
KOBE – GNSO - RrSG Meeting
Tuesday, March 12, 2019 – 09:00 to 15:00 JST
ICANN64 | Kobe, Japan

GRAEME BUNTON:

Good morning, everybody. We are going to get going. There is room at the table if you want to join us. There's a bunch of empty seats. I see some people sitting in the back. My name is Graeme. I'm the chair of the Registrar Stakeholder Group. I see lots of familiar faces and a few new ones. We're going to do an introduction, we'll go around the table. If you're new and you haven't been to an ICANN meeting before, this is one of your first couple, please join us at the table. We want to see your face, we want to hear what you've got to say, we're a very friendly bunch. And maybe it will seem intimidating, but it's not really, so please join us up here.

We've got a pretty full on agenda today. There's lots going on and so we'll try and keep moving pretty quickly, but everyone should feel free to ask questions and engage. I'm going to make this point now and remind everyone of it throughout the day, but the hardest thing, I think, for the ExCom is ensuring that we have a clear mandate from our members. And a clear mandate from our members is not just listening to Michele talk.

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MICHELE NEYLON: What?

GRAEME BUNTON: I know. It means hearing from everybody or as many voices as we possibly can. Even if you agree with Michele, which is a thing that you're perfectly entitled to do –

MICHELE NEYLON: You are going to so suffer today Graeme.

GRAEME BUNTON: I'm not the one suffering this morning. I think it's you. And I say this light heartedly, but I mean it very seriously, which is, we need to hear from everybody. This is one of the best places to do that. We're a friendly bunch, so please, if you haven't shared your opinion before, you're not 100% confident, don't worry about it. Please put your hand up, we'll get you in the queue, we'll hear what you've got to say, and that gives me so much more comfort and allows all of us to do our jobs a bit better. Zoe's suggesting that you could also write in the chat and she'll read it out, that's fine, I guess, but I'd love it if you're at the table sharing your thoughts.

So help us represent you, participate, don't be shy. So, that's my note for the day. So maybe let's go around and do some quick

introductions, who you are, which registrar you're from, something dumb if you feel like adding it just so we can be aware that speaking at the microphone isn't the most terrible thing.

So I'll start. I'm Graeme Bunton. I work for a registrar called Tucows. I'm the chair of the Registrar Stakeholder Group. I think Moby Dick is a terrible book. It's awful.

SARA BOCKEY: Yes thanks for setting that up, Graeme

GRAEME BUNTON: You're welcome.

SARA BOCKEY: I'm Sara Bockey. I'm with GoDaddy and I'm also the vice chair for policy coordination for the Registrar Stakeholder Group. And I don't have anything witty to say right off the cuff.

DARCY SOUTHWELL: Hi, I'm Darcy Southwell. I'm with Endurance International. I'm one of the three councilors for the Registrar Stakeholder Group to the GNSO council. I didn't like Moby Dick either, but then again, I don't know. It was a hard read

BENNY SAMUELSEN: I'm Benny. I'm from NordREG, the incoming treasurer trying to fill the shoes after Ben.

CAROLINE GREER: Morning. I'm Caroline Greer. I am working for CloudFlare Registrar and I'm the Nominating Committee representative.

MICHELE NEYLON: Good morning, I'm Michele, AKA Graeme's punch bag this morning. Michele from Blacknight in Ireland. I'm also one of your GNSO council reps. I don't have a strong opinion about Moby Dick, but I did try to review [inaudible] and I just couldn't.

KRISTIAN ØRMEN: I'm Kristian Ørmen, I work for Larsen Data. I'm also the RrSG secretary. Right now, we are running an election, so if you are the voting representative and didn't get a mail from election body, I'm the guy that you should come and talk to

TOBIAS SATTLER: Tobias Sattler, united-domains and [White Shelf] technical operations.

PAM LITTLE: Hi. I'm Pam Little. I am with Alibaba registrar. I'm also one of three Councilors to the GNSO council. Thank you.

VOLKER GREIMANN: Hello. My name is Volker Greimann and I work for Key-Systems and CentralNic.

GREG DIBIASE: My name is Greg DiBiase. I work for Amazon registrar.

ERIC ROKOBAUER: Good morning, I'm Eric Rokobauer and I work in Endurance International Group.

JANELLE MCALISTER: Good morning, it's Janelle McAlister from [Uniregistrar.]

VLAD DINCULESCU: Hi all, Vlad Dinculescu from DNS Africa. And a quick question, is there free coffee in here somewhere? No?

MICHELE NEYLON: No.

VLAD DINCULESCU: Zoe, what can we do about this?

FREDERIC GUILLEMAUT: I'm Frederic Guillemaut, SafeBrands, and I didn't read Moby Dick but I read the information from Zoe and she said there was no free coffee.

JOYCE LIN: I'm Joyce Lin from 007Names.

JOTHAN FRAKES: Jothan Frakes, private label registrar. I hate tomatoes.

SUSAN JANG: Susan Jang. I work for Google Domains. I did not read Moby Dick and I like tomatoes.

JAMES BLADEL: Hi. James Bladel from GoDaddy.

KEN TAYLOR: Ken Taylor from Com Laude registrar.

NEAL MCPHERSON: Neal McPherson, 1&1 Ionos.

THOMAS KELLER: Tom Keller, 1&1 Ionos, and I'm doing this [transfer] thing later on, as I learned.

KELLIE PETERSON: Kellie Peterson from Automattic, AKA wordpress.com. I love tomatoes as well. I have read Moby Dick, it is overrated. However, Pequod's Pizza in Chicago is the best place underrated.

WENDY SCOTT: Wendy Scott from wordpress.com, also Automattic, and I concur with everything Kellie just said.

OWEN SMIGELSKI: Owen Smigelski. I guess this is my first meeting here with Namecheap. Glad to be here. Oh, and I love tomatoes too and all food.

SARAH WYLD: I'm Sarah Wyld from Tucows. I have not read Moby Dick but I have a beautiful copy of it. It sits on my shelf and looks nice.

MATT SERLIN: Matt Serlin, Brandsight. You didn't say how you felt about tomatoes, I thought that was now one of the requirements.

SARAH WYLD: They're not very good.

MATT SERLIN: See, I'd love a tomato. But not ketchup, oddly enough, [but we know that.]

SARAH WYLD: I like ketchup.

ZOE BONYTHON: So, I'm Zoe Bonython, and I'm the registrar secretariat. I used to dislike tomatoes until I moved to Tunisia, and then that changed.

GRAEME BUNTON: Thank you, everybody. I see some staff in the room and there's a couple of people sitting in the back. If you're a registrar and you want to introduce yourself, please feel free. Don't be shy. We're clearly a bunch of goofballs. Alright. Okay. So, thank you everyone for joining us. We're going to get going, I think. It's just about right on time.

And with that, I'm going to hand it right over to Darcy Southwell for an update on the Generic Name Supporting Organization

council, because we're not going to use too many acronyms today.

DARCY SOUTHWELL:

Just for that, I'm going to use lots of them. No. So, welcome. This is like not the most exciting topic to jump off with this morning, but anyway. So, for those of you who don't know, we have a council meeting tomorrow, it's a public meeting if you want to come and watch the fun. It's from 1:00 to 3:00.

The council is made up of all the constituencies, stakeholder groups that are part of the GNSO and so there are a lot of issues we look at that probably are not the most interesting or exciting to registrars, and some of them don't even really impact the registrar side of the community.

So what I wanted to do today was rather than talk about everything the council is doing, is just highlight for you some things that definitely impact the registrar world or are in other ways maybe just interesting to the registrar world. For those of you who don't know, one of the things that the contracted parties have is the opportunity to place someone on the board of directors at ICANN, and so one of the things that we have on our consent agenda for tomorrow is reelecting Becky Burr as the CPH – sorry, contracted party house nominee for the ICANN board. She's finishing up her first term now. And it's something we

always work with the Registry Stakeholder Group to select someone from either one of our stakeholder groups.

We have a few other things that are up for discussion. They've been under discussion for a little while now and that's continuing. I'll save EPDP for last because I know we all love that topic. We are talking tomorrow about the PPSAI IRT, which is the Privacy Proxy Services Accreditation Implementation Review Team, which has been paused for, gosh, probably about five months now.

It was paused because of the fact that GDPR has an impact on it, the EPDP at the time was doing a lot of work, and we didn't want the IRT to continue and do work that possibly was going to have to be redone following the EPDP.

There was a letter sent earlier this week that's posted on the council website from Cyrus Namazi who's the head of the GDD for ICANN, suggesting that we continue to keep it paused, that the EPDP still has lots of work to do. We have the IRT, I'm sure it'll come up during the GDD update, which is after this, and we have the space to actually talk about the IRT issues later today. But what the council is really looking at is discussing Cyrus' e-mail and the fact of whether or not it should remain paused.

And feel free to ask questions anytime. I'll stop. A couple of other things, one is what we are fondly referring to at the council level as PDP 3.0. Vlad, go ahead.

Vlad Dinculescu.

Sorry to interrupt, Darcy. A quick question. So, if the IRT then gets reestablished or carries on, let's say five or six months later, are they expecting the same people to still be there and carry on the discussions, or are they going to redo the grouping, or what? How will they essentially re-kick off?

DARCY SOUTHWELL:

That's a good question, Vlad. I don't know the answer yet. I think some of it depends on what we really need to do. There has been some loose discussion, not within the IRT because it's not meeting, but within our stakeholder group about whether or not the original policy has issues. That was written without GDPR or general data protection laws in mind and there are very likely some pieces in there that need some legal evaluation before the IRT would move forward.

That's a registrar position, that's not an IRT or staff position, certainly, but I think that needs to be considered. And then depending on how we go forward, then it would be like, well, how do we restart this? The GNSO as a whole is responsible for the gTLD policy development within the ICANN community. We fondly refer to it as PDP, and one of the things that came out of a council strategy session a little over a year ago was the fact that

we need to make improvements in PDP efficiency and effectiveness.

Some of the PDPs have gone on for years and years. I think we have one that's – well, RDS was terminated last year, I think, after four years, with no actual final work product. And there's been some question about whether that's too long and why did it take so long and what are some of the challenges.

So, PDP 3.0 is something that staff and the council put together to make recommendations on how PDPs can be more effective and more efficient. Some of these things recommended are not difficult. It's how do we scope the charter for a PDP better to make sure that the working group has a narrow scope, they know what they're trying to accomplish, we don't ask them to boil the ocean. How do we monitor the progression? What are the milestones they have to meet? And part of that is really focused on efficiency, right? We don't want them to get sidelined and take years and years to come up with a policy.

So, there was a staff report that was put out with the recommendations. We've received public comment back through the normal ICANN community public comment process. Majority of them received significant community support. I don't have them off the top of my head, I'm sorry, but there were three that there were some questions about. So, at this point we've kind of

put those three on the back burner and we're working on the others that you would think of as sort of more typical operational management, setting better timelines, writing better scopes, writing better standards to help everyone understand what it means to participate in a PDP, what are you doing, what is the obligation that you're making when you sign up to work on a working group, developing policy for example.

So, we'll be talking about that. It's a continuous discussion we're having. At the last strategy meeting that we had in January, we agreed to develop a subteam of councilors who are devoted to this implementation. Pam and I are both on it. So we'll begin working on that and provide you with updates. I think ultimately from a registrar standpoint, this is something that's really important. They develop consensus policy that affects our contracts. And we as a group really need to be significant participants in many of those that effect registrar policy and will eventually affect our contracts.

So we'll keep you updated on those improvements and help try to educate everyone about how we can all as a stakeholder group and as individuals participate better in the policy development process. Any questions there? Graeme?

GRAEME BUNTON:

Thank you for that Darcy. So, just to editorialize, I guess, and see if I can make this particular piece of work resonate for everybody, further down the agenda today, Tom Keller is going to talk about the transfer process for 30 minutes, perfectly. So I think this is a good example of a thing that we think is broken or not great. It introduces friction in all of our businesses.

However, the process of trying to fix transfers is so daunting. We don't want to end up necessarily an [IRTPE] that's going to take three years to do it, it's going to involve everyone, it might make transfers worse. So there's this real trepidation about actually starting to try and fix the problems we've got, because we think the PDP process is clunky.

So this whole process the council has undertaken is excellent, and we should engage on that as much as we can to sort of find the improvements and find the ways that we can solve problems that affect all of us every day, and move those things forward without having to feel like the wheels are going to fall off everything.

So, if we put in some effort here and care here, then things like transfers get better. The other weird technical issues that we find in our business begin to get better. I had Michele and then Jothan.

