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JOHANNESBURG – GNSO - Registrar Stakeholder Group Policy Meeting

Monday, June 26, 2017 – 13:30 to 15:00 JNB

ICANN59 | Johannesburg, South Africa

UNIDENTIFIED FEMALE: GNSO Registrar Stakeholder Group Policy Meeting 13:30 to 15:00. Ballroom 2.

GRAEME BUNTON: Alright, we should get going. Recording has started. We're good to go. Terry, thumbs up. Thumbs up from the back of the room. Great.

Hey, everybody, and welcome to the RRSB Policy Meeting. We're going to run this much like we run our policy calls. We've got an hour and a half so we can dig into some stuff in a little bit more detail. We've got a lot of other names on this list of people who are talking, which is very nice so you all don't have to listen to me.

This is Graeme Bunton. I'm from Tucows and I'm the Chair of the RRSB. I think it's important that we put faces to names, though. So we're going to do a real quick intro.

They still can't hear me? We're having some Adobe Connect problems. I feel like the introductions are less crucial and I don't

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

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want to use too much time so maybe we'll just move ahead with those intros and go around the room.

I just started – Graeme Bunton, Tucows, Chair of the Registrar Stakeholder Group. Let's go this way.

TOBIAS SATTLER: Tobias Sattler, Vice Chair of the Registrar Stakeholder Group. I'm from united-domains.

KRISTIAN ØRMAN: Kristian Ørman for Larsen Data.

RICHARD MURDINGER: Richard Merdinger with GoDaddy.

SARA BOCKEY: Sara Bockey with GoDaddy.

VLAD DINCULESCU: Vlad Dinculescu, DNS Africa.

GREGORY DIBIASE: Greg Dibiase, Amazon Registrar.

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HEATH DIXON: Heath Dixon, Amazon Registrar.

REG LEVY: Reg Levy, Tucows.

THOMAS KINSTLER: Tom Kinstler on behalf of Daniel Greenberg for Lexsynergy, Ltd.

OWEN DELONG: Owen DeLong, Akamai.

[SAM LAVODU]: [Sam Lavodu], .za Central Registry.

WAYNE DIAMOND: Wayne Diamond, domains.co.za.

ERIC ROKOBAUER: Eric Rokobauer for Endurance.

JANELLE MCALISTER: Janelle McAlister for MarkMonitor.

DAVID HAENEL: David Haenel, MarkMonitor.

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BEN ANDERSON: Ben Anderson, NetNames, Ascio, and Treasurer.

GRAEME BUNTON: Great. Thanks everyone for coming.

First we should probably recognize that Vlad and Wayne in the room are both from South Africa. Thank you, guys, for the hospitality. It's nice to be here.

We've got a good list of things to cover today. You're not going to hear too much from me which is nice. But first up, we're going to talk a little bit about elections. Technically, this is Theo's purview because it's the Secretary that runs these things, but he's in a GDPR session so this is up to me.

What fun we've had in our current election process. I apologize, everybody, that it seemed a bit fraught. The ExCom has certainly worked very hard to resolve issues and be as fair as possible. Where it stands right now is we're voting right now on Chair, Vice Chair, Treasurer, and one GNSO seat, and I think that wraps up in two days. So if you haven't voted, you should do that. Your voting representative should have that e-mail. Secretary, which I think Kristian is currently running unopposed, is underway. We're in ballot inspection right now. So it's underway but the actual voting has yet to start.

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And then relatively shortly thereafter we'll begin another round of nominations for the second GNSO seat. This is the seat that James Bladel will be terming out of in November. And because it's the second round of nominations for that, it will be open regardless of geography. And that will hopefully complete our election cycle.

We'll hopefully get Theo in here by the time we get to the charter review, but I think we've learned a lot from this current round about the limitations and friction inside our charter and the problems it causes, especially around elections and I very much look forward to seeing the new charter and the rules in there and we should all really dig in and think about the problems that we've seen and how we can resolve those and hopefully the charter does that and makes this process smoother, a bit less fraught, and more productive.

That's where we are on elections at the moment. Does anybody have questions or comments on that? Everybody's voted? Everyone's participated? Glad to see it.

Okay. That's easy. And Stephanie Duchesneau has just walked in the room, which is great because she's next up on our list to talk about the GDPR which is a topic that is extremely important right now, and if you're not dialed into it as a registrar you really need to be. Let's kick it over to Steph if you could.

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STEPHANIE DUCHESNEAU: Hi. Sorry I'm late. Stephanie Duchesneau with Google.

Yesterday we had a small meeting with the folks on the registry and registrar side, the small group who have been advising on GDPR issues. We looked to answer two questions – one, how do we move ahead on this exercise of defining the purposes of WHOIS and subsequently of what kind of purposes and what kind of processing exercises are going to be legitimate? And second, what is the right kind of group and forum for dealing with the GDPR? There's been somewhat of a tension between wanting to run everything in a way that's lean and mean and efficient and addresses it as a contractual issue between ICANN and registries and registrars, but also this sense that we do need to have the community behind whatever we come up with, community awareness of whatever we come up with, so how do we balance between the two of these?

I think it was a fairly productive meeting and we've come to sort of an agreed course, at least on how we're going to manage the community engagement part of this. So the small group which is currently comprised – I think it's four folks from the registries and four... three from the registries and three from the registrars plus the Chairs. We're going to be supplementing that with one representative of each of the other constituencies within ICANN.

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And for the sake of expediency just say that that's going to be either the Chair of these other groups or a single designee of the Chair. And that second we've started to create and compile this matrix that runs through primarily focused on the WHOIS elements right now but I think there's a bit of a conversation to be had internally before we kick off the exercise about whether we want to include other types of processing activities, but that runs through each of the different data elements what of the ICANN policies or the contractual articles make reference to them. And then the idea would be to have a very short window wherein each of the other stakeholder groups and constituencies fills it out from the perspective of their membership, what are the purposes that their members use each of these data elements for?

At this stage in the process, we're not trying to impart any judgement on which of these is legitimate and which of these isn't legitimate. The idea is that, at the end of the exercise we do two things. First we'd open up a public comment period in which that could be expanded on and second to that and in parallel to that, we'd try to open up a conversation with the DPAs to the extent that they make themselves available, and other folks, other resources with respect to GDPR compliance to engage on which of the purposes that we've enumerated are legitimate and what types of processing activities does this justify? Does it

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justify collection? Does it justify retention? Does it justify escrow? Does it justify publication?

One of the reasons I'm late, we were just in a room trying to start to go through the elements from the registry and registrar perspective – it is sort of tedious – and raise disagreement even within our own groups. So we're going to be asking for a lot of cooperation from folks and assistance because we want to get this as specific as possible. And I think a large part of the community session tomorrow is going to be devoted to explaining this exercise, explaining where we stand in the process, and where we go forward from there.

I've been talking pretty quickly but do folks have questions on the process?

GRAEME BUNTON:

Thank you, Stephani. Let me back up a quick sec and can I get a show of hands of everybody who knows what GDPR is? Does anybody not know what GDPR is?

Great. That's very good. Okay. I apologize. We should do a little bit of background before we dig into a topic so I'm glad that everybody's on that.

