison. Marc Anderson, go ahead.

MARC ANDERSON: Thanks, Dennis. Also, good to hear that from Roger. Especially since this language is really intended to be a stopgap until the RPM Working Group could address this in a more wholesome manner. I'm looking at

what Griffin says in chat, that it was specific to URS and not UDRP, so it concerns me that maybe there is a gap. I think that the language in the initial Phase 1 report suggests that this language or these recommendations are only expected to be in place until the RPM Working Group finishes its work and produces recommendations are expected to supersede this language. So, I just want to remind everybody of that, that this is really meant to be temporary until that RPM group finishes.

DENNIS CHANG: Yeah. That's a good point. The reason we wanted this as an appendix like this is so that, when those policies get updated and put into place, we may come back here and delete these appendixes cleanly so as not to cause any conflicts or confusion. As you say, it's designed to address specifically temporarily, and the reason that we had to do this or we decided to do this is because there are specific recommendations for these parts. For the URS, UDRP, and transfer policy, there were recommendations that we did want to address. That's why we did this. Okay. We have five minutes or less and there is an Appendix C. Jody asks for some best practices and we're still looking for that.

And we were going to talk about implementation next. Let me see. Yeah, we are running out of time. Before we get into any substantial discussions I wanted to go ahead and do a couple of things. One, for now our baseline language, we're going to keep the implementation notes section as a section because I think it affords us a tool that we

could use and we may end up not having any notes at the end but for now, we want to keep it and try to see if it still makes sense.

One more thing that I want to remind you. It has been a while, for example, the recommendation five, when we talked about initially. That was a very long time ago. Right? We talked about this recommendation five analysis back in June, summer of 2019, and the policy implementation notes that we gathered was after a lengthy discussion of what happens evaluating. We identified an issue, and then we evaluated options, and then we came to a conclusion or agreement to use the implementation notes to handle this issue. So that was a while ago, so I ask you to maybe review that.

And before we conclude, I want to go ahead and do a couple of things because I think, these, we want to delete, but I did want to do it with the IRT in view. The implementation F, data processing term, I don't think is required anymore because we have section five now. And then, this part, we agree that that's not needed so we wanted to go ahead and delete them. And, Isabelle, you have the "okay" to delete them.

But I do what to hear, are there any objections? That's fine. I don't think there are any objections because I think what I was hearing from IRT was, basically, they are for deleting the implementation notes. That's what I'm trying to do here in alignment with what was being requested. Okay, delete is okay. Go ahead Isabelle. Okay.

It's 8:29. One minute to go. I am going to give the floor back to IRT if there's any last-minute remark. This is not that different from us. We do

this every other week so it seems the same to me. Thank you all for joining at a slightly different time. I'll see you in a couple of weeks and we'll see you online. Thank you.

BETH BACON: Thanks, Dennis. Thanks, ICANN team.

DENNIS CHANG: Andrea, you may close the meeting.

ANDREA GLANDON: Thank you. This concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

[END OF TRANSCRIPTION]