MICHELE NEYLON:

Yes. Thanks, Graeme. Just on this one particular, this is now about a year into this process of discussing how to rejig, reinvigorate, fix, tweak the entire PDP process. One of the other things that we've been looking at, the council, is the makeup of the working groups, particularly because up until now, it's been a free for all. So, you get all sorts of people signing up for working groups, like, say, in the RDS PDP, I think there were like 130 participants or something like that, and a further 100-odd observers. That's just not manageable. That doesn't scale and stuff doesn't get done.

But we've been circulating to the members list some documents kind of covering how this process has been evolving. It would just be very helpful for us on council to get feedback even if it is just simply to say, "Looks great." Even that would be helpful because we've put some of this stuff out on the list and we get back nothing. So, we have no way of knowing how you all feel about this if you don't tell us. So, please, even if it is just simply to say, "It's fine" that would be helpful. Thanks.

DARCY SOUTHWELL:

Michele, can you resend that to a list or something so I can see it?

MICHELE NEYLON: There hasn't been one recently. It's a general – when we send stuff out onto the list, could you please – if we're kind of saying, "This is what we're working on, a bit of input would be helpful." Even if the input is simply, "Read it, like it," we're perfectly fine with it. That's all. Thanks.

JOTHAN FRAKES: Thank you. My registrar is going through a renewal process, and I've received notice from ICANN that I have to go through the mandatory training or have staff go through the mandatory training. And some of the interesting things that may spill out of EPDP or some of these things is real evidence of the complexity and interconnection between a variety of related things.

One of them is as I went through this training, I was reviewing it through the optics of, how much of this is really true now given the changes that we're going to have to make, given GDPR, the EPDP and some of these other things? So, it's worthwhile to look at, some of the cascading effects of the changes that we're making at a rapid pace. And that was something I wanted to note, so thank you for that. I know we've had some discussions around it in our Slack channel and things of that nature, but I did want to put that on the record.

GRAEME BUNTON: Thanks, Jothan. I think I've got Darcy and then Pam.

DARCY SOUTHWELL: Thanks, Jothan. That’s a good point, and I think one of the recommendations in the EPDP final report for example is that given what we’re doing with EPDP, there is a long list of policies that ICANN needs to take a look at, likely needs legal guidance on, because we’ve got to get it all aligned. I actually wanted to respond though to what Michele said, and I think one of the things that I found yesterday, for those of you who went to the compliance meeting, I have found the work that [Kristian] and Greg have done on the compliance subteam, or whatever we’re officially calling them, invaluable.

I don’t feel like I can keep up on everything that’s going on. There are not enough hours in the day and I eventually have to sleep, or you don’t want to see me. I get kind of snarky. So I really appreciate that. And same with Tobias and the TechOps group. I think what they have done providing focus in an area is really good. So I kind of wanted to suggest – and I’m throwing this out there after not talking to anybody else in the ExCom, but I like the idea of these groups, and I’m wondering if there are those of you who feel like you have ideas on PDPs and how we can make it better.

Maybe we can have – and I’m not suggesting a whole bunch of calls, don’t get me wrong when I say this, but maybe we can have

a quarterly check in and Pam or I – sorry, Pam – can commit to maybe checking in with you and getting your feedback. I know there’s a lot that’s going on for all of us within our businesses and within the industry, so if there are those of you who feel like you have that interest and you have the time, maybe that’s a good way for us to garner some feedback directly from the Registrar Stakeholder Group rather than asking all of you to really think about that intensely if that’s not your bailiwick or you are buried in other things. Thanks.

GRAEME BUNTON:

Thanks, Darcy. I’m going to interject briefly before Pam which is to say, a reminder that we’re doing some strategic planning on Friday somewhere around here. And this is a topic that we can bring up then a little bit about PDPs in general and how to make sure that we’re engaging everyone in the SG on both the process and the substance of those PDPs. Pam?

PAM LITTLE:

Hi. Thank you. What I was going to add to what Darcy and Michele have already said about the PDP 3.0 was this is not only going to impact our business, how PDP, how policy is made within ICANN or within GNSO. It’s also now if you have been to the five-year strategic plan session that was conducted by the board yesterday, this is going to be one of the five major focus areas

under the five-year strategic plan which is evolving ICANN's governance model.

And although that doesn't only just cover PDP or policymaking within ICANN, but it's going to be, I suspect, a big chunk of that. Because if you look at Cherine, ICANN chair's question to the community for ICANN 64, this is really a pointed question, is, how do we make PDP more efficient while maintaining inclusivity, openness and accountability.

So I would encourage all members to really pay attention to these two interrelated topics. One is PDP 3.0 that the council is trying to come up with implementation steps to implement those improvements or recommendations to make policymaking process more efficient, and the strategic plans under the governance model as well.

So, great idea. I hope we can talk more about this on Friday. Thank you.

GRAEME BUNTON: Thanks, Pam. Do we have anything else for our GNSO council team?

DARCY SOUTHWELL: One thing.

GRAEME BUNTON: Darcy's got a thing.

DARCY SOUTHWELL: So, one other thing I just wanted to bring up is what the council is doing with EPDP at the moment. So, as I think you all know, we adopted the final report last week in our council meeting, so that's been sent to the board for their review and approval. They have their own public comment period that's open right now to garner feedback to help them evaluate the situation and make their decision.

So, what the council is working on now is phase two. We have a situation where the phase one chair stepped down, Kurt Pritz, so there's an open call for a new chair for phase two. I think it's open until like March 22nd. The council will vote on that selection of a chair, I think, in our April 18th meeting, or I think it's something like that.

And in the meantime, working closely with the leadership staff and the current leadership, which is the Interim chair is Rafik Dammak who is the council liaison. It's part of the liaison's role to serve as Interim chair.

So, we're building work plan. I think if you happened to see the council meeting yesterday with the board, they expressed a lot of

agreement with us that the pace needs to slow down, that we need to be thoughtful about how we do this, and their legal advice is the best place to start. We have a lot of open legal issues that we need to figure out before we start talking about how to implement.

So, working on a workplan there and establishing, I would say, maybe some key milestones or the goal, or at least an end date so that we don't have a phase two that takes years. James?

JAMES BLADEL:

Thanks for the update, Darcy. James speaking, member of phase one EPDP and on the fence for phase two. So, it sounds like – and we were part of the meeting with the council talking about – and we had a Saturday workshop as well where we talked about what the work plan for phase two would look like.

And I think it's appropriate for us to ask our representatives on council to really hold the line on two things with phase two. One is that we have the preliminary legal advice that we've asked for in place before we launch that, and two, that we have a new chair in place.

There's a lot of talk from a lot of other groups about parallelizing those types of things and doing a lot of things at the same time. And of course, you run the risk of, like any project, going back and

exercising a whole lot of rework. I'm going to borrow a phrase from Volker which I love now, and I'm going to use it all the time. Let's not work for the trashcan here and spend a lot of time and hours into things that are just ultimately going to fall by the side of the road.

For those who followed the council vote, the entire EPDP did not pass unanimously or even overwhelmingly. A couple of abstentions or no votes, and the entirety of that 6000-odd person hours of work would have just been thrown into the shredder.

So, I would ask us to maybe – I think what I hear you saying, Darcy, is we're going to go slower, we're going to be a little more thoughtful and deliberate, and we're going to ensure that we have all of our ducks in a row before we take the next step and launch phase two. And I think it's completely imbalanced for us to ask our councilors to hold the line on those points. Thanks.

DARCY SOUTHWELL:

Thanks, James. And I think when Michele and Pam and I have talked about this, we completely agree. I think it's fair to say that there are councilors who disagree. They're the same ones who voted against the final report. There is an interpretation by some, I feel as though they think that by not moving quickly, we're not dedicated, which is ridiculous. And we've been very transparent.

We support that this needs to be done, but it needs to be done right and it needs to be done at a good pace that makes sense.

I love Volker’s phrase. That’s awesome. Because I’ll tell you, during that council vote, I personally was on pins and needles listening to people vote yes and no, because I knew how many nos we could have. And once we have them, if anyone else went that direction, we would have thrown that whole thing in the trash can, and that would have been extremely disappointing. And I think it would have been a complete failure of the PDP or the policy development process which would have been so problematic for so many reasons.

JAMES BLADEL:

So, when I was younger and snarkier, I might suggest a comment along the lines that any councilor or constituency or stakeholder group who voted no on phase one was voting no on phase two, and therefore has given up any credibility or latitude to discuss the work pace of phase two. And we can do it quickly. We can do it even faster than a normal PDP and still have nothing like what we experienced in phase one where we all basically surrendered our day jobs to this monster. So, thanks.

MICHELE NEYLON:

Thanks. James, I am slightly younger and still very snarky, so if somebody wants to remind me to potentially raise that, I'd be more than happy to do so. The way that vote played out at council was ridiculous. It was farcical. All of you who were involved in the EPDP over the last few months, I said you gave up your day jobs, you gave up your private lives, the ICANN staffers had to work on reviewing all of those public comments over Christmas, which is nuts. It's not reasonable.

And now we're hearing from some quarters – let's call a spade a spade, it's the BC, IPC, and to a certain degree, ALAC who for some bizarre reason are now the voice of – I don't know what, but it's definitely not end users. They seem to have a sense of urgency around this which is not reasonable, and I don't think we can ask anybody to put the same kind of effort, the same kind of hours into the second phase. I just don't think that's viable. I think it would actually break many other things, because it's just not sustainable.

If a meeting needs to have breaks, then it's too long. And I dialed into multiple of those EPDP calls, and you can't focus, not for that length of time. Now, that doesn't mean that we are not supportive of getting it done, but it needs to be done at a reasonable pace, it needs to be planned, it needs to not cause massive issues. And for those of you who will be on the EPDP in phase two, thank you in advance, but there's no way that we can ask you to give up your

day jobs like you did during phase one. Finding a Chair for phase two, that is going to be a major challenge. While there might be a number of people who will put their names forward, whether or not they'll be acceptable to the broader community or not is going to be the problem.

At the meeting yesterday with CCNSO council, I put forward the rather crazy idea that maybe somebody from CC space might want to do it. But again, they would have to give up and make a serious commitment in terms of time regardless of how many hours per week that group was meeting.

So, let's see how that plays out, but I think it's pretty clear for us that there's no way we're going to back any kind of insane timetable like during phase one. That's just not viable.

GRAEME BUNTON:

Thanks, Michele. We're going to come back to the EPDP after the morning break. So, maybe I'll talk a little bit more about that then. Anything else on GNSO council business? You guys do hard work. We appreciate it. The council is not an easy task. Pam?

PAM LITTLE:

Can I just say something very quickly about the PPSAI IRT pause? And the related piece in that letter from Cyrus to GNSO council is asking about what to do with the transfer policy [inaudible]

change of registrant involving proxy and privacy registration piece, because that was deferred to the PPSAI IRT, and the decision was not to ask the IRT to deal with that until the public comment of the PPIRT accreditation documents. But now we're pausing the IRT, but that issue remains quite pressing.

And I wanted to raise this because James is here, because James was on the council as the council chair then. The council wrote to the ICANN board seeking the referral of the matter to the IRT, and also for forbearance of Compliance on PP-related change of registrant data. But when it transpired, Compliance is interpreting this forbearance quite restrictively, as if it only applies to turning on and off of PP service, not in the scenario where the underlying registrant data change and where some registrar actually also treat this as a change of registrant and therefore trigger the 60-day lock. And this remains an issue for a number of registrars.

So our thinking is to have the council write to ICANN board or staff to clarify that this scenario should also be covered, otherwise it defeats the purpose of the change of registrant, which is to kind of minimize or prevent domain theft. Can we talk about this later on, or can we sort of wrap this up here and have some instruction or feedback from our group? Thanks.

JAMES BLADEL:

Is that okay? Just jump in? Okay. Hey Pam, thanks. We had a really interesting exchange with Jamie Hedlund yesterday – was it – at 1:30 when we talked about the compliance things. And I think we tabled a lot of these concerns about the inconsistent application of the change of registrant as it applies to privacy proxy, whether they’re changing the underlying or adding or removing.

I think what we should be driving towards is something that ICANN has not done in a long time, which is a compliance advisory, which essentially, whenever there was this area of ambiguity or confusion, we would help them sort of lay out some clear, consistent interpretation and they would put that out on their blog or something and say, “Here’s how we view this.”

And I think we can probably do Jamie and his team a huge favor right now – because they’re scrambling with a number of issues and staff changes – if we would like take a first stab at what that would look like in language and say, “Here, why don’t you guys put out an advisory that, that does that?” And I’d be happy to gather a team to work on that with the end goal of putting out an advisory, or at least asking Jamie and his team to do so. I think that could help go a long way to standardizing how people are applying or not applying the change of registrant policy.