Let me make sure we all know about the structure of what's happening right now. We have a registry/registrar group of



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people who are engaged on GDPR and there's a mailing list for that and anyone can join that. If you're interested, probably let Zoe know because she's going to get you on the list and I won't remember. And so there's good discussion happening in that group. From that group in Madrid we decided to create this sort of advisory group to ICANN. And this is where we selected three registries and three registrars to participate in what Stephanie is talking about. And I think that's moving forward reasonably well and so this endeavor, as Stephanie was just mentioning, is going to now include more members from the community and hopefully move forward in a way that the ultimate output is some sort of guidance for contracted parties around GDPR.

There are risks that this will not succeed. It will either take too long or not provide concrete enough information for us all because it's likely to end up that we're going to have to build things, that we're going to have to code things, and that takes time – we all know that – and development energy, and we want to make sure that we're well ahead of the May 25<sup>th</sup>, 2018, date that this goes live. So if that happens, I think there's still room for contracted parties within that group that we've set up to provide our own guidance if the larger community effort doesn't bear fruit and I would really like to see that. I think there's a real risk – and I'm editorializing slightly – that if we don't collectively as contracted parties or the community come up with some sort

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of guidance or approach to how we respond to GDPR collectively, that we're all doing our own independent things. And I think that, as a result, could be quite negative. It may well end up in some sort of a broken or fractured WHOIS.

I think it's really important that we all dig into this issue, participate as much as we can, and work really hard in this very short timeline to come up with something that we can all work with together and implement in our own ways but as a sort of collective result. That's what I would like to see, if I can put that out there for everybody.

Stephanie?

STEPHANIE DUCHESNEAU: We do want to caution also that the idea isn't that the group is necessarily going to come out with a single solution for what registries and registrars have to do to stay in compliance with the legal requirements of the GDPR. We're going through this exercise. We're trying to get as much insight as possible as we can from the DPAs and figure out the types of mechanisms that are going to work, the types of timelines that are going to be reasonable for coming into compliance. But at the end of the day each contracted party, each registry and each registrar, is going to have to pass final judgement on what they have to do to ensure that their company is in compliance with the rules.

BECKY BURR:

I'm Becky Bur – a Board member from all of you guys.

I just wanted to emphasize what the point of getting this matrix is. In order to do any kind of analysis to understand how to comply with the GDPR you have to say, “Okay, what category of person needs what kind of data to do what things?” If you think of it as user stories – “I’m a law enforcement agency and I need these data elements in order to do the following kinds of things.”

In the whether you're in compliance or not, you take that data and you balance it against the privacy interests of the individual, and our hope is that by collectively compiling this matrix we can get in front of, for example, legal counsel in a way that gives them enough information to provide concrete guidance and in fact get in front of the data protection authorities and get them to respond to that. So it is really designed to get us as quickly as possible to the baseline data set that we need to understand what the scope of compliance with the GDPR is because obviously ICANN can't change the WHOIS policy by itself but ICANN also cannot compel any of you to violate applicable law.

So we hope that this will be very useful and productive. Graeme is right. It could fail. But as far as we can tell, this is probably the best shot we have at moving the ball forward quickly, efficiently,

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and in a manner that creates as much consensus across the community, including user stakeholders.

GRAEME BUNTON:

Thank you, Becky.

Do we have any questions or comments on GDPR? Does anybody have thoughts on process? Any concerns they'd like to share?

You guys are very quiet today. Feel free to speak up, especially if you haven't before. This is an interesting and important issue. It's going to eat up a lot of time and energy between now and May next year. So heads up, there's probably going to be quite a bit of information flowing into the Registrar Stakeholder Group mailing list. You'd do well to pay attention to that and we'll try and make sure that that information flow is regular and thorough.

Okay. We'll move on from GDPR unless I see a hand or a question. This is going to be a short meeting if no one has thoughts.

Okay. Next up is the .com/.net amendment. Probably about two months ago now Verisign filed a .com/.net RRA Amendment. The process for those amendments has the Registrar Stakeholder Group – which is interesting in and of itself – has a sort of say in whether we approve or not of an RRA Amendment.

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Technically it's ICANN that approves it, but generally that process includes our input. The Verisign .com/.net amendment included some data handling pieces that raised our eyebrows and some concerns, especially around GDPR. And as such, it was the consensus with our group was that we weren't happy with this amendment and we rejected it insofar as you can do that formally.

So this has kicked off some discussion with both ICANN and Verisign. We formed again, a small group of a couple of registrars – I believe there's someone from Google in there, I think Luc and Theo are in there and Yan from OVH and Lindsay Hamilton Reid from 1&1 – to have discussions with ICANN and Verisign and to see if we can come up with some sort of compromise or solution to move forward with this .com/.net amendment.

In Madrid we had our first conversation with ICANN staff and then we've had a subsequent call with Verisign. We suggested that maybe there was some language changes that could be made that might make this tenable for registrars and Verisign declined to do that. We did ask for some documentation to explain why they've put in these pieces to see if that context helps us a bit more with approving this .com/.net amendment. That was sent out to the mailing list probably two or three weeks ago now – two weeks ago – and my sense is from both the small

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group and larger response was that that was not sufficient and we're still more or less at an impasse.

So this small team has a meeting I believe tomorrow with ICANN and Verisign to see if we can keep moving forward. You'll note that Verisign filed a formal request to delay the migration to Thick while we sort these issues out because they have some deep concerns about trying to move forward with that while they don't have an agreed-upon RRA Amendment.

Don't mind the lights in here. I've been warned that that happens. It's just a special mood lighting that flickers on and off. If it gets a little darker it's not doom and gloom.

We'll have this meeting and we'll provide back some input to the Stakeholder Group on the outcome of that. At some point I think in the near-ish future we're going to have to have a vote, I think, on whether to approve this amendment or whether we continue to stand our ground. And that's going to impact, I think the migration to Thick. And so it's reasonably important, especially if we're going to have that vote, that everybody is pretty aware of the issues, that you've read through this .com/.net amendment, and you have a sense of what's best for your company because for most of us, I assume that .com and .net are the biggest parts of your business, and this agreement is crucial for all of us.

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So this is my encouragement for all of you to make sure you dig back into those resources that we've provided, to look at this amendment, and then if you've got feedback, we would love to hear it. We need some more discussion on this topic. And then we'll have a bit more feedback from our meetings here. We'll see if there's any more meetings to happen or more discussion to happen but then I think ultimately we end up in a vote and everyone needs to be prepared for that.

That is where .com/.net stands. Do we have any thoughts on that?

Theo and then I see Elliot.

THEO GEURTS:

Just a quick update, as Graeme mentioned, the IRT for the Thick WHOIS migration will probably reconvene maybe on the Wednesday but it's a little bit of a moving agenda item at the moment. But as mentioned before, Verisign would like to discuss this a little bit and the IRT also, see where we stand timeline-wise. Thanks.

GRAEME BUNTON:

Thank you, Theo.

Elliot?