GRAEME BUNTON: That sounds great. Thanks James. Good suggestion. And we come back to PPSAI a little bit later in the afternoon, so we can hopefully clarify that a little bit and wrap it up. Anybody else have anything for our GNSO councilors? Everybody feels up to speed on what's happening inside the GNSO? Good, great. I think that's just about right on time. Has Andee made it into the room?

DARCY SOUTHWELL: She's right here.

GRAEME BUNTON: Oh, there she is. So, moving right along. It's now a GDD update from ICANN staff. This is Andee, everybody. Andee is taking her seat. Feel free to go ahead.

ANDEE HILL: Thank you. Good morning, everyone. I appreciate the time to speak to you. We're going to cover a few different topics today. The first fun one is a GDD summit, the next event we all get to be together. You can move on to this next slide. Contracted parties survey – and I don't need to read them all to you, but – next two slides, actually. Thank you.

So, the GDD summit this year, the preliminary agenda has been posted. It's at icann.org/summit. ICANN staff appreciates the

planning committee with the registry and registrar stakeholder groups. They've been great in getting us a quick and early agenda. We are looking to have updates later in April. Probably mostly just description updates to give a little bit better flavor to each session. Additional events are going to follow this year, [ROW,] DNS Symposium, and DNS OARC.

We are going to attempt to also group with those particular events next year, and the event will be in Europe. We expect to be able to announce the actual location on or before the summit this year. Don't hold me to that, because Meetings team has different expectations, but I think it'll happen. We are going to have the prescheduled one-on-one meetings as we usually do Monday and Thursday afternoons with GDD staff.

We had an issue last year where we were kind of overwhelmed with the amount of interest in certain sessions that we really didn't anticipate to be that attended. So, what we're going to do to handle that this year is put out a poll to anyone that's registered, and ask them for their interest and which sessions they're going to attend. So please register early so that we can get an idea of who's going to be in which room. Next slide.

We are doing the contracted party satisfaction survey again this year. This is the third year, I think, we've done it. We are again partnering with the MITA group for support in this. The survey was

sent on the 26th of February, and we will send you a few reminders with the links to it. It will close on April 2nd. They are anonymous. That's why we have the MITA group send them.

We've really changed the format. It was much longer last two years. The questions could have been taken either way, so we didn't feel like we really got a lot of actionable changes that we can make, so we really revamped the whole thing but still tried to keep it formatted so that we'd have some semblance from year to year of if we're doing better, or worse in certain areas. So, we expect it'd only take about ten minutes to complete, and we have quite a few open-ended questions so that if it's not clear what we're asking you, you're able to actually give us actual detail. Next slide.

So, the IDN Guidelines Working Group has been looking at, for a long time actually, establishing the IDN implementation 4.0, is where we're at. We're currently analyzing the requirements and building an implementation plan internally within ICANN. We're targeting board consideration in May of 2019 and hoping for approval of the implementation. There will be planning sessions at the GDD summit, and we will have two webinars scheduled 6 and 18 months apart so that we can give you some guidelines. Next slide.

So, the privacy proxy accreditation implementation. As you guys have discussed earlier today, this has been kind of put on a somewhat of a hold based on the EPDP, understanding we're definitely not wanting to implement something that doesn't fit into what's going to come out of that group. As indicated, there was a letter sent out, so I'm sure you guys will discuss this further. I'm not sure I have a lot of additional things to add on that. I'm sure we'll get into this within the group later today.

A few additional notes. I wanted to just bring to your attention that we are going through the process of the 2013 renewals through the auto renewal program. There's a few different steps that have to be taken by the registrars, like Jothan indicated, doing the training program, having someone on staff that's actually gone through that program. So, some of those things can take a little bit of time, so we just kind of want to put it out there to warn you to please start early. We don't want to have anybody's accreditation jeopardized by some piece of paperwork that they need to provide or something.

And then also, Jothan has given me another talking point, the ICANN training program. We are in the process of revamping that with in mind that privacy protection issues may be changing what is required and what we're asking and different policies in place. So look forward to some updates to that program. So, there's quite a bit of outdated links in there at this point, so we're

working on that. It should be out probably in the next month or two. Next slide.

For the RDAP implementation, I've got Gustavo from our Technical Services Team, so I'm going to hand this over to him at this time.

GUSTAVO LOZANO:

Hi. Thank you, Andee. So, this is how the implementation timeline for RDAP looks like. As you may remember, back in August, we published the RDAP profile that was developed by the RDAP pilot working group for public comments. We received a lot of comments, and also, we provided some comments.

In February, weeks ago, we published a final version of the profile, and this is a really important milestone that was accomplished by the RDAP pilot working group. At the same time, we also sent a legal notice to the contracted parties requiring implementation of RDAP. And the deadline for that implementation is August 26th. I have that on your screen.

We are thinking of having webinars so we can go through the requirements with the contracted parties and answer any questions that you may have. Next slide.

ANDEE HILL: Before you continue, Gustavo, we actually wanted to poll this group, because in the past we've always done two webinars at different time zones and trying to accommodate the different time zones, but we have heard back from members of this and the Registry Stakeholder Group that it can be cumbersome, because people feel the need to listen or attend both, because we're allowing questions to be submitted beforehand and sometimes during the webinars also.

So collectively, if we can somehow get your feedback on that. Keep in mind we don't want to exclude any geographical location, but we'd love your opinion. Is this a good idea? Should we be doing two? Should we do one? Looking at translating, thank you. Pam?

PAM LITTLE: I'm speaking personally here obviously from as a registrar located in Asia Pacific region. I strongly believe it'd be a good idea to hold two. And if you could please have the recording available, then I hope that would overcome the need to attend both for those who feel the need to attend both. Thank you.

MICHELE NEYLON: Just speaking on my own behalf, Kind of echoing Pam. For anybody stuck in this neck of the woods, it's almost impossible to

attend anything that's scheduled for Europe or for America. So, I think running it twice does make sense. The feeling that people have that they have to attend every single webinar on a particular topic, hard one to mitigate. Making the recordings available quickly, being as transparent as you normally are might help a little bit. But there's always going to be some people who feel a burning desire not to sleep and want to stay up all night and attend things in real time. That's their problem.

ANDEE HILL:

Thank you. That's helpful. You can take it over, Gustavo.

GUSTAVO LOZANO:

Yes, next slide, please. As I was mentioning regarding the webinars, the idea is to go through the requirements with the contracted parties. I think that project managers and the technical guys working on the RDAP implementation should attend. We assume that the persons that will be attending will have some basic knowledge on RDAP. So that's the idea.

We are going to publish the slides in advance so you can go through the slides before attending the webinar, and you may provide feedback so we can cover any questions that you may have during the webinar. Next slide, please.

A very important topic that when you start boot strapping. So as part of the gTLD profile, registries, they need to provide in the RDAP response a link to the registrar RDAP server in which more information regarding the domain name could be found. So, obviously, during the conversations with the RDAP pilot working group, the group realized that all the registries going through all the registrars asking for the same information will be something that is too complicated, and it won't generate any kind of value.

So, the idea is to have a central repository for the registrars' base URLs so that registrars can go to that file or registry, get information and populate the RDAP response. So, we're calling this the registrar bootstrap. Next slide.

And the idea here is that you will populate that information in RADAR and the functionality is going to be available by April 2019. So, it's really important that you go to RADAR and put that information there, because registries, they need this information to comply with the requirements of the profile, and the deadline is August. That's an important message to raise. Please, by April 2019 go to RADAR and populate these fields for your [registries and registrars.] That's really important. And that's it. I don't know if you have any questions.

ANDEE HILL: Thank you, Gustavo. Next slide. We wanted to give you an update on the NSP portal roadmap, and Chris Gift is here to handle that for us.

CHRIS GIFT:

Good morning everyone. This is Graeme’s favorite topic. So, next slide, please. Oh, yes, already up. I think this is a slide we had presented, I believe, about a year ago showing the roadmap of what we had planned, the remaining work we wanted to do in NSP. This group was displeased with this roadmap, understandably so. It’s long. So, it goes out quite a ways. So, we really took that to heart and we did quite a bit of work afterwards and looked at what we could do to speed things up, having multiple teams looking at different things that we could do in Salesforce, using things such as lightening and as well as working on our own internal processes to see how we could do better.

So, we did that over the summer and the fall, and I’m basically here to report on the outcome of all that work that we did. Keep in mind the date. Basically, C5 is a smart form, so that would be rolled out in Q1 of 2022. Next slide, please.

So, this is up the updated roadmap. The numbers don’t quite correspond because we’ve done quite a bit to rejig things and improve this. But basically, the outcome is that by this time next year – so two years faster – we are done. So, by this time next year,

we don't have, obviously, exact dates yet, there's still quite a bit we have to do.

UNIDENTIFIED MALE: It's never done.

CHRIS GIFT: Yeah, it's never done. But that's the basic outcome. So, we listened, we've tried our best, and this is where we're at with that green line. We still have a number releases to go, but at this time next year, we should be on NSP with not just the bulk of the register functionality but Compliance as well. Alright, yes. Next slide, please. Go ahead, Michele.

MICHELE NEYLON: Chris, I know it's early in the morning and we're generally a kind of pleasant group, but haven't we had these promises of launches and releases and other things related to this portal at least, I don't know, four times now? I don't know, Graeme, have you been keeping track how many times they've promised us this? What's different this time, I suppose, is the bottom line.

CHRIS GIFT: I don't think we promised things in the past. We've been very clear it's going to be a long ways out. I think that's what we promised.

So, what we're promising now and what we're committing to now is that it's going to be a lot faster. And we have had problems. There's no doubt. We've had problems in the past in terms of releases. But for the past about a year, year and a half now, releases have been on time with respect to Next slide, please, and they have rolled out with the expected functionality. So, I think we're on track there. Yes?

JAMES BLADEL:

Can you back this slide up one to the timeline? I really appreciate the velocity with which you have expedited things, but as I look at the sixth item there for example, I see the WHOIS RDAP tool completing before our implementation date in August that Gustavo just described. So, you might have hit the gas a little too hard. Could you explain that?

CHRIS GIFT:

Yes, that's a great question. So, that is not an external tool. That's an internal tool used by our Compliance to compare WHOIS records. It's just something that they do. It pulls up a WHOIS record multiple times over a period of whatever time they want. It just compares the difference. So, it really has nothing to do with your RDAP stuff or anything like that. It's more of a tool for us internally to do things. So, that's what that is.

JAMES BLADEL: Okay, thank you. I just wanted to say some of us are caffeinated and paying attention.

CHRIS GIFT: So, the next slide, please. Just very quickly, this is just the work we have left to do in terms of the releases relative to you, and the estimated time of completion is first quarter of next year, calendar.

GRAEME BUNTON: Thank you. That sounds great. We look forward very much to having this functionality in place. I'm impressed you found two years of work to shave off or compress. That's delightful. Yes, great. Can't wait.

VOLKER GREIMANN: To quote Gandalf, is it secret? Is it safe?

CHRIS GIFT: Is it secret? No, it's not secret, although this is the first time we're sharing it. Is it safe? Yes, it's safe. We're comfortable with this.

VOLKER GREIMANN: So, as long as you're not shaving off any time from testing security of the data that's going into it, I think we are fine. We just don't want to see anything like the new gTLD application portal where one applicant could suddenly see the data of another applicant. This would not be nice for registrars either.

OWEN SMIGELSKI: So, I'm kind of new to this whole thing, being out with a register now so I'm experiencing things from a, I know it was there as ICANN staff. So I'm trying to get access to Next slide, please., and only the primary contact listed in RADAR is allowed to do so, which has been –

UNIDENTIFIED MALE: [For a registrar.]

OWEN SMIGELSKI: for registrars. Is there plans to open that up, or can I – okay, so that would be when...

CHRIS GIFT: V2.

OWEN SMIGELSKI: V2, okay. Alright, so for now we just got to go through the one credential?

CHRIS GIFT: Yes.

OWEN SMIGELSKI: Okay. Thank you.

GRAEME BUNTON: Thank you. Did everybody catch that? So, by the third quarter of 2019, more than one person can use the portal at a time from your registrar.

CHRIS GIFT: That's correct.

GRAEME BUNTON: Okay, cool. Okay. Thanks, Chris. Back to you, Andee. Are you done?

ANDEE HILL: We are done.

GRAEME BUNTON: Great. I have a couple of things, and then we'll open up to more general GDD questions. Maybe going back all the way to the GDD summit. Can I maybe get a show of hands around the room for people who are going to Bangkok for that? Okay, quite a few. I was a little bit concerned that it was far and filled with deadly peanuts, and people like me want to avoid it, but here we go.

ZOE BONYTHON: Graeme, just for one night though.

GRAEME BUNTON: Wow, okay. I don't get it, is there a – anyone born in 1980 or later has no idea what that joke was.