ELLIOT [NOSS]:

I think everybody in this room – Becky well included – should be very cognizant of the fact that this contractual dispute is a clear signal from Verisign’s legal counsel as to how they view the intersection of GDPR and Thick WHOIS. I will note for all of us in this room, with other TLDs we are running Thick WHOIS. So if we were as well-lawyered up as Verisign, we would be dealing with this issue as aggressively. And I don’t want anybody to lose sight of that. Thank you.

GRAEME BUNTON:

Thank you, Elliot. That’s a good point. Our message to Verisign and ICANN more or less stated that this raises issues that apply to not just .com and .net and that we need some broader clarity on the data handling issues that are part of this particular piece but also part of many other agreements as well, and we need to sort this out going forward.

Anybody else have thoughts or questions or concerns about .com and .net? It’s either I’m doing an amazing job of explaining everything and you guys are all super well-read... people are shy. Okay. I’ll take that.

So that’s where we’re at with .com and .net. We’re still in our sort of current critical issues section of this agenda which is stuff



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that's really happening right now inside of the ICANN space for registrars.

Next up we've got Kristian on cross-field validation. Do you want to make sure you give a brief intro to the topic so everybody knows what we're talking about, too, please and thank you.

KRISTIAN ØRMAN:

I was asked to give a small talk about the Across-Field Address Validation Working Group. In the 2013 RAA we do have a obligation to do across-field address validation but only when it's found to be technical and commercial feasible. So this working group have been going to before which I think it was in 2014 but I'm not completely sure, and now it has been opened again. It started with a meeting in Hyderabad about a strawman proposal, and the working group was re-opened with a kick-off meeting in February, 2017.

Until now, the working group has only had two online meetings and one meeting at the ICANN meeting in Copenhagen. The first meeting was a kick-off meeting the 2<sup>nd</sup> of February and the next one was in the ICANN meeting. It took quite a couple of Doodles to set up the next Adobe Connect meeting which was 6<sup>th</sup> of April. At this meeting there was discussed especially a proposal from ICANN to do a RFP on across-field address validation with the

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criteria to find out what would be commercial and technical feasible.

There was a lot of good discussion on the mailing list after this meeting, but the list went more or less silent until 20 of April where Darcy Southwell came up with a very good list of topics that should be included in the RFP.

After this, there was at the GDD meeting a small summary from ICANN about this working group and what has been done and especially what haven't been done. A lot of participants in the working group have talked about why we don't just vote already now about the commercial and technical feasible since a lot of registrars don't think it would be feasible in any way.

May 30 there was a letter from the ICANN CEO to the GAC Chair about the questions that GAC has in the Copenhagen communiqué. And in the letter ICANN said that they [have] plans to publish a Request for Proposal by August 1<sup>st</sup> and that ICANN will welcome responses until September 15<sup>th</sup>. Upon completion of the study findings and final report would be published by December [13<sup>th</sup>].

The next day, one of the participants in the working group asked details on this letter from ICANN staff and we got this response from ICANN staff June 15<sup>th</sup>, so only two weeks ago. ICANN staff responded that , “The intent of the RFP is to contract with a third

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party to study and determine what, if any, commercial solution exists in the marketplace that are deemed to be technical and commercial feasible, viable, based on the current RAA language. ICANN welcomes the Registrar Working Group to assist in defining the requirements and fully participate in this Request for Proposal. If the Registrar Working Group decides to move or forward with a vote in the near term, ICANN will still continue its efforts to complete this study.”

Following this mail, the ICANN staff also said that we would receive a meeting invitation to be held the week of 10<sup>th</sup> of July, which is in two weeks of now. As far as I know, there is still a Doodle going on when this meeting will be held. In the e-mail about this Doodle, it said it would be weekly meetings but we have had Doodles before that said weekly meetings so I’m not real sure if we’re going to have weekly meetings again or if this will just be a single meeting. So based on the other meetings we have had, we had a three working day notice of the meetings so I would expect that within two weeks we would get the real meeting date and we could go on with this meeting.

I think I’m pretty sure the working group is still open. If there is any registrars that still haven’t signed up, you would have to talk to Jennifer Gore about signing up for the working group. I would say that it is important that we do participate as much as

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possible, especially because ICANN will go forward with this RFP with or without our participation.

GRAEME BUNTON:

Thank you, Kristian. That was a really good update. Cheers.

We had some very good discussion – and Amazon was a real good part of that – in Madrid about how we should proceed and can we just vote this thing down or not? And the fundamental question that we posed to ICANN in Madrid was, are you going forward with this RFP with or without our participation? And the answer to that, as Kristian mentioned, is yes. And as Kristian points out, we need to participate in the definition of that RFP because that is super important. How that is framed is going to determine a lot of the outcome of that, and so it's crucial that we have people in there.

This working group is open to all ICANN accredited registrars. You don't have to just be a RRSB member. We need to make sure we're in there and helping to define this RFP, and I think the update from Jen is that the framework from ICANN for this RFP will be shared on August 1<sup>st</sup> for feedback from this working group before it then gets published.

Jen, do you have something to add there?

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JENNIFER GORE: Yes, Graeme. Thank you. Based on the timeline that's been published from Göran's letter to the GAC and that timeline that's also been published to the WHOIS Accuracy Working Group we will be providing a framework of that RFP for the working group the week of July 10<sup>th</sup> for that meeting. I'll resend out that Doodle poll now so we can get more respondents.

In addition to that, we will be sharing the final draft version with the working group on August 1<sup>st</sup> and we'll allow the working group a minimum of two weeks to respond with input for that RFP before we publish it.

GRAEME BUNTON: Sorry. How long do we have for feedback on this RFP? Two weeks?

JENNIFER GORE: A minimum of two weeks but for the agenda for the meeting for the week of the 10<sup>th</sup> I'm looking for feedback during that meeting as to how much time you'd need or how much time you desire. It's, I would say, a minimum of two weeks, a maximum of four weeks, but looking for the working group to notify us during that session the week of July 10<sup>th</sup>.

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GRAEME BUNTON: Thanks, Jen. What we desire might be something to the tune of 5 to 10 years but I get that that might not be possible. Four weeks might be pushing it during the summer, especially because a lot of – and I’m going to throw the Europeans under the bus – they don’t seem to work at all between June and September so we might have to talk about that a little bit.

JENNIFER GORE: Certainly. Be happy to do that.

GRAEME BUNTON: Stephanie?

STEPHANIE DUCHESNEAU: I have a dumb question. Is the RFP for someone to carry out a study of the viability of cross-field validation in general, like at a theoretical level, or is it actually an RFP for different providers that would be responsible for carrying out cross-field validation?

JENNIFER GORE: Stephanie, we’ll share that framework with the working group to make sure that we are covering all angles on that, but initially it’s going to be a two-prong approach is: are there solutions in the marketplace that are deemed to be commercially and

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technically viable? And if so, what are their solutions based on a criteria that's incorporated into the RFP?

And then the second portion of the RFP is, if a solution was to be implemented, what are the pros and cons of that solution not only for the registrars but for the registrants, and what are the other material items that we'd have to take into consideration – cost, value, how accurate is the address validation from prohibiting bad actors in the marketplace, what are the KPIs that will drive success of such a service implementation?