ANDEE HILL: Just to update, last year, we had an issue where you couldn't see the attendees. So that has been fixed. You can actually look at the attendee list as of now online just like you do at any ICANN meeting. I think we're around 100 attendees. I want to say there were two or three board members that were attending, but I'll follow up and check.

GRAEME BUNTON: Great. Back to RDAP. We've been talking about this inside the stakeholder group for a long time, signaling everybody that it's

coming. It's happening soon. I think there's a sort of real diversity of experiences with RDAP inside the stakeholder group. I think Tucows has built a thing on top of RDAP already. I think people haven't looked at it yet and are still trying to figure out where to prioritize RDAP work in your dev cycles. I think GDD is going to be a great resource for people, lean on them. But also, I think we can lean on each other to a certain extent too. If you guys have questions about RDAP, you're trying to figure it out, I think collectively we've got a lot of experience and can be helpful there, so let's also talk to each other.

CHRIS GIFT:

Just a quick question for the group, I guess. We are working on an RDAP client. I think people are aware of that. Yeah, there had been discussion about open sourcing the code for that client, and I know we've mentioned it to several registrars. Would that continue to be an interest to people here?

MICHELE NEYLON:

As a general rule, I support open source software as a concept, so anything that's put out there, yes. But for the love of god, not in Java. Sorry, I don't know. Maybe some registrars at this table are using Java, but a lot of the registries get supper [excited] about Java and release code in Java that's of absolutely no use to those of us who have zero Java in our stack.

VOLKER GREIMANN: I think there are more that drink java than use Java.

MICHELE NEYLON: I totally appreciate the idea of drinking java, but we don't have any java in the room, which is rather sad.

GRAEME BUNTON: Jothan?

JOTHAN FRAKES: Yes, so I would second what Michele's saying. I think Python, PHP, or other languages, if you're open sourcing it. Is it in Java, Chris, directly? I thought I would just directly poke the bear rather than go the friendly Irish way. So, moving that over to Python or other languages is helpful. Although there are some folks who are looking at innovation within blockchain and using authentication blockchain things that sit in the browsers that are JavaScript-based –

MICHELE NEYLON: Did you have to go with blockchain this early in the morning?

JOTHAN FRAKES: I used the B word. I'm sorry. But there are people looking at RDAP as a new way to potentially build things, and the JavaScript might be helpful, but not Java.

GRAEME BUNTON: Okay. Thanks. I think GDD staff are hearing that no one likes Java, so, great. My next question is maybe for Cyrus, who's hiding behind me. I was on vacation part of this meeting so maybe I've missed it, but we have historically had a sort of dedicated registrar rep inside of GDD staff. And I don't believe we do at the moment, or we do and I've missed it. So maybe an update on where that's at and what you're thinking for how we – I'm happy to direct everything your way, Cyrus. In your new exalted position, I suspect that maybe you would prefer [inaudible]

CYRUS NAMAZI: Thank you very much, Graeme. And good morning, everybody. This is Cyrus Namazi from ICANN GDD. Good question. You're not without, actually, representation within GDD. Andee is obviously dedicated, Mukesh, Howard. It's just that the role of sort of the head of that department is something that we're looking at. And as you likely know, with the departure of Akram and my recent appointment to head GDD, I'm actually taking a holistic look at the entire organization of GDD. I'm hoping definitely by the GDD summit timeframe we'll be rolling out a slightly different

organization that will address some of the resourcing issues that we've had, particularly on the registrar side. And then for us, and of course for you also, realize some efficiency and added effectiveness. But any time that you all feel that you're not getting the response and the support from us, do feel free to reach out to me. But meanwhile, like I said Mukesh and Andee and others on the team are still 100% dedicated to support you.

GRAEME BUNTON:

Great. Thanks, Cyrus. I think maybe what we should do is circulate contact information for Andee and Mukesh, because I think maybe many people don't have that. So we'll get that back out to our mailing list and sort of remind people where the best place to go for questions and stuff so that's front of mind. Do we have any other questions or bits and pieces for the GDD team while they're here? Going once, twice. Alright, well, thank you for joining us. Thank you for that update. It was helpful. Looking forward to the portal any day now.

Oh, right. We're five minutes ahead of the break. You get a 20-minute break instead of 15 because we're running ahead of schedule. So, back in your seats at 10:30 and we're going to get going on the EPDP. Come back soon. Thank you.

ZOE BONYTHON: Can I just say that there is supposed to be tea and coffee. There's not normally, but because we're here, they're going to be serving it out in the main lobby area, but because we're a few minutes early, then it may not be there yet. But it should be coming. Thanks. And can we pause the recording, please?

JAMES BLADEL: The table for phase 2, which is what we're heading into now. So phase 1 was about putting something in place that can catch us as a safety net for when the temporary specification expires in March and essentially is a barebones process.

And I think that we did that, and we didn't look like we were going to have the success in doing that. But that was now submitted to council. And as Darcy mentioned in her update, council approved it. That's going on to the board. There's still some open questions regarding implementation. So let's put a pin in that, because we'll come back to that here in a minute.

But now we move to phase 2. Phase 2 was always the hardest part. Phase 2 was about establishing a process for standardized – we don't say access, we say disclosure of redacted WHOIS data for those who are making legitimate requests for a few narrowly defined purposes.

That's what's going to be in phase 2, plus a number of other issues that we encountered in phase 1 that we deferred to phase 2, like what does this mean for rights protection mechanisms, URS, UDRP, how do we refer that over to those PDPs and some other items that came up during the course of our work in phase 1 that we knew we just did not have time to tackle and weren't on the critical path to getting us off the temporary spec?

So phase 2 is going to be tough. And I'm not trying to discourage anyone who wants to volunteer. I'm just trying to make sure that you go into it eyes wide open if you're going to raise your hand, because we definitely need the help.

There is this question about, well, what do we do in the interim time between let's say March or May when the temporary spec expires and when everybody is able to – obviously, that's not enough time to write code and deploy new systems.

So what we're in the process of working out with ICANN is a sort of an overlap where between May 29th of this year and February 29th, 2020, leap year day, that you can continue to operate under the temporary specification if you need to for as long as you need to until you are able to deploy the changes necessary for the new process.

But the problem is we can't call it the temporary specification because a temporary specification can only, by our contracts, live

for one year. And so it will be the requirements formerly known as the temporary specification. So we're still working through the details of that.

We tried a very lightweight sort of almost a handshake, a wink and a nod, get Compliance to pinky swear that they're not going to come after folks. ICANN Legal is – and some of those folks are having hesitation because they want to make sure that they have the legal basis to actually enforce against registrars who aren't in good faith doing either the temporary spec or the new thing.

So they want to make it a little more heavy-handed, a little more complex and bloated than we're comfortable with. So we're trying to work that out here in Kobe and over the next couple weeks.

So the implementation, I think it's important just to note that the registrar representatives on the EPDP have been thinking about how to implement this the whole time and how we know that ICANN is going to, the day before the temporary spec expires, they're going to, "Okay here's your new contract and everything's fine. We solved it. We fixed it."

And then the rest of us are kind of left out twisting in the wind while we can't get our engineers and our development teams and our customer service teams to shift that quickly. So that's something we've been thinking of the entire time.

I think the other point that's going to come up later is transfers. We really have to take a comprehensive look at how transfers are managed. And I don't recommend – as Graeme mentioned – [IRTPE] or anything like that. No more Band-Aids.

Let's start with a blank sheet of paper. Let's use the newer technologies that we have, including just whatever we have in terms of securing these systems and authenticating transfers to make sure that they're safe and secure and frictionless.

And, yeah, I think that's kind of where we stand today. Matt, I don't know if you have anything to add. I think there is definitely pressure coming from other parts of the community to make phase 2 as quick and to give it the same level of priority and urgency that we saw in phase 1. And I think there's an equal, if not larger, part of the community saying that's just not possible. We can't break our backs on this one and we don't have a ticking clock. We need to do this thoughtfully, so I don't know if Matt or Volker want to jump in on that.

MATT SERLIN:

Yes. Thanks, James. I think that was a good summary. The other thanks that I'll add before we are done with thanks is to Zoe for somehow organizing us to make sure that we were – just like James said, all the calls and all the drafts and all the language we

had to look at and the questionnaires. It was nutso. So, Zoe, thank you for keeping us on task. You'll get a set of steak knives too.

So the only other thing I guess I would add, the point that I made yesterday is, yeah, I know everyone's eager to move on and talk about phase 2 but, as James said, phase 1 really isn't even done. We published a final report and that's great, and the council approved it, and that was great. The board still needs to approve it. We assume they will. But then we've got to figure out how to implement the thing. So we've got now less than a year to do that. So it'll be important to nail that down to make sure that we've got a good handle on what it means, what the obligations for registrars are.

I also think it's going to be important that we stress to ICANN the need to make sure that they do a good amount of outreach, because the registrars that come to ICANN meetings and are in this room obviously have a good handle on what the changes are going to be, but it's the registrars that don't come to ICANN, that don't participate in the stakeholder group that also need to know what the new requirements are. So are we taking questions? Oh, Sarah has a question.

SARAH WYLD:

I have a question. Do you think – no, for the group. Sorry. What you just said, yes, we should do outreach to registrars. Should we

do that? I could run a Webinar for other registrars to talk about what's in the report. Would that be useful? I could do that.

MATT SERLIN: Yes, that's a good idea. However, I would argue that that lets ICANN off the hook, frankly. Seriously, that's great, but I don't think it should be up to us to – maybe for stakeholder group members, and that's a benefit or an advantage to being a member. That's kind of cool. But I think the broader community, maybe not. But I don't know. That's above my pay grade.

SARAH WYLD: Yeah. [inaudible]

MICHELE NEYLON: Thanks. Just on this entire kind of education and awareness piece, Graeme and I, along with Sarah, spoke to the GAC earlier this week. We mentioned the document, which I've lost the name of, about the kind of semi-standardized "How to request data" thing.

I don't know how many of you were at the GDPR session yesterday. One of the lawyers representing domain interests came up and started harping on about various different things. I

think this kind of education and awareness piece is very important. Totally agree with Matt.

It's not up to us to do ICANN's job for them. I think it would be great for Sarah and a couple of the others to do something just so we can help our own members, even our own staff, get a good handle on what we're meant to be doing, what we need to change.

But I just did want to ask the rest of you, have many of you had issues with how other registrars have implemented the current temp spec? Because we've seen some registrars who've just shoved in the same e-mail address for all contact points which is, one, not compliant with the temp spec, two, super frustrating for a multitude of reasons, and three, doesn't exactly help when we're dealing with various other parties going, "Oh, I want to contact registrants. I want to do this. I want to do that."

Like some of these companies have literally put in [inaudible] their primary domain. And I don't want to name names, but I'm sure some of you know exactly who I'm talking about.

GRAEME BUNTON:

James. Oh, Neal. I'm looking everywhere but down there.

JAMES BLADEL: I always hide at the end. To your question, Michele, I think in the abstract – and I don't want to say that I've seen this or not, but most of the reason that registrars would use another registrar's WHOIS is for purposes of transfers. I think that's the most common.

But we don't need that any more. So I think if WHOIS was still a critical component for executing a transfer and we ran into the shenanigans that you described, I think you would hear a lot more noise about that. And I think the fact that a transfer can go through without that data is probably one of the reasons why we're not hearing anything.

GRAEME BUNTON: Thanks, James. Neal?

NEAL MCPHERSON: So I had a question with regards to all these recommendations that have come out of the EPDP working group. Where do those recommendations land on paper? Is it going to be a policy? Is it going to our contracts? Is it a mixture of the two? Where are we going to be finding on black and white what we actually have to do and interpret?

GRAEME BUNTON: That is a very good question. Did you guys catch that? You guys are just brutalizing those snacks. No one can hear.

JAMES BLADEL: Of course. Yes. Blame me.

GRAEME BUNTON: Yes. Get used to that. That's not changing soon.

JAMES BLADEL: I can take a stab at that. I don't think we know 100% for sure where this is going to land. Obviously, it will be enforceable as part of our contract. Whether that means it's going to be its own standalone policy or whether it's going to obsolete and replace a number of specifications that were part of the 2013 RAA like the WHOIS accuracy specification, the registration directory data services, all those specs that followed on from the 2013 RAA, plus some other standalone consensus policies like IRTP ...

We're still examining, I think it was recommendation 27 that said something about we need to do a deeper dive on how this impacts things like the WHOIS data reminder policy. And we chatted with Pam earlier about how it may preempt some elements of the privacy proxy policy. So it's like an octopus. It's

touching everything simultaneously that it might need to be its own standalone policy and also strike some of these other policies and specifications in our contracts.