STEPHANIE DUCHESNEAU: Okay. That second part is really important to me because I want to emphasize – and I know I've beat the dead horse at several registrar meetings in a row – that from our perspective commercial viability or commercial feasibility isn't just “Can you do X validations per second? Can you do it for X dollars? Can you cover X countries?” It's ultimately, “Is the cost of this, is the burden of this, is the timing that it's coming at where we're also working on GDPR and other WHOIS related streams, do we actually A) get a benefit out of this at all because I'm still not convinced, and B) do the benefits we get outweigh the costs?” It's not just us saying what the numbers are and then if we find a provider who can do that, we're good. It's really fundamentally a cost-benefit analysis.

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JENNIFER GORE: Thank you.

GRAEME BUNTON: Thanks, Jen. Thanks, Stephanie.  
Theo?

THEO GEURTS: Thanks, Graeme. Stephanie – and she’s completely unaware that I’m addressing her – doesn’t Google have anything that has an API that we can validate stuff? You guys data mine everything. If there would be a solution, you guys would have it. Some people are laughing here, but I’m actually serious. The company you represent does know a lot, that data mines a lot, so I’m actually amazed that you guys don’t have a solution out there and I think that answers the question to this entire discussion. Thanks.

STEPHANIE DUCHESNEAU: Let’s talk after.

GRAEME BUNTON: I’ve got Wayne and then Ben in the queue.



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WAYNE DIAMOND: Hi. Thanks. Seeing that you're all in South Africa here for our conference, maybe you should take a drive around to areas that actually don't have addresses. People are registering domains here in South Africa and there's no way to validate them. So before you start looking at international countries – first world countries – look at third world countries like Africa and then tell us if it's viable and feasible to actually do any validation.

JENNIFER GORE: That is the purpose of the RFP, as I noted in the first section of it.

GRAEME BUNTON: Thank you both. I think you raise a good point. The geographic portion of this is extremely important.

Ben?

BEN ANDERSON: Jennifer, is there an identified list of potential responders to the RFP or is it just going to flow out there on the Internet?

JENNIFER GORE: The RFP will be published off of icann.org. We have a list of potential respondents based upon research that we've conducted in the past but we're looking for the working group to provide any additional parties that they may be aware of. We'll

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be happy to bring the RFP to their attention as well. But yes, it'll be open to all third parties.

GRAEME BUNTON: Thank you, Jen.

Heath?

HEATH DIXON: Now I'm confused. I thought when Stephanie asked her question about whether this was going to be an RFP going to providers to propose a solution to us or was more of an RFI that we were going to be sending to a consultancy to actually analyze all of the different providers that were available, I thought that the answer that you were giving was that we were going to get more of a consulting firm to actually do analysis of available options, not be sending it out to providers to send us their own proposals to do the work for ICANN or for the registrars.

I guess first of all, could you clarify that because it seems like to do the analysis that we were just talking about, you're not going to find providers who are able to step up to the level of analyzing whether or not their solution is feasible because they're just going to come at it with, the, "Of course, they assume that their solution is feasible." That's why they're bidding on it. So I think we need it to actually go to the consultant level.

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And the second question I have for you is, can we send some feedback to you for the RFP that we think should be included? Because I know that we've already put together a list of questions. Darcy, I think, was the one who collected them all. We've already got feedback that we can send you, so can we send that in advance rather than waiting until after you've done your drafting?

JENNIFER GORE:

To answer your first question, maybe I miscommunicated. The purpose of the RFP – which is not an RFI – is to work with third parties, to allow third parties to respondents whether it's analysis or a provider of services that wants to offer up an analysis, let's say for instance, a provider in the marketplace that, let's say Experion for instance, just take them for consideration. They're welcome to respond to the RFP and in the RFP they may include some information about services that they offer, but we'll be agreeing upon together as long as the Registry Group wants to participate that the content of what's included in that RFP but the premise is to ensure that we go out there to determine if, based on the criteria that we've defined together, that there is a solution that's viable based upon that criteria and [now if] the criteria outlines there has to be less than a millisecond response and that there has to be 100% availability on every street and every country and every world,

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that will eliminate a lot of providers in the marketplace but that's the purpose of us working together to ensure the contents of the RFP meets the objectives that you mentioned, number one, and that number two, the items that I've covered.

And then to answer your question, yes we welcome all feedback. I have incorporated the list of items in which Darcy included on the first e-mail as part of that framework. If there is additional information that you'd like us to consider, please send it my way or send it out to the group. Did I address your question?

HEATH DIXON:

Not really. I think the issue is that a provider would be able to answer the first level of question that you're asking but I don't think that a provider can do the cost-benefit analysis that we need to do to determine whether or not the solution is feasible. So it feels like the RFP, getting proposals from providers, is not going to answer the fundamental question that we're trying to answer. So what I was expecting was that we were going to go out and get a consultant like a Gartner or someone who actually analyzes service providers and helps advise customers on whether or not to choose those service providers, rather than starting with the service providers and then still having to do all of the analysis ourselves.

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JENNIFER GORE: Understood. I didn't want to leave the impression that the RFP was just open to providers. However, we can't limit the RFP to certain companies since it will be publicly available for response. However, I think that we could cater the RFP and formulate it together between ICANN and the working group to ensure that that analysis is predominate in the RFP, and without complete responses they will not be accepted.

GRAEME BUNTON: Thanks, Jen.

I've got Werner and then Stephanie in the queue but I think what you need to hear probably is, I agree with Heath. Our expectation is that this RFP is not about assessing potential providers. It's about assessing the feasibility and finding someone to do that work.

JENNIFER GORE: Understood.

GRAEME BUNTON: Werner?

WERNER STAUB: Werner Staub from CORE Association.

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I'm very worried about the current track that we're on because we seem to be doing something without understanding what objective you're pursuing. Cross-field validation is supposed to be a means of action, not an objective. There's nothing to gain. It looks nice but so what?

Let me make a comparison. It is like trying to eradicate small pox with make-up so that we don't see pock marks. If there are pock marks in the WHOIS data, those are good for us to look at to see if something needs to be done possibly. Possibly not. But just getting somebody who will eliminate the pock marks and make the data look as if it was okay is going to do damage, is going to do exactly the opposite of what we are trying to achieve.

If [he] sent an RFP out to say, "Look, please say if it's feasible," they will assume that we have a certain objective, maybe they will assume that the objective's for us to send advertising postal mail to all these registrants. But that's not the objective. So what is the objective we're trying to pursue? Feasibility can only be analyzed in the context of what we're trying to achieve. But just looking good without any benefit? That cannot be the objective.

JENNIFER GORE:

Sorry. Is there a particular question that you're asking?

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WERNER STRAUB: The question is, what objective are we going to be defining? Are we going to put the beauty objective of validated field? That will be the equivalent of make-up. That's what we don't want. It's going to do damage. The objective is, are we going to achieve greater security? Well, then yes. We can discuss it. But that should be stated in our RFP like that.

JENNIFER GORE: The objective is to educate us as well as the community to determine through a consulting approach what solutions may be possible and if those solutions are possible, what would be the benefit and the pros and cons if such a solution were to be implemented and what problems would it potentially solve and then what problems would continue to exist that would not be covered as part of these implementations? So that there still would be gaps in existence even if a solution was to be implemented.