GRAEME BUNTON:

Thanks, James. So I think that question was good, because it's probably a question just about everybody who's not super involved in the EPDP has, which is, what do I need to do and when? And I think James gave us about as good as a reply that we're going to get, which is we don't know. The final report exists, it'll get approved by the board, and then somehow that final report needs to be turned into policy and it needs to be turned into requirements that we have to build. And the road from here to there is not super clear yet. And I don't think anybody's going to have a ton of clarity on that until it's happened.

MATT SERLIN:

That's right. The only thing I would stress though is, as James pointed out, we made a clear point to say – and this still has to obviously be signed off on when the board approves the final report, but in theory if you're operating under the temporary spec, you have until the end of February next year to continue to do that.

So the short answer is you really don't have to do anything until that time clock expires. And we did that so that A, we could get clarity on what this actually means in practice, and then give us time to sort of build up to that.

GRAEME BUNTON:

Thanks, Matt. I will say that that 2020 date is going to come exceptionally quickly and it's going to take us, let's say, at least another six months to figure out how all of these pieces slot in. And certainly, late in the year is hard on dev cycles. People have vacations and stuff like that.

So everybody should be paying attention to that timing and thinking about – we'll be talking about this over the next year of course but – what work is coming, how to fit it into your dev cycles and make sure that we're as ready as we can be for that February date.

And if we are collectively concerned that we – again, I don't know how much work it's going to be or what that's going to look like, but if we are all going, “Oh my good heavens, we can't possibly fit this in,” then we need to come back to ICANN and ask for something else. I've got Tom and then I think Vlad in the queue, and then Joyce.

THOMAS KELLER: Thank you. So, who would be the next entity that has to move? I'm kind of uncertain about that. So the recommendations that are out there, there's a lot of stuff that needs to be sorted. Someone has to put it into some kind of writing, some kind of format that it's put in front of the contracted parties saying that's what you need to do now.

So I assume – and it's just assumption – that that has to be ICANN.

UNIDENTIFIED MALE: Yes.

THOMAS KELLER: Okay. So, is there already any kind of a commitment what's going to happen once that is approved by the board?

MATT SERLIN: Yes, so Dennis Chang and ICANN staff came into the EPDP meeting on Saturday, I guess it was, and sort of walked us through his plan for the implementation review team. So he's going to head it up personally. They've already started. They're operating under the assumption that the board is going to approve the final report, so they're already starting to gear up to what it will look like once they do and they can be prepared to move forward.

THOMAS KELLER: Maybe a short follow-up on that. So it will be an [inaudible] team, right? We've seen what happened with transfers the last time. So they took whatever we recommended and they made something else out of it. So, are registrars participating in that, or is that a sole endeavor of ICANN?

MATT SERLIN: Yes, so that is a good question and a good point. It isn't something that we've talked about. There was discussion about whether the IRT would be made up of members of the existing EPDP team or if it would be open to new people coming. We haven't gotten to that point. I think the short answer though is 110% registrars will be involved in it, and registries, for sure.

MICHELE NEYLON: Just very briefly, the other thing, Tom, which it makes the EPDP rather an odd animal, is that the membership of the working group was very, very tightly controlled and limited, which is of course then, you couldn't – how to I put it? If you were to open up the IRT so it's a free for all, that probably wouldn't help anybody either. But it is obviously key from the perspective of registrars and registries that we are involved in that because sometimes those implementations do go very strangely.

MATT SERLIN: Sorry, Michele. That’s a good question. How is the composition of an IRT determined? Does staff determine that, or does council?

MICHELE NEYLON: Normally –

MATT SERLIN: Here comes the expert.

MICHELE NEYLON: Okay. Yes, perfect. Marika can do this.

MATT SERLIN: You thought you could sit in the back of the room and just hide. Nope.

MARIKA KONINGS: Hi everyone. So there are IRT guidelines in place the council adopted a while ago. And I think they basically talk about call for volunteers that goes out, and it specifically goes to the original team or working group that developed the policy recommendations to make sure that people with that expertise are participating or are present in the IRT.

But it also specifically talks about making sure that there is sufficient operational expertise present. We haven’t had a

situation yet where membership has been limited. It's just that I think there hasn't really been discussed either on whether the format should be similar to how the EPDP team looked – but I think that's maybe a conversation that will be usually held tomorrow. There's a brainstorming session, I think from 10:30 to 12:00 if I'm not mistaken. So anyone that's interested in that topic is encouraged to come to that session to talk about it.

Again, maybe it is an area where the council could provide guidance if there are specific views on how the composition should look like or minimum representation from certain parties. But the IRT guidelines talk more in a general manner around how the constitution of the group should take place.

MICHELE NEYLON:

Thanks, Marika. There's also an informal GNSO council with EPDP session. I think that's this evening. Is that this evening, Marika? Is the GNSO with EPDP this evening?

MARIKA KONINGS:

MICHELE NEYLON:

No, I know that, but it's another opportunity to talk to them. I think the other thing that Marika didn't say is the EPDP's the first

time we've had an EPDP. So I think we're in kind of unknown waters. So, if you guys think the council needs to say something, do something, let us know, I suppose.

MATT SERLIN: Yeah, I think we should just prepare to provide some guidance or feedback. That would be my guess. Maybe we can just sync up about how best to do that, maybe.

GRAEME BUNTON: I still have Vlad and then Joyce in the queue, I think.

VLAD DINCULESCU: A quick question. Going off what Tom was mentioning as well. So at this point in time, I'm trying to get some clarity. I'm going to start implementing, assuming that the board's going to approve this report. I want to start implementing towards the recommendations of that report.

During this time leading up to February 29th, an IRT is going to be in place that's going to confirm these implementations from there.

And then when that report comes out, I'm going to match my implementation towards IRT's final recommendations and then go from there to see if everything matches. Is that correct?

UNIDENTIFIED MALE: It could be correct. You could do that.

VLAD DINCULESCU: Let's back it up here. Just a bit of guidance, how would everybody else be doing it?

MICHELE NEYLON: Thanks, Vlad. I think you're not wrong, but I don't think you're 100% right either. I think if you look at the recommendations, some of them are pretty much as per the temp spec. There's not like a massive divergence. There's other ones where there are certain changes.

And I think the thing that I think that IRT is going to be looking at is writing, contractual language, policy language for some of the things that we're all probably doing already. So, I don't know. Read the recommendations. Have a look at them. See which things you think you're going to have to make changes for, and keep track of the IRT. James or somebody's going to say something much more eloquent than me.

JAMES BLADEL: I think I've heard and understood most of that, Vlad, but I think it's important to note that when we were making this proposal for

this implementation window, the goal was not to have registrars do what you described, which is make changes and then go back two months later and make a whole bunch of changes again.

The goal was that if you're already compliant with the temporary spec, the best thing to do strategically is just to sit tight and wait for just a little bit while these other things – because you have this cushion where two requirements are overlapping.

One goes into effect, let's say in May, but the new one doesn't go out of effect in February. So you have this overlap to figure out what you want to do. So that's the goal, is not to do rework here. And that's what we were trying to achieve.

MATT SERLIN:

Okay. Sorry, I just want to make one other quick point. we talk about 29 recommendations in the report, but Sarah and I were just thinking it's probably about less than a dozen that actually require some sort of system change on the registrar side. So it's not like there's 29 things we have to go through and update.

GRAEME BUNTON:

Yes, we're not rewriting all the EPP codes or whatever. Joyce, thank you for your patience.

JOYCE LIN:

This question is for James. You mentioned that the group is looking for a safer and more secure way to transfer. And I was just wondering that we've been talking about transfer for ages, and before the EPP code, we didn't have anything. So we implement the EPP code and was sure that that would be safer and more secure way of transfer.

But my question is, are there any data showing that unauthorized transfers there that happen? So if the EPP code, if the unauthorized transfer are very minimal – so I just don't know why we had to fix the problem, spending so much time searching for a safer and a better way of transfer.

JAMES BLADEL:

So we can probably expand on this conversation when we get to transfers later in the agenda. I think the EPDP really didn't answer those questions except to say we need to take a look at that.

I think the concern that some folks have said that regardless of whether it's one unauthorized transfer or 100 that there is - right now there is absolutely no way for a registrar to help a customer who claims that they're the victim of an unauthorized transfer. There's nothing we can do because there's no authorization.

If you have the auth-info code, you have the domain, period. And maybe that's the way we want it. But then we have to talk about

how do we protect the auth-info code a little bit better. It can't be 12345 and my cat's name.

But we can talk about this when we talk about transfers later this afternoon. I know that Graeme's giving me the...

JOYCE LIN:

Maybe I just want to follow, up because I remember the [inaudible] team meeting in Vancouver, we had a small group, divided into small group, talk about transfer. And in my little group, there four or five registrar there. I think everybody believed that EPP code is the optimal, secure way to transfer.

GRAEME BUNTON:

So transfers are literally the next thing on the agenda that we're supposed to get to now. So let's just wrap up EPDP, and then we can do a deeper dive into transfers.

So that was a good discussion on the EPDP, I think. I feel like people probably have a better sense now of where that is, what's coming, and so Michele has a little something, but I'm curious if there's any other questions, any other comments.

UNIDENTIFIED MALE:

[inaudible].

GRAEME BUNTON:

And Pam [inaudible] because obviously, this is the most important thing that's going on. It's going to change a bunch of things and we need to make sure that – and actually, before I go to Michele, I talked earlier this morning about making sure that we have a mandate as an ExCom.

And one of the things I know the members struggled with was to make sure that they felt like they were representing all of you appropriately inside that EPDP. So we did a lot of work to send summaries back to the SG list every week to ensure that we included questions for people inside those summaries as well, and talking about the EPDP on policy calls.

And, I'm sure my members felt like they were not getting enough feedback back. They're all registrars, they understand registrar problems. But I want to make sure that everybody in the room and everybody in the SG felt like they got enough information about what was happening there and they had enough opportunities to give feedback about how they felt things should go.

We don't have to do this right now, but those are really important pieces. So if people have thoughts on that, I would love to hear about them, especially as we go into phase 2, which is going to be long and arduous and complicated.

And we need to make sure that the people we're putting in there have the mechanism to get feedback and express it too, and that that feedback for the rest of the SG is sufficient for you guys to feel like you're up to speed.

So if those things aren't working or anyone has a brief thought on that right now, I'm happy to hear it. No? Feel free to come up to me. Neal?

NEAL MCPHERSON:

It's kind of related. What we talk about a lot at these kind of meetings is it is so hard for newbies to kind of get involved and understand what's going on. And that's in all of the kind of the general – everything. And now this, we've kind of created a super hyper version of that that no one else could probably ever get into this stuff because they're lacking the last 12 months of nine hours per week of conversation and back history and everything.

I'm not sure how we can solve that, but it would be very intimidating to start getting involved in that now, and also pretty frustrating for the others. So if you bring up points like, "Hey we discussed that back in April two thousand whatever."

MATT SERLIN:

It's a good point. I jokingly said we recorded all of our calls so you can go out and listen to everything. But I honestly did not mean

that. I think a great start is actually just reading the actual final report. That's an actual document that if you read, you really can get up to speed on kind of where we ended. And it's a good prep for phase 2 anyway. You should read it just because it's got things that are going to be turned into obligations on you anyway. And James wanted to respond too.

JAMES BLADEL:

Yes, I think I echo that. You should definitely take a chance to read the final report. I know a lot of us had very long airplane rides to get here, so that'll help put you to sleep. But maybe we could help maybe summarizing those recommendations that have a direct operational impact to registrars.

GRAEME BUNTON:

And I think it has been sent out. For sure it's been sent out. Sarah Wyld very kindly did like a one- or two-pager, and then like also a ten-pager that, if you haven't seen those on the list, I think they're like your best shot to get up to speed.

UNIDENTIFIED MALE:

Maybe Sarah, if you could recirculate the [cliff] notes.

GRAEME BUNTON: You could never fill in all of the context, but I think those are going to get most casual observers where they probably need to be for the most part. We'll resend those out. Michele, you still have one brief thought on that?

MICHELE NEYLON: Very briefly. Just because Emily has stepped down, we will need a new volunteer. So I know at the moment it's a moving target in terms of what the commitment will be because that obviously has not been decided as yet.

But if people in the room or people you know who are not in the room feel like taking one for the team and joining Matt in the competition for the steak knives, then something to mull over.

GRAEME BUNTON: Yes. Thanks, Michele. I know we've sold it as a wonderful, enriching experience that you get so much more than you give. But it is an excellent team we've got. And so if people are like, "I care about this issue and I want to participate or see where I can help," you don't necessarily have to be one of the members but an alternate. And we can find ways for people to contribute. So there's always...

UNIDENTIFIED MALE: Or you could be chair.

GRAEME BUNTON: Or you could be chair.

MICHELE NEYLON: Do they accept a registrar as a chair?