I just think that we should – and I don't by any means want to cut anybody off but – I think we're going down the track of having a working group session and this was more meant for an update. But I'll be happy to have a discussion offline or if you all want to meet here at ICANN we can get a room and meet

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together. But the plan for the July 10<sup>th</sup> meeting is to have this exact conversation that we're having now.

GRAEME BUNTON: Thank you, Jennifer. I tend to agree. We don't need to dig into the nuts and bolts of that immediately.

I think I had Steph in the queue and then that was it.

Alright, Steph and then Greg and then we'll close this off.

STEPHANIE DUCHESNEAU: Very quickly – big plus one to Heath. We might not be able to cherry pick who responds to the RFP but I think we're going to get very different answers if we frame it like something where the expected outcome is a study of the market and a study of the pros and cons than if we regard the outcome as being able to assess a bunch of providers and their capabilities. So we can't say, "Yes, you can respond. No, you can't," but we can target what we're asking for toward what our goals are. And it seemed sort of murky to go back and forth between one another when I had clearly thought that the ask of the working group and the agreed next step was a market assessment and an assessment of the costs against the benefits and not an assessment of one provider against the other.



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GRAEME BUNTON: Thanks, Stephanie. I'm hearing that very clearly in the room. I think Jen is hearing that very clearly in the room and we will express that in the working group about what the purpose of this RFP is.

Greg?

GREGORY DIBIASE: Just to clarify, Jen, where my confusion is coming from it sounds like you're going to have the provider define what the criteria is and then say if they can meet the criteria.

JENNIFER GORE: That's not the case. I know that Heath mentioned providing some feedback and a couple other members have mentioned providing some feedback regarding criteria that we would look to incorporate as guidance into the RFP that would allow parties to respond. So we're not looking for service providers to come back as part of the RFP to say yes they meet the criteria or no they do not meet the criteria. We're not looking for them to define the criteria. If that is the next step in this process once the consultative study has occurred, then we would work together on that. Is that clear? I just want to make sure that I'm clear that

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we're not looking for third parties to define that criteria on our behalf.

GRAEME BUNTON: Okay. Thank you, Jen.

Volker – brief, before we move on.

VOLKER GREIMANN: Yes, very brief. A lot of people in this room agree with what Werner said that this is more of a Band-Aid rather than an actual fix of an actual problem, and I think ultimately we will have to work on a cost-benefit analysis, i.e. what are the actual benefits that can be derived from this exercise and what the costs will be associated with it. We have to be clear that there are elements within the ICANN community that believe that this process, this cross-field validation, will be of benefit to them, whatever that benefit might be, however deluded they may be about that. We can try to change their minds. We can try to educate them. But I don't believe it will happen in every other case. It is a contractual requirement that we at least look at this, and therefore we have to make sure that in the end we demonstrated that when you look at the cost-benefit analysis that the benefit is just not there.

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GRAEME BUNTON: Thanks, Volker.

Alright. So that's cross-field. Thanks, everyone, for that discussion. I think that helped clarify some issues and hopefully galvanized some of you to make sure we're all engaged in that working group.

We're going to move on now to PDP and IRT updates. We are going to talk about subsequent procedures and privacy and proxy. We've got about 40 minutes left and still some good things on our agenda to get through so we'll see how we're moving on and I want to make sure that we give time to Becky for a Board update because it's nice of her to join us today.

First up, Sara Bockey – subsequent procedures, please and thank you.

SARA BOCKEY: Yes, Graeme. I'll make this quick.

Regarding subsequent procedures, since we last met the full working group submitted their CCT questions for public comment and received feedback on that. Staff is currently wrapping up their summary and analysis document, and it will be published. And the work track teams have also been reviewing the comments and are going to be incorporating that

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information and feedback they received into their working group discussions.

This working group is having a face-to-face tomorrow morning, so if you're interested I encourage you to attend. I believe all four of the sub-team work tracks will be having discussions focusing on some topics that need additional community feedback. So if any of these are of interest to you, please do attend. Work Track #1 which does overall process support and outreach is going to be continuing their discussion on a potential RSP program and they are working to draft some principles and framework. They also are going to be touching on the Applicant Support Program and see if there's potentially a way that they could develop a set of principles that would help better guide the applicant support implementation.

The Work Track #2 which is Legal and Regulatory, they've had several discussions on closed generics and they also had a recent meeting on vertical integration. They will be discussing both those topics tomorrow morning during their session. For the vertical integration they've asked ICANN staff for some data to help distinguish the different types of complaints that had been reported and they're going to be analyzing that data as a group. And so if that is of interest to you – I know it's kind of a hot topic area – please do attend if you have some feedback.

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For the Work Track #3, that group covers string contentions, disputes, and objections. The topics that they will be discussing tomorrow will be GAC early warning and GAC advice.

And then finally we have Work Track #4 which is Internationalized Domain Names technical and operations. They'll be discussing IDN variance and name collisions. Also from this working group there's going to be two sessions here at ICANN59 regarding geo names. I think there'll be a one-hour meeting tomorrow. It's going to be more of a face-to-face sort of discussion and prep session that they will have. And then on Thursday there's going to be actually two back-to-back 90-minute sessions that will be open to the community. They are bringing in CBI which is a firm that's skilled in facilitating these types of controversial topics and discussions and they will be leading that and trying to make sure we get some good feedback and conversation. That is where that is.

Any questions?

GRAEME BUNTON:

Thanks, Sara. Do you see any red flags for registrars in this work? Or is there any very specific inputs that we could be providing that would be helpful?

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SARA BOCKEY:                      Regarding the RSP program, I know that there's some issues related to any potential program that we put in place for registry service provider back end changes. Rich would probably provide a little more information and color there than I can, but there are some challenges that registrars would face if the registries were to put a program into place without giving enough consideration to the effects it would have on us.

RICHARD MERDINGER:            Regarding the RSP discussions, up to date I've mainly been hearing discussions that involve parties like ICANN. Registry service providers, registry operators, and registrars, have typically have not been a core element even though as part of the distribution channel we are obviously critical. I'm starting to see that shift a little bit and I would expect you, Graeme, to be touched to solicit input and more involvement from this group into the general discussion. So I think you should be looking for that and you should encourage everybody here to engage.

GRAEME BUNTON:                Thank you, Rich. I have a joke about being touched for solicitation so I'll keep that to myself.

RICHARD MERDINGER:            Too late.

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GRAEME BUNTON: There was some good discussion in Madrid at the GDD Summit around registry operators switching RSPs, too. And that clearly causes considerable frustration for registrars constantly having to do development work to move stuff around and stuff breaks and that's problematic. So we should be providing some input there because it's pretty crucial to a lot of us.

RICHARD MERDINGER: And it transcends that in that there are certain agreements in place between registry service providers and registrars so we have contractual obligations with one that when you change the back end you may go from a non-contractual arrangement with an RSP where the registry operator is really your only point of contact to one where you now may be forced in order to maintain your accreditation to have a legally binding contract in a jurisdiction that may not be acceptable. It transcends the pain in the development and efforts along those lines.

GRAEME BUNTON: Thank you for that. I look forward to that. We'll make sure that we have some more discussion along those lines when we get that reach out.

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Anybody else have questions or comments on subsequent procedures?

No. Okay. Privacy and proxy – Roger Carney.

ROGER CARNEY:

Thanks, Graeme.

Just to give a quick update – privacy’s actually moving along pretty well. The IRT, the accreditation language has been worked through fairly well. A few stumbling blocks came up during the de-accreditation write-ups and it really, I guess, surrounds the idea of unaffiliated or third party privacy providers. It seemed like lifting as much information as we could from the registrar accreditation we were able to get affiliated privacy providers accounted for. The problem came in is when some law firm has a few thousand names that they have and have no affiliation to any registrar and they’re using 50 different registrars to do this, a lot of questions and concerns came up that delayed the whole de-accreditation write-up.

Right now there’s two big focuses for the group and that being one of them is that the third party discussion or unaffiliated providers. The other one is obviously the PSWG’s disclosure framework that they provided several weeks ago, it seems like. The IRT wrote back and provided their comments back to the



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PSWG last week. There's a meeting scheduled tomorrow to meet with them to directly cover all of those items. It was not a huge list of items. They did borrow much of their framework from the IP framework that was provided during the PDP. There's just, I think, four or five bigger issues in it that we're going to discuss tomorrow and just a few other language clean-up things in it.

The goal is hopefully to meet with them over the next month or so to get all of those things cleaned up and moved on. The original plan, I think the last time the update was done, timeline was done in February, it was to have public comments done before ICANN60. I don't think that's going to happen. I think that we may get into public comment by then but we'll see.

GRAEME BUNTON:

Thank you, Roger. That IRT is progressing much quicker than I thought it might. My question would be, is there any risk of that public safety input being policy and not implementation? Is the IRT discussing that bit? Does it need to go back up to the GNSO?

ROGER CARNEY:

At this point, I don't think anybody in the group saw anything that needed to go back. Again, I didn't' hear anybody say that. Theo wants to talk about something but I never saw anybody mention that as an issue as of yet.

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THEO GEURTS: Thanks, Roger. When it comes to the Public Safety Working Group I don't see any issues there, but when we're talking about the non-affiliates third party privacy providers, I'm not sure we're on a track there to solve that issue. I still have the feeling that it's unsolvable and I think at some point it needs to go back to the GNSO. But we are not at that point yet. I think maybe three months from now we have a better understanding how big the can of worms is. But that might go back to the GNSO at some point. Thanks.

GRAEME BUNTON: Thank you, Theo. Thank you, Roger.  
Greg.

GREGORY DIBIASE: One thing that could be outside the scope in the PSW draft, they made an addition to requesting the disclosure of the information, they also added a disclosure of things like credit card and bank account numbers. We've pushed back and put in our draft that, "No. This is outside the policy." We're hopeful that they will accept that advice but we should note that that is something outside the policy that they have tried to sneak in, I guess.

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GRAEME BUNTON: Thank you. That's interesting input because, especially in a wholesale context, we may not have that.

Okay. Anybody else have thoughts or comments on the Privacy and Proxy Implementation Review Team? Anything to share?

Elliot.

ELLIOT [NOSS]: How in the working group is it okay to even ask for stuff that's not in the WHOIS? It's privacy and proxy for WHOIS. I don't understand why that's even a debate.

GREGORY DIBIASE: Good question. They developed this without our consultation and basically dropped it on the group and said, "Here it is. We've gone through it and done a red line on specific comments," and that's what we're presenting back to them tomorrow saying, "By the way, this isn't in the policy. It can't go forward." We'll know after tomorrow how...I guess... strongly they want to divert from the policy.

THEO GEURTS: Thanks, Greg. To follow up on that real quickly, Elliot, this came in due to the GAC being very, very, late in the process and this is

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now being presented to us, and as Greg mentioned there, there are some points in there that need to be taken care of. Thanks.

GRAEME BUNTON: Last chance on privacy and proxy before we move on. Going once, going twice....Great.

Moving on, next up we're going to get a charter review update from Theo, please and thank you.

THEO GEURTS: Yes. Thank you, Graeme.

It was such a lovely, low profile, Charter team. Nothing in the world was troubling us. Now, but more serious. Everybody knows that due to the current elections we have somewhat more work on our plate now because with the current elections that were going on we identified a couple of things that are problematic and the Charter team tried to solve that on a few occasions but we weren't really successful. We are really trying to solve it now but we'll just have to see if we get new language this week or next week. But we are trying to come up with some more membership criteria and make it more balanced and more fair.

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We were actually in the phase of layout design so we were pretty much wrapping it up. If you're in the layout design you just go, "Which section goes where? Where do the definitions go? Do they go up on the top or do you want them all at the bottom?" etc., etc. So this put a little bit of a sort of delay in it. We sort of have a internal deadline of eight weeks, which sounds very reasonable. Beside that, it is a proposal so maybe we are not going to come up with language suggestions but eventually it will go up to the Registrar Stakeholder Group to get your input and at some point this needs to be voted in.

This first day we're going to work on the charter again, and this is a little bit of an operational endeavor, I guess, because when you look at the process of a charter, at a certain point the Registrar Stakeholder Group vote it in, then it goes to the Board, then it goes up for public consultation through the comment period, so we are talking a couple of months here before a new charter is there. This is not something you can do within a week or something. There's an ICANN process, so to speak, and it takes time.

That also means if you want to change a couple of things in the charter, that is not something you do on the fly and have it agreed and approved within a week. So when we are looking at the operational stuff like invoice days, and more of those, really membership stuff that deals about invoicing we are sort of

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suggesting to take all that out and put it in a sort of an addendum so we can update it all the time when we need to. I think it's the ISPs who have sort of an addendum there and operating under that sort of mandate profile.

Now with that, if there are any questions it's time to ask them. Thank you.

GRAEME BUNTON:

Thank you for the update, Theo. I think it's a good idea to move some of the operational pieces to an Annex or addendum that we can update without having to require Board approval. That makes a lot of sense. And so I think it's worth if it takes another week or two to get that right, then that's good. It's going to save us huge amounts of effort in the future. I guess my thought would be, if you still have some hanging questions that you're unable to resolve then maybe the best bet if you guys are real stuck is when you bring a draft to the rest of the RRSg, you flag those three or four hanging questions at the front of that e-mail and say, "Here's the draft. Here are the things that we're still stuck on. We would love input on these specific things as well as the rest of the whole thing."

Does anybody else have thoughts or comments on the charter process?

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Stephanie?

STEPHANIE DUCHESNEAU: Yeah. I was just going to say, don't worry about something being too perfect before soliciting input from folks. And then just generally I was curious what the top few hanging items were at this stage in the process.

THEO GEURTS: What has been a topic – and I don't want to say that we've been kicking the can down the road – but when we look at the membership [agilibility] dealing about who can apply for a GNSO spot, who cannot, which registrars can join, who cannot, that has always been a problematic issue even with the current charter which is a very huge problem, but basically – and there was some discussion on the list a couple of weeks ago – and you see really good options there but if you really go deep down on them, there's always some member that's going to be almost excluded so you don't want to be too narrow but you don't want to be too open. So that's always going to be sort of a balancing act and what we are doing now is what I think is [during] having very good discussion the last few weeks with the Charter team seeing what went down. We are going to give it one final attempt to come up with a fair and balanced language there, and that is going to be the proposal and we're going to

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mark that within the charter as, “This needs to be up for discussion for the entire group.” So you guys will get a complete draft and then it’s going to be like shooting fish in a barrel, I guess. Thanks.