GRAEME BUNTON: Almost certainly not. I'm getting reminder that we're getting a little casual with our queue and we need to say our names, which is a good point. I've got Pam and then we'll go to transfers.

PAM LITTLE: James mentioned about a chair. I think this is quite important. The call for expressions of interest is out for now until I think 22nd of March. And from our perspective, we really want to look for a neutral chair.

So this is important to us and for the success of the phase 2. If you know anybody who you think is suitable, please tell them to apply.

And also, within the contracted parties house, I made a proposal to nominate Kurt Pritz for the Ethos Award. So I hope we deal with

that. I think there's a deadline for that, so after this meeting, we have to action on that. Thank you.

GRAEME BUNTON:

Thanks. Yeah, that's good. Yeah, that chair role is going to be really important. Okay, EPDP. Any last little tidbits? And then we can dig into transfers. Great. Thank you guys. That was really good. I think we got some good stuff out of that. Tom, you're up. Let's talk about transfers. Please, and thank you. You've got slightly less time than you had.

THOMAS KELLER:

That's good, actually. I need to fill this time. I thought I'd take the opportunity actually to have a half-hour monologue so you guys can't say anything and just get the thing through. No.

Maybe I want to start with actually giving you a short update what we did so far. So we already met three times. Two sessions at the GDD meeting in Vancouver and another meeting in Barcelona. And we came up with something we tend to call the white paper.

That means we pretty much know what we want and how a transfer should look like in the future. We get a couple more suggestions from Google we need to work through. So they kind of came up with completely new stuff. And I guess we would need to look at that as a group. But I think we're pretty much there. So this is the paper. It's not a typical policy paper. It's more like a

semitechnical process paper. So please have someone from your product management and tech team look at it. This has already the blessing more or less of the TechOps group, and that is what we want to go forth with.

In general terms, what it does is it describes the new transfer process. The new transfer process works as such that it starts over the losing registrar which has to set an auth code, and this auth code in a future version has something which we call a TTL.

TTL is the time to lift. That means this is the validity of the auth code. There are still open questions around how long that could be, whether there's a minimum, there's a maximum. All that still needs to be defined.

But as the process goes along is that the losing registrar is setting the auth code, it's setting the TTL. It's handing out the auth code to the registrant. And the registrant goes to the new registrar, gives them the auth code, and as soon as he starts the transfer with the auth code, it is processed immediately. So this is how it's supposed to work now. There are some bells and whistles attached to it, some other things we need to consider. But this is the main process flow.

There are a couple of other things which we talk about in the document which would be novelties. For example, more like a

dispute system, if a registrar is not handing out the Auth code for example, and a couple of other things. That would be new policy.

And one of the endeavors we have to go through now is that we have to split up the document and saying this is new policy, [genuine] new policy, and this is basically changes to existing policy. Sarah raised her hand saying that she's going to come up with a cheat sheet actually doing exactly that.

So once we've done that, we have to go through the very interesting and happy process of figuring out how we actually want to put that to life. You can write as many technical documents as you like in the ICANN community. You need to go through some kind of a policy process to actually make that work.

And this is what we're debating now. So I think we're pretty much there with the technical specs. We now need to look at how it deviates from current policy and what is new. Then the third step is that we need to figure out how we actually put it into policy. That's where we stand.

And that's what I would be interested in. I heard from some people yesterday – and I think you alluded to it as well James – that there is some thinking that we could solve it somehow in the IRT. I'm not too sure about. I'm not too sure about what we can fix there. Other people are talking about a full-fledged new PDP, which I personally would like to avoid 100%.

Maybe we need to do that for the new stuff, but certainly not for the adoption. And I think that is what we should be talking about now. Everyone who has an opinion, please come [out.] Thank you.

GRAEME BUNTON:

Thanks. I've got Greg and then James in the queue.

GREG DIBIASE:

Yes. So I was going to touch upon what James said earlier. I think we're relatively aligned on what transfers should look like. We don't know how to get to that place. Then there's the remaining change of registrant issues related to privacy proxy, both when you take it down, does that trigger it? That was going to be solved in the PP IRT.

There's Compliance's current interpretation that if you change a registrant while privacy is enabled, that doesn't trigger the requirements. That's something we need to figure out. There's a gaining registrar FOA if that's available from the temp spec.

So I think it would be worthwhile to have a small group to lay out, "Here are the open issues, here's what we think the best plan of attack is. Let's try to do these in the IRT. These are actually new policy. We'll probably have to do that in an EPDP."

JAMES BLADEL:

Yes, thanks, Thomas and thanks, Greg. I think that some of these things are just rough edges from other policies that can be fixed in implementation, but a lot of it is starting from scratch, which is, I think, where we need to be.

As far as getting that part implemented, I think the only way to do it is through a PDP. And for folks thinking that we might have a shortcut somewhere, unfortunately, that's the only way to make a meaningful and enforceable change to our contracts.

Also, an EPDP or an expedited PDP like we had for the temporary spec is really not designed to be any faster than a regular PDP. It simply just skips the issues report. And could can still do that.

I think Thomas and the small group here, we could actually probably just do half the work and then drop it on council and say, "Look, we've already done all the heavy lifting here. We just need a PDP to consider some of these open questions and then go forward with it." That would probably be the fastest path to getting this into practice. But I think we do have to convene that group where other folks - including folks who - and don't laugh at me - who might like the transfer policy the way it is will come out. They always seem to find out that these things are going on, these changes are being discussed.

They'll come out and they'll push back. We just need to have good answers for those concerns and those questions so that we can get past those objections and address those concerns. I'm thinking of the last few IRTPs when we had some folks who have never been seen before or since come out to shoot down some of our ideas to expedite the process.

So I think also it might help us if that small group would consider what secure transactions look like in other industries and how they might help to inform, whether we're talking about things like – I don't want to – what's that?

UNIDENTIFIED MALE: [Multi-factor.]

JAMES BLADEL: Two factor, sure. But anything that – look at people who buy and sell digital assets anywhere online and what sort of processes they have and what sort of dispute mechanisms are available. I think looking at all of those might help address some of the concerns that are bound to come up. But I'm really excited about this and I can't thank Thomas enough for the thought that he's already put into this.

GRAEME BUNTON:

Thanks, James. And it's great. And this comes back to PDP 3.0. In my head, there's multiple types of PDPs. One of them is a technical PDP. We have what is a largely technical problem we would like to improve upon. And it should start with a white paper from the people who do this hundreds of thousands of times a day across the industry.

Capture the best technical solution, and maybe we need to wrap that in some other bits and pieces to answer some questions. But there's a starting place that makes the most sense. And I think we can all get there. So we need to figure out how to get to that place. Questions for Tom?

THOMAS KELLER:

Not a question but maybe a request. I think it's a very good idea actually to convene a small group of people that are interested to see how that is actually being transformed into policy, because as it stands, we do it in the TechOps group, and that is not the body that's really good at actually coming up with policy.

They're good and very efficient coming up with the process. But how that can be brought to light in the ICANN world is something most of the people there are not experts of, including myself. So I'm very happy to actually kind of be part of the group and convene it. So anyone who's interested, please let me know and we set something up. I think it shouldn't be too many people,

actually. So if we have like 25 people in a room, that might be not efficient. But yes, whoever wants to join that group, let me know and I'll set something up.

And to James' point about seeing what other industries are doing or not, we looked at what other registries are doing and whether they have any kind of issues with that or not. We definitely could look at things like blockchain. I'm definitely not going to go down that road.

There already has been a lot of thinking about the security, especially from people from GoDaddy. And we found that security matters especially with the registrar itself and that the process cannot be any better than the security measures the registrar is implementing.

So if the registrar is fucking the whole thing up, your ID will be insecure, full stop. And I think that is a burden and is something we need to be aware of as registrars, that it's only as good as we make it for the customer.

And I think we need to implement some kind of a best practice of what we all need to do, and maybe some practice about what we're not allowed to do, because if you make it just horribly complicated to get something, no transfer will ever happen. And these are the things we still need to talk about while coming up with a policy.

GRAEME BUNTON: Thanks, Tom. I look forward to getting that going. I can't wait for us to collectively get back to work that's not existential crisis ICANN-level stuff and get back to the business of shaving off the rough edges of the domain industry and making it better and smarter and faster.

And this feels like such a great breath of fresh air in the face of all the rest of the stuff that we deal with. So thank you. Any other questions or comments? Easy peasy. Okay, we'll move right along from that then and look forward to the sort of small group kicking off in the near future and we'll get that moving. Next step I think is incorporation.

ZOE BONYTHON: I was going to start with just an update on the charter.

GRAEME BUNTON: [Okay, but then – well, to me first because I need to set him up.] Okay, so I'm going to actually pass over to Zoe to talk about the charter for a moment. And then we'll look at incorporation.

ZOE BONYTHON: Hi. A quick update on the charter. Nothing much has happened since our last update, which is to say that everything was done to

move it to the board. We had the public comment period. There was only ours and – was it [I2C] that sent in a comment? And a couple of individual registrars that put in.

So it's nothing bad or good. It's gone to the board. We're not sure if it's on the board's agenda. Did we look to see whether the charter was on the board's agenda for this meeting? I'm not aware that it is. Yes. So we're double checking that one, but that's it. That's where we're at. We're still waiting for the board. Thanks.

GRAEME BUNTON:

Thanks, Zoe. Right, so Thomas has joined us. And I wish Ben were here. Has Ben shown up? Man, when he leaves, he just abandons ship. So we've been discussing this now for a very long period of time, and that is incorporating the Registrar Stakeholder Group in some fashion.

So if you haven't heard about this, this is the reason why we're looking at doing it, which is for two primary reasons. One, we collect a fair amount of money from all of you. Currently, it sits in a very strange trust account managed by John Berryhill. And it turns out that that's actually pretty expensive for us to do.

I think it costs us something like \$500 a month for that bank account to exist, which is absurd. And it's also a super pain in the ass to get at any of that money, and we have expenses, things like

paying for lunch and coffee as part of this meeting, things like paying Zoe.

We also don't have a legal entity with which we can contract Zoe to do work. What's that?

UNIDENTIFIED MALE: It's just magic.

GRAEME BUNTON: Yeah, it's just magic. For real, it is kind of just magic at the moment. So all of that has led to us looking at over the past couple years various methods for us to become something that can hold a more sensible bank account, not have tons of corporate overhead, so that we can keep this as lean and light as possible and something that we can work with delightful vendors.

And so we've bounced around a bunch. We were looking at the U.S. as a geography for this, and it was going to be a 501(c)(6) maybe, whatever. It doesn't matter what that is. And the registries did that last year in Florida and they have had, I think, substantial amounts of headache with it.

I think a lot of overhead around, do they have quorum for a meeting; oh, they can't actually hold the meeting, and there was

lots of rules and regulations and tax stuff that it turned out that just being incorporated in the U.S. was painful.

And so we've been bouncing around ideas about how we can still make this work, and Ben ended up talking with Thomas about doing this in Germany and incorporating as an entity in Germany, and how that seems like it's reasonably light and might meet our needs.

So, we've talked about this enough that there was uniform agreement in the room that incorporating was a good idea, that it made sense for us to do. What I'm hoping is going to happen today is Thomas is going to give us an overview of what it looks like in Germany, what the pieces are that we're going to need to put in place. We'll have a bit of discussion around that. And unless there's any real big red flags and people have strong concerns, we'll hopefully move forward with the actual incorporation this week if we can find the time, is where I'm at. Any questions on that setup before Thomas digs in?

Great. Thomas, thank you for joining us. Thank you for helping us. We all appreciate the hilarious array of things that you do in this community.

THOMAS MÖRZ:

Thanks so much, Graeme, and thanks for having me. I think I should preface this by clarifying that we didn't do a survey of all sorts of jurisdictions as to what might be the best or easiest to manage because that exercise in itself might produce horrendous cost and effort. What we've done though is ask a few colleagues as to what their experiences are with incorporating in other jurisdictions. And at least from what I heard and from the discussions that I had with Ben, it looks like what we can do in Germany with incorporating an association meets your needs and is very light touch when it comes to managing the organization.

There has been some discussion about other organizations in this industry, about getting charitable status for reasons that I couldn't really understand. So they've put an awful lot of hours in arguing with the tax authorities to get that status. And to my knowledge they haven't managed to achieve that so far.

So that seems to be an ongoing process. But I guess what you're looking for is the legal entity as a vehicle to give Zoe a proper home and also to be able to manage your finances by yourself without involving a third party.

Now, here comes the rub. When you incorporate in Germany, you have a couple of pages of articles of association. You have a total number of at least seven founding members. They sign a letter of

resolution. You file that with the authorities. You're more or less done.