GRAEME BUNTON: Thank you, Theo. I know we all really look forward to seeing the output of that work and we certainly appreciate the work the charter Review Team is doing. I think you’ve been at it for about a year now?

THEO GEURTS: Yes.

GRAEME BUNTON: Just about a year now exactly and this isn’t just some minor revisions. This is ground up. It’s clearly overdue and it’ll be great. Heath?

HEATH DIXON: Theo, has a decision been made on what the goal of the language is and now we’re just trying to draft it to be as clear as possible or are we still thinking about what the objective is for the membership requirements? Because I haven’t looked at it since about a year ago whenever the conversation was first



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happening but I remember that the way that it was drafted it would talk about an entity having access to information and, for example, Amazon has a registry entity and a registrar entry and so as a member of the registrar entity, I don't have any access to any registry data so the way that the wording was drafted it didn't actually preclude Amazon registrar, although it looked like it was intended to preclude us and other registrars that are affiliated with registries.

I guess my question is, are we just trying to clarify the language having already decided on what the objective is of the membership rules or are we still debating what the objective is of the membership rules?

THEO GEURTS:

I can't really go back into the genesis of this all, but this started a long time ago. This is sort of an endeavor by ICANN staff assisting all the stakeholder groups to come up with charters that are more readable, better understandable, don't require changes that much, so this is a proposal to come up with something better.

The BC went through this process and they had very good experience with it because they were also stuck on all kind of language issues. They don't have the issues that you just mentioned because they are the BC and they have different

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issues, so they came up with a proposal to the BC and that process went pretty quick because everybody was agreeing within the BC, “Okay, now we have a charter that is a big step forward.”

That is what exactly this is – the attempt to propose something better because currently the current charter, you just mentioned a few issues there. There’s tons more and we are trying to come up with a proposal that is more workable, more fair, better understandable, better readable, better translatable. All that has been taken in mind. So we went [through] the current charter is like 16 pages. I think we’re going to end up at 40 pages. So there’s been a lot more thought into the whole process.

ELLIOT [NOSS]:

Theo, if I could just jump in because I want to give them the history and he’s okay. I want to speak to this specific point if I could. Thanks.

THEO GEURTS:

Go ahead please.

ELLIOT [NOSS]:

This comes from the first round of new gTLDs. .info was originally owned by 14 registrar stakeholders so the language

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was attempting to address exactly the thing you're concerned about, and the language maybe could be more express or cleaned up but it was explicitly intended to... pretty much half the stakeholder group at that point were shareholders and affiliates and this was intended to bring it down to a practical level – “Do you in your job have access to registry information?” On your description you should be just fine and I'm sure where they end up will be clean in that regard.

GRAEME BUNTON:

Cool. Thanks, Elliot. That's good context.

We've got about 15 minutes left and we've got an update from the Tech Ops and then I'd like to hear from Becky. So unless there's anything else on the charter update? Sweet.

Tobias, if you'd be so kind.

TOBIAS SATTLER:

Thank you.

The Tech Ops Sub-committee was created in April to actually tackle the technical and operational issues from a registrar perspective. Right now we have signed up for 60 members so far and it's open for everyone.

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What have we done so far? We identified 15 potential topics and prioritized them, such as maintenance notification, handling premium names, transfers, registry back end transitions, and stuff like that. And we want to work on each topic for a couple of weeks then try to wrap things up, writing a summary, and providing that back to the whole group, and then actually try to reach out to registries, ICANN staff, and/or third parties, depending on the topic.

The plan is that we don't want to reinvent the wheel so we are looking on the work that has already been done so far and see if we can contribute to that. We had a small discussion an hour ago and was quite nice and so we are looking into doing meetings starting at ICANN60 so that we do it more formal. And so if you want to join, please let us know. So [Inaudible]. Thank you.

GRAEME BUNTON:

Great. Thank you, Tobias. I think this work is fantastic, if I can editorialize again. We spent a lot of time chewing on thorny policy issues, but there are lots of operational things that affect all of our businesses that we just don't get the time to work on and so this structure is a place for your more technical people – maybe they're product people, maybe they're devs – to try and resolve some issues and we can have some operational wins,

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which would, I think, feel very nice for everybody and solve some pain points. And we have the resources to support this activity so we should do that and we are doing that. And so I look forward to seeing the output of this group. If you've got people that you think might fit in that capacity – this isn't endless policy discussions. This is a bunch of nerds trying to resolve technical issues – then talk to Tobias or Zoe and we'll get them in there and we can contribute to solving some good problems.

Does anybody have questions on that? Cool.

Becky, if I can put you on the spot it would be really nice to hear what's going on at a Board level if you have any thoughts for registrars or any questions for us, we'd love to hear them.

BECKY BURR:

Thanks, and I'm happy to answer questions.

We had a two-day workshop this week – Friday and Saturday – before the meetings here started. It was a mix of sort of bigger, ongoing, policy issues – GDPR was one of the things and the Board has been really getting up to speed on some of the specific issues about it, doing some training on that. We also were working on the budget and preparing for our workshop in Montevideo and some upcoming changes on the Board. As you know, Steve Crocker is term limited so we will have at least one

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new Board member from the NomCom coming on, so we're looking at that.

We're interested in the first exercise of the Empowered Community authority this week here with the amendment which is an amendment to a fundamental Bylaw. Oddly enough, I don't think we actually expected Board Committee changes to be subject to fundamental Bylaw review but it is a pretty good test and if anybody is unaware of what's going on, we really decided to split what is now the Board Governance Committee which deals with sort of traditional Board governance issues – who's on what committee kinds of things, and all of the reviews, requests for reconsideration, IRP issues – into two different committees. So we've proposed that as an amendment and the community will be acting on it this week, and I think that's an interesting exercise for us.

We also have been working on articulating our smart goals for this year and I know we have a session with the community on who sets ICANN's priorities and one of the interesting discussions we had is, what's the role of the strategic... how do you bring all of the Strategic Plan, five-year Operating Plan, and the various goals together, and how do we reconcile that?

I am in particular working on thinking about how we get, how we develop, how we have a conversation, that develops a educated,

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cohesive, understanding about what the new Mission Statement means. I think that there are probably going to be... we're going to have to probably look at certain examples of, "Is this in our Mission? Is this not in our Mission?" and so what we've been talking a lot about being much more, using much more effort, to formally articulate when we take an action, why we think it's in our Mission or not.

Just fair warning, we're probably going to come back to the community and ask them – although we can't require it – ask the community to start doing that as well when you provide input, policies, or whatever, up to the Board just on the thought that one, it's going to raise the issue, it's going to help us all think about this in light of the new policy statement and it's pretty interesting discipline.

Other issues – we've been talking about evolution of the root server function and that's obviously the Root Server Group is working on that but it's something that we're interested in and looking at.