I thought about doing it that way for you. But then there is the issue of potential inconsistencies between the articles and your charter by which you operate. And your charter is a monster. It's a 36-page document with an awful lot of detail on how you deal with NomCom, how you deal with GNSO policy development processes, how you direct your councilors and all that, which is totally unrelated and irrelevant for the association.

But still, the question is, can we divorce the two documents from each other sufficiently so that we don't create inconsistencies and misunderstandings as we move on? So what we ended up with is one document that consists of two papers.

So we would take your charter on an as-is basis and add to that another document that just makes reference to the respective parts of the charter and adds the pieces that we need to add in order to be compliant with the German civil code. That's where our lawmakers have buried the rules on articles, right?

So the idea would be that we have this one document, the big document. Unfortunately, we would need to file those two documents in combination with the [register.] And any changes that you might make to your charter would be changes of the articles of association. But I guess by doing so, we can make

document management easier and avoid friction between the two.

I've also discussed with Ben whether we should actually try to assess whether everything that you have in your charter is compatible with German association law. And I've suggested not to go that route, because it would be quite an undertaking to do that. And even if we did find out that there might be issues with it, I'm sure you don't want to go through the cumbersome process of changing your charter now that you're virtually at the end of it, right? So I've suggested that we take a slightly more brave approach: file it, and then the [register] will take a look at it and they will get back to us with any issues that they might spot.

Maybe we'll get away with things as they are. Good for us. If there are changes required, we need to make changes as we would if we do everything a priori. Tom, you have a question now?

THOMAS KELLER: Sure. So if it comes to the charter, is the whole idea that we use the same board as we have in the RrSG as the board [inaudible]?

THOMAS MÖRZ: I'll get to that in a moment, so if you just bear with me. So I just wanted to offer a little bit of background, that if we do this now, there might be questions from the [register] that you could

likewise spend a lot of money to go through all that and fix it all, or even just get green light that everything is in good shape. And I think that that's not the way to go. Elliot.

ELLIOT NOSS:

Yes. Thomas, I have a comment and then a question. That feels unnecessarily complex at a structural level. Why not just have the purposes of the corporation be to perform financial transactions for the constituency so you have completely divorced the two?

There's no need. The corporation can just have as its purposes very simply, performing an administrative function for the constituency and the constituency is just sort of something that sits underneath. That way, you completely divorce the two as opposed to try and mirroring them.

THOMAS MÖRZ:

So that's something that we could potentially look into. From a tax perspective, the beauty of doing it – not this way in terms of charter format or associations format, but if you have a trade association that takes care of the interest of a particular industry, there are special rules that make it easier for you tax-wise. So we want to –

ELLIOT NOSS: You're getting to my second question, which is, both because of GDPR and taxation, wouldn't Germany be a much more complicated choice? I think if what we're doing here is jurisdiction shopping, there's a number of jurisdictions that come to my mind that would be dead simple to both incorporate and have very low touch around things like this where we just didn't have to think about it. I don't want to complicate this. I wish you'd mentioned this to me, Graeme.

THOMAS MÖRZ: I guess if we set this up as a professional association or trade association, you would –

ELLIOT NOSS: Yeah, I wasn't suggesting that.

THOMAS MÖRZ: No, but using that format, you would have very light touch tax implications. So if Zoe did a lot of the bookkeeping and all that, then the estimate from the tax advisor that I spoke to is that you would have a total of running cost of approximately 500 U.S. per quarter. And I think that's not too expensive.

And you could manage yourselves as you do today more or less. And that leads me to Tom's question with the board, because you

need to have a minimal set of board members that you file with the registrar. And in order to avoid that, we have to refile whenever you have changes in the executive committee.

We would make the board consist of two components. One is the minimum required set of directors. Those would be filed with the authorities. And then you would have an executive committee as you've defined it in your charter that would do exactly the things I mentioned.

ELLIOT NOSS:

Yeah. And, see, all of this is frankly scaring the crap out of me. And when I say that, there are lots of jurisdictions where you can have a single director. Zoe can be the director. It is a single – it's a very simple purpose entity. And I'm not trying to save on the \$500 a quarter. You probably could, but that's not my point.

I'm just worried about a lot of that. we have things like you could have had a situation just a couple months ago where Lindsay and Ben were directors. Their career paths took a – with any sort of number of directors in this group, there's real risk of a lot of fire drills.

So I find myself – I'm not suggesting Canada, but I know you could have a single director and very simple incorporation. And I do have a little bit of concern about – we have an office in Germany,

so for us it's GDPR nexus no matter what. But others who have no European nexus might get a little skittish about that.

THOMAS MÖRZ:

So a single director would be sufficient under German law as well. The question is whether you want to put Zoe on the spot and be responsible for all that. It's possible to have Zoe manage that.

I would always recommend to have a vice chair as well in case Zoe is not available or whatever director is picked is not available. There are certain duties that need to be fulfilled inside the association like calling for annual general meetings and all that. So that needs to be taken care of.

If that's not even the case in Canada, for example, that might make things easier. And I'm not saying that this is the easiest path. All I'm saying is that for the moment, the thinking was to keep Zoe out of the line of fire for being staff and also responsible and ultimately liable for what the association does, because that rests with the position of a director.

The idea was if you want us to take that route, we could enter myself and one additional lawyer from our firm, but we wouldn't do anything. We would just lend our names to this. The exact committee would do everything as they do today. They would manage the finance and all the rest of it.

They would change as they change their career paths and as you replace them, but we wouldn't have any filing duties with the authorities.

ELLIOT NOSS: I'm worried. We've gone on too long on this so I'm just going to back off, and we can take it offline, or as you like. I've shared some of my thoughts there. Thanks.

GRAEME BUNTON: Thanks, Elliot.

THOMAS MÖRZ: I think Tom wanted to get back in the queue.

THOMAS KELLER: Would we have to become members of that association?

THOMAS MÖRZ: Yes.

THOMAS KELLER: Okay.

THOMAS MÖRZ: And I thought that was the idea, that you would have your membership be a member of that association.

GRAEME BUNTON: Yes, I think when you pay your dues every year your membership is renewed. Want to keep going? You've got more?

THOMAS MÖRZ: I was just waiting whether there are more questions at this stage. Tom.

THOMAS BARRETT: Yes, I'm just curious how many different jurisdictions we examined to determine that this was perhaps the best place to go.

THOMAS MÖRZ: As I said, we didn't do a formal forum comparison. I was listening to Ben's requirements and the need for doing this light touch. And I think that this meets our requirements. But we can certainly undergo an exercise of comparing it to the requirements in other places.

GRAEME BUNTON: Tom is nodding his head like he thinks that's a good idea?

THOMAS KELLER: No, I'm just thinking about whether association would be a good fit. And being German, I'm very familiar with that type of company. And it would come to mind naturally.

So I see Elliot's anxiety around that. But an association like that, it's used normally for football clubs and all other things, playing card games, want to get together. We need some official [inaudible] and then you found one of these things.

When we were thinking about any kind of a legal body, for me, that was one of the first things we looked into. It's very easy and it's under very low scrutiny of the state, and it has a lot of good taxation things because you're basically not taxed if you're not making it for profit.

THOMAS MÖRZ: As long as you don't do anything commercial, then you just keep the membership fees and you can do with them whatever you like.

THOMAS KELLER: Yes. So it's very easy to set up. It's very easy to run. I think we need to get into nitty gritty. That's why I'm asking a couple of

questions, how that would be, because putting our charter on top of that might be a real burden. We probably don't want to do that.

But I think with the issues we have with the association, we will have this any other incorporation type as well. So if there are concerns about a nexus, I haven't thought about that, being German, obviously. But for me it, makes kind of sense actually.

GRAEME BUNTON: Yes, so to go back to Tom Barrett's question, we did not do an extensive forum looking at process aside from excluding the United States, which was the first place we really looked at and the overhead was just too much.

UNIDENTIFIED MALE: [inaudible].

GRAEME BUNTON: Who? What? Oh, Michele. Tom, and then Michele.

THOMAS BARRETT: Yeah, there are hundreds of international associations. There's probably a favorite jurisdiction for international associations if that's what we want to be. It's a matter of maybe going to a resource like the associations of associations and finding out where they tend to congregate.

GRAEME BUNTON: Michele?

MICHELE NEYLON: Thanks. There's a set of reasons why we need to move this forward. Personally speaking on behalf of my own registrar and not on behalf of anybody else, I'm perfectly happy with what Thomas has done. I don't think it makes a lot of sense for us to start trying to get into complicated examinations of jurisdictions and all that.

If there is a massive problem, let's deal with it. Let's not overcomplicate things. The work that Thomas has done on this to date has cost us money. We do not have unlimited funds. We are not some massive not-for-profit global organization with a gazillion members worldwide. We have how many members, 100-odd members?

So, simple, get it done, let's move on with our lives. And, by the way, the GDPR thing, I'm sorry, I don't even see why that's even a question. you're just creating a bloody company. It's a legal entity. It's not an issue.

GRAEME BUNTON: Thanks, Michele. And you're right, we could make this as complicated as we want to, and that is not what I think we want to do. And so I do appreciate the work that Thomas has done to simplify it as much as he can. So why don't I pass back to you, and you can keep going.

THOMAS MÖRZ: So I guess that probably the biggest effort in preparation for this is the translation of the articles. I'm not sure whether you have a status of that. Ben was trying to get a translation, but the effort I had to put into this so far was not really substantial.

But having said that, I want to get back to Elliot's point on just having an association that has the purpose of managing the finances.

UNIDENTIFIED MALE: [inaudible].

THOMAS MÖRZ: If you wanted me to, I could actually check whether that would still meet the needs of getting the tech benefits, not doing proper tax returns, stuff like that. Otherwise, I think that you do want to have the vehicle where the membership payment is linked to the

duties that your members have. I.e. if they are in breach of what your standards are, you might want to kick them out.

ELLIOT NOSS:

I'm sorry, yes, I promise to speak into the mic as we go on. I would want that in the constituency, not in a corporation because we have so much more freedom. There it's just in our purposes. It's not, now we can kick people out. We're jurisdiction free. We're a constituency inside of ICANN. And I think that we've been able to run that way.

I'd hate to be in a situation where all of a sudden, our ability to do something inside the corporation became a function of German or any other national laws. So that's not about German laws. That's about national laws.

Right now we're sort of free of that burden. And what we do inside of the constituency, we answer to ICANN. We answer to the multi-stakeholder model. And I think that's how it should be.

So I really don't like tethering ourselves in that. I see where you're going, which I think is to say, "Hey that brings some order or structure or rigor to it." But I actually fear that, not welcome that.

THOMAS MÖRZ: So I think that's a fundamental question that you guys need to answer.

ELLIOT NOSS: And I want to stress, because I didn't say it, I appreciate all the work. And I do not want you to have to go and do a bunch of jurisdiction work. So I think that you've said nicely, "Hey, this might work. I'm aware of this and this might work." And that's greatly appreciated.

THOMAS MÖRZ: So I guess that's pretty much for this group to answer. I thought that you wanted to have an association that basically gives a formal body for what you're doing here. This is why I thought it would be the easiest way to just make a catch-all, link membership, the expulsion of members as you might need to expel members and all that, to this.

If you want to entirely divorce that, I'm happy to take a look at that because I guess before we go into the details of what this means, we should –

ELLIOT NOSS: We've kind of now already, I guess, to Michele's both point and chagrin, Graeme wants an easier way to be able to handle the

bank accounts, a more efficient way to handle the bank accounts, get Zoe paid and be able to buy lunch. And I fear we kind of opened Pandora's box a little bit with all of that, so, comments are made.

GRAEME BUNTON:

So I worry a little bit that people – don't go far, Elliot. I feel like people in the room might be a little bit lost about the distinction, that we just bounce back and forth. So because it is a question for the whole room, I wonder if we can articulate that question a little bit more succinctly for everybody and then see if we can get some opinions on that. Can you give us that sort of debate in like a sentence or a question, and then we can chat it out?

ELLIOT NOSS:

I can try and do that if you want, Thomas, because I feel like you're doing us a favor in all this. I think that currently, and for the last 20 years, we have lived as a constituency inside of the multi-stakeholder process. We have bylaws inside that process. We've managed them sometimes terribly, hopefully now getting a little bit better.

That is, if somebody has a problem, somebody in this room has a problem with that, they go to the GNSO. They go to ICANN Org. They go to the ombudsman. Those are the places we have

recourse. What Thomas is nicely suggesting, and any alternative to that structurally, takes those and brings those association structures under the umbrella of some country's laws. Forget about which country it is, because I have no opinion about Germany versus the United States versus any other place in the world in this regard.

I think that it's important on a number of levels that we live under this regime. And this regime is what has served us to this point. We have never had a problem with that. There has never been a situation where we've gone afoul of our rules and have had to make recourse elsewhere and that hasn't been satisfactory, etc.