I think maybe it better to go to questions.

GRAEME BUNTON:

Sure. Thank you very much, Becky, for the update.

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I have a question for you. You heard probably some of the discussion around cross-field validation, that it's clearly contentious for us. We, I think, universally think it's impossible. And it's clear that the GAC is pushing on this very hard. They keep mentioning it in communiqués and there was the response from Göran about how ICANN is going to respond and work with registrars. Is the Board aware of this issue? I don't think it takes a magician to look down the road and see that it's very possible that the outcome of that work with ICANN and registrars is that it cannot be done, and I think it sets us up for pretty serious conflict with the GAC. And so I guess I would want the Board to be aware that that's quite possibly coming and what we can do to help educate the Board on this particular issue if that's required.

BECKY BURR:

The Board is aware of this. We have not had any indication from ICANN Org that it is feasible. I know something about this and I know at least I have a pretty good idea of how hard this would be to do outside of and even within certain jurisdictions. There are a lot of WHOIS policy accuracy, all of those things, going on. I think our sort of critical focus right now has been on what we can do to make sure to sort of facilitate what is a compliance issue with respect to GDPR and other laws coming down the road because I wouldn't want to paint it as just GDPR. China has



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passed a new law. There's going to be lots of data localization laws.

So we think that the issue is pretty complex. The Board is aware of it but we have not had an in-depth discussion about it, but I believe that is because there's not a conviction within ICANN Org that this is feasible at this point. And I think the answer is that we have to collect the facts, put them in front of the community.

GRAEME BUNTON:

Thank you, Becky, for that answer. I guess let us know if you need help when you get there because we're certainly pretty engaged and thoughtful on this issue and if the Board needs something from registrars, we're happy to provide it.

I saw a hand from Wayne.

WAYNE DIAMOND:

Yeah. Thanks. Sorry, maybe I'm putting the cart before the horse or I'm out of line in asking this question, but if the GAC is requiring the information and the registrars to do the information, can we get confirmation from the GAC first that will foot all bills and no cost will be passed across to the registrars? Or is that maybe a question that shouldn't be asked right now?

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GRAEME BUNTON: Thank you, Wayne. I've heard this. This is not an uncommon thought, that if governments want this, then governments should provide it. It's probably not a question that Becky can answer. It's probably not a question that we can answer at the moment but it's maybe input that comes or it's output of the RFP work that there is no current commercial solution but if governments wish to step in and provide one, they should feel free to do so. Thank you, Wayne.

Theo?

THEO GEURTS: Yes. Thank you, Graeme.

Becky, maybe you can give us a little bit of a sense here. When I'm looking at a GDPR, it's like you've sort of been caught by surprise at the speed that we suddenly need to do things and I'm kind of wondering is there a sense at the Board going like, "Okay, this is a surprise for us. How do we prevent these surprises in the future?" Is there any discussion going on because I feel we've been sort of caught with our pants down, so to speak.

I'm kind of curious that an organization like ICANN is actually in such a position that within a year from now we need to comply

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with some heavy data regulations while everybody in hindsight was going like, “Yeah, I knew it was coming.” Thanks.

BECKY BURR:

I just want to make it clear that this is not the first time that the Board has been discussing this. At the Board workshop in Santa Monica in February – like February 2<sup>nd</sup> or something – I did a presentation on GDPR. It is true that there hasn’t been somebody who has a day job doing this on the Board before so it may be that serendipitously...it also is a compliance issue and so yes, the Board must be aware of it but it’s not a policy issue.

I think that we still have lots of people who are stakeholders who have not agreed that massive changes are required. We still have – and I’m not talking about the Board. I’m talking about in the ICANN community broadly – we still have stakeholders in the ICANN community who think perhaps there’s some mechanism for getting a waiver or a delay or whatever.

I think the critical issue here was to find the right vehicle for bringing this forward and getting the solution, and we did try to push that in Copenhagen and I think it has taken some time but I think that there is a clear understanding that we have a limited amount of time to sort of collectively understand what our various compliance obligations are and that we need to have all

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of this information in front of people who can provide solid guidance in September.

So should we have been more aware of this? Maybe. All of you guys are looking at this stuff. I'm in the midst of doing the GDPR readiness for my organization. It's a massive undertaking. I do think that it took some time for people to understand the ways in which the ability to rely on consent was going to be constrained and changed. And that, I think, is the most significant change that probably took some people by surprise.

GRAEME BUNTON:

Thank you, Becky.

We have literally one minute left. I need to do a very brief update so Elliot. You have like 20 seconds.

ELLIOT [NOSS]:

Great. Becky, I want to comment on process. Thanks for all your efforts. You know I love you and I mean it. I think this has to be part of the Board/GAC discussion. I appreciate that you guys want to gather facts. I understand that. But I'm going to give you a fact that you can take into that Board/GAC discussion this week. I believe we're running out of time. I believe that at a process level finding the right party to provide a waiver for every single European country is going to be a non-trivial exercise, if

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that's even possible. And without that – I want you to hear from me again – I think that for us and for a lot of people in this room WHOIS is going dark.

BECKY BURR:

Okay. I just want to say I don't believe – and this is my personal view and I don't believe but I think it's not... I'm not alone in this – I don't think that the waiver is a way forward. It doesn't matter where you are, you have data about EU registrants. Asking registries and registrars to run two different systems also seems to me to be a non-starter. So I do not think that anybody is talking about dealing with a waiver thing. I want to be very clear that it's my own personal view but I haven't heard anything that suggested and I have clearly stated that that's a non-starter.

The question here is, ICANN is, they – I'm not ICANN's lawyer. Chances are you could consult any lawyer and they would tell you that ICANN, because it has obligations in its contracts for registries and registrars, is a data controller. I think that ICANN is going to have to get to a point where it says, "If you provide these data fields, if you make these data fields reasonably accessible to user category A for these purposes – go down the list – then we will consider you in compliance with your obligations under WHOIS."

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ELLIOT [NOSS]: That's great. Then you know what I'm going to want from you is an indemnity. And if ICANN the institution, not you Becky –

BECKY BURR: From who?

ELLIOT [NOSS]: From ICANN.

BECKY BURR: No, for what?

ELLIOT [NOSS]: Any possible GDPR –

GRAEME BUNTON: I'm going to cut you guys off. This is –

ELLIOT [NOSS]: This is the most important discussion we're going to have today or this week.

GRAEME BUNTON: I agree. We probably need to continue it in another forum. We're just out of time. I apologize. Thank you both very much for that

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contribution, and Becky, thank you for joining us. It's nice to have you here.

I've got one last piece for you, everybody which is that the RPM PDP Working Group meets on Thursday. I am hearing that there's some scary and weird things being floated inside that group and we do not have enough registrar participation, so if you have a hole in your calendar on Thursday a.m. please check out the RPM PDP WG because there could be a big impact for registrars on that.

And with that, we're now three minutes after. I appreciate everyone coming out today. Clearly we need a little bit more time than an hour and a half. We'll fix that for the next meeting. Thanks, everyone, for coming. I appreciate it and look forward to seeing you next in Abu Dhabi.

**[END OF TRANSCRIPTION]**