And I feel like that would be trying to solve problems we don't have. And we could inadvertently introduce new problems. Was that still too geeky?

GRAEME BUNTON: Put your hand up if you thought Elliot's explanation was too geeky.

ELLIOT NOSS: Or ask questions about them.

GRAEME BUNTON: Yeah. So I've got Tom in the queue. I want to make sure everybody's up to speed on this because it is important. Go ahead, Tom.

THOMAS KELLER: Aren't we just looking for a sponsor that is sponsoring our activity inside ICANN? So this is going pretty far saying that this is a representation and we have that purpose and yada, yada. At the end of a day we're really just looking for a body that can actually hold a bank account and do some administrative stuff.

And at that point we start mixing our charter and the setup of this company and all of a sudden we need to talk about officers and so on. If we pick whatever kind of legal body, it should always be restricted to this operational sponsorship of our interest group. That's what I would prefer.

So we're not going out there and set up a trade organization which is following certain rules and it has its own way of being managed. But I would much rather like to stay in that constituency and we do it with the bylaws we have.

And then there is the sponsorship organization we all become a member with, where we pay the dues to. And we take those dues and use them to sponsor our RrSG endeavors. That's how I would do it.

GRAEME BUNTON: Thanks, Tom. So I think that sounds closer to Elliot’s vision of how the structure should work.

THOMAS MÖRZ: Quick reaction. So how would you [incentivize] or get your members that would be part of this informal constituency pay membership fees and enforce those if you completely divorce that? Would it be voluntary?

ELLIOT NOSS: We would do that the same way we’ve done it for 20 years, which is under this process. And I would even go simpler than Tom. I wouldn’t have any of them be members of this sort of larger body at all. I would have that be a very simple administrative, function.

And you’re still paying your dues to the constituency. The constituency, this little kernel of ExCom simply has the ability under the charter to put money in this bank and to use it for expenses. That’s it, and that’s why. I think you’re trying to simplify it. I think you can even simplify it further.

THOMAS MÖRZ: So I guess that you are already a legal entity for one purpose. And that is when we did the IANA stewardship transition. All the

component parts of the community were made unincorporated associations but worked just with that limited purpose of exercising the community powers. So also have some form –

ELLIOT NOSS:

Technically, we could do it without a corporation, too, right? You could do it with an individual holding a bank account and have that bank account be there just bound by their agreement with the constituency, etc. Right? So anyway, I'm trying to simplify not complicate. And I fear I'm complicating.

THOMAS MÖRZ:

The question is whether we actually do simplify, because if you have a joint purpose, if you're paying fees to a sponsoring organization or what have you, then that might make you a legal entity of whatever shape or form just without having spoken to the duties and what have you. Tom, you wanted to comment again? I'm sorry.

GRAEME BUNTON:

If we're happy just for me to have a bank account, then we solve lots of problems. But also, this seat isn't permanent, so that complicates.

MICHELE NEYLON: Let's forget about the bank account for a second.

GRAEME BUNTON: Right. Sorry, Jothan, for your patience. Ben, thank you for joining us. Ben's point is that there needs to be a vehicle to contract with the secretariat. We can ignore the bank account for a bit. But that's a thing that needs to happen.

ELLIOT NOSS: There not need be a vehicle, there need be a party. And that can be an entity in trust, that can be anything. It can be Graeme in trust for the registrars constituency. Graeme acting on behalf. I'm telling you what is possible. It's not a vehicle. It's an entity. It's like it's just a party. That's all it need be.

GRAEME BUNTON: Okie-doke. Jothan, and then Frédéric.

JOTHAN FRAKES: Yeah, so I thought many of us have dedicated a little extra traveling costs towards being here Friday to talk about things like this. I wonder if maybe we can get a little more substance out of the discussion for that. But I definitely think Zoe is absolutely fundamental and needed for this group. So I want to acknowledge that.

GRAEME BUNTON: Thanks, Jothan. I was hoping that we could get further enough in this conversation that we can formalize it on Friday. But it's important to have it here because there's definitely a smaller subset that are available Friday.

FRÉDÉRIC GUILLEMAUT: Just a question. You said at some point that we don't only need a bank account but we also need someone to employ Zoe for example. So we might need a legal entity. And a legal entity in Germany, as you said, why not?

But maybe we should stop wasting time on choosing the perfect thing, because at some point if you are talking about the fee from us, if you look at all the people in the room and the time we spend on the discussion, maybe it's the same price.

GRAEME BUNTON: You're not wrong.

FRÉDÉRIC GUILLEMAUT: So I would take this solution. Not alone, but maybe we should just maybe take a vote, a quick vote, and then it will be an association. It will be an entity for the registrar constituency, will be a big

progress compared to the last 20 years. And in five years, we won't even remember it was a discussion.

GRAEME BUNTON: Thanks, Fred. So you've heard Elliot's argument there. Is there a solution for that that comes to mind immediately?

THOMAS MÖRZ: Well, it all depends on your requirements. I thought I had understood your requirements to be such that I now provided a response to. If your requirements are different, let's discuss that. Certainly, everyone can pay Zoe as a contractor.

GRAEME BUNTON: Everyone should.

THOMAS MÖRZ: So you might get away with just having a service contract with Zoe without any additional burdens. I haven't looked into that. I thought that you wanted to give her employee status instead of freelancer status and put that all in good order also to have independence with your funds to know that no tax authorities will cause issues in a couple of years and say, "Okay you've got all this money. What did you get it for? Why is it not taxed anywhere?" All that.

But ultimately, you need to formulate what you're trying to achieve with this. And maybe this is a too Teutonic approach to things. But you onboard a new member. You say, "Okay, sign here. You have to pay your membership dues. You have to operate according to our [charter.] If you don't pay, we can kick you out." How can you vote, and all that.

But again, that's not for me to decide. And I don't have any skin in the game. I volunteer to be entered into the registry and take risks for things that I'm not even doing at the operational level. I will not charge you for having my office as an address. So I'm not pitching for this. I'm trying to help.

And maybe if this is too frightening, what we can also do is go through it first to discuss the some of the nuance that's in here, and then make it another Q&A at the end of my, let's say, ten-minute presentation of this document.

GRAEME BUNTON: Thanks, Thomas. I think that's a good idea. We'll do that momentarily. I've got Frank.

FRANK YU: Hey, this is Frank from Endurance. Thomas, how easy is it to wind down and dissolve a corporation and restart if we think that we have the wrong solution?

THOMAS MÖRZ: So you would need to call for a general meeting. there's some advance notice that needs to be made. And then the members need to resolve with the threshold that the organization shall be wound up. And then I think you need to let it sit for another while in case somebody raises claims against it. But it's relatively light touch as well.

And nothing prevents you from doing something alternative. You can be a member of multiple associations. So you can just let it fade out if you wish and not really take care of it.

GRAEME BUNTON: So maybe take us a little further down this road and we'll do some more Q&A. Oh, did I miss something? Frédéric Guillemaut.

FRÉDÉRIC GUILLEMAUT: I think we should do whatever we need to do. But do we know if ICANN has any special requirements? Because if we make a choice at some point, did we check that there is no special requirement?

GRAEME BUNTON: We've talked a whole bunch with the other organizations that have done this in the community, and there weren't any impediments from ICANN.

BEN ANDERSON: Hi. Actually, we've spent an awful lot of time on this investigating where is the best place to do it. Our colleagues in the Registry Stakeholder Group have a massive tax liability because they've done it incorrectly.

So, I've spent a lot of time on this and it's definitely up to the members what directions to take now, because I'm not a member any more. Well, I might be for Matt.

But this is definitely, from my position, the best way to go with the exception of what [Luke] had suggested as well. But with Thomas offering his assistance very kindly for free, I felt that this was the best direction to take.

THOMAS MÖRZ: Okay, so I trust everyone is familiar with your charter.

GRAEME BUNTON: Yeah.

THOMAS MÖRZ: So at least the seven founding members that we would need would need to be familiar with it, because I would also ask you to have a good read of this document and see whether you spot any issues with it. Tom had a couple of questions that I think we can

go through. But I think that that can probably be resolved easily. So basically, what we have in this document that you see in the Adobe room –

ZOE BONYTHON: [You only have two] pages. You're just up and down. The next page is here.

THOMAS MÖRZ: Thanks, Zoe. So what you see here is a document that has the minimum requirements for founding an association in it. But for the most part, it makes reference to the parts of the charter that have more detail on that.

And just anticipate Tom's question. Tom said we should better not make any hard references to clauses in the charter. I've intentionally done that to make it easier for the register to follow things so that they are pointed to the respective clauses and likely skip the other clauses that don't have any relevance for the association.

So, we would call it Registrar Stakeholder Group Association. It would be entered into the register of associations. You would be an EV, eingetragene vereine, which is just a registered association.

It would have its seat in Bonn. You can put it elsewhere, but that's where I happen to have my offices. And hopefully, they will be there for another couple of years so that we don't have to change anything in that regard.

And then I'm looking at 1.3. That just says that the articles of association consists of this document plus the stakeholder group charter.

Fiscal year, I've just put it here because that's one of the things that we need to put into the articles. That's the same fiscal year as you have in your charter. Tom was questioning that. He said why not make it the calendar year and why stick to the – I think you were asking that in your e-mail, didn't you? Okay. If it's not an issue, then even better.

Purpose of the association would be to represent the registrar on issues of critical importance for accredited registrars [inaudible] to customer experience, industry values and policies as a professional association. Professional association, trade association, that gets us the easier handling of taxes. And this half sentence has been borrowed from the charter. So we made exactly that the purpose of the association.

Then we have to clarify that we're not pursuing any commercial interest, that the members don't benefit commercially. So this is just a clarification that this is not a vehicle to make members

financially benefit from the existence of the association or its funds. That doesn't preclude that members or other individuals can be paid, but that needs to get the blessing of the association.

Number three deals with memberships. The contributions are linked to the contributions that you have in the charter. Membership ends with expulsion, deletion from the membership list or resignation. If somebody wants to resign membership, that needs to be done vis-a-vis the executive committee.

And as I said, the board consists of the minimum board required under the civil code, plus the executive committee which will do the bulk of the work.

Membership can only end towards the end of the fiscal year. We have suggested a two-month termination or two-month notice if you want to leave the association. That can be done differently, but I think it's good to have a little bit of planning security for Zoe so that you know what the next year's budget will be so that you know how many members you have that have to pay membership dues.

The executive committee – and again, not the board – that's being entered into the register is responsible for managing the membership, i.e. adopting new members or kicking out members as the needs might be.

The next clause deals with the expulsion of members if they violate your interests or are culpable of serious violations of the charter. That can be appealed against. That's just everybody should have the right to appeal against decisions that have been made. That then can be taken to the general assembly. I'm not going to read that out to you word by word.

Then board of directors basically clarifies that unlike in your charter, the board members that are needed by law don't have to be registrars. So I don't have to be a registrar to be entered into the association's register. That is to make sure that you have this ongoing consistency for the minimum board members that don't do anything. And we don't have these requirements for the executive members, but the executive members are tied to the membership eligibility requirements as you have laid them down in your charter.

So the board of directors is responsible for the executive committee for calling AGMs, sending out the agenda for AGMs. But that's sort of the equivalent to what you have in your charter already. That's what the exec does and that was the intention, to keep that light touch and in sync with what you have in your charter.

There are invitation requirements that I think you don't have in your charter. But for the AGM which we have to do once a year,

there's some formalities to be abided by. That's what you find in this document as well.

So we need to have a cash audit. We need to find somebody who voluntarily looks at it. That's an easy thing to do. Basically you just...

UNIDENTIFIED MALE: The treasurer.

THOMAS MÖRZ: Yeah. It's also for an independent third party to look at your accounts. And that is the foundation for releasing the entire board, including the treasurer, from liability. So once a year, what you would typically do is say, okay there were no wrongdoings. You get the report from the cash auditor as well. And then the entire board is released from liability. I'm sure that you've seen this in other places.

And changes to the articles require a general assembly. So if you have future charter changes, that would also be changes of the articles of association. They would need to be done in an AGM, you would need to invite to an AGM for that. But I guess that's easily done because you need to have quorum and all the rest of it anyway according to your charter. And that would need to be filed. That's basically it. Sarah, go ahead.

SARAH WYLD: Thank you. And maybe I just missed this. Is there something in the membership section about a member losing their place if the registrar is de-accredited?

THOMAS MÖRZ: So the question is to what level of detail you want to spell that out here. The easiest way for us to deal with that would either to add clarification here, but otherwise, there is a link from the membership section here to the membership section in the charter.

And should that not work for whatever reason, then the executive committee always has the possibility of deleting the member from the membership list, and that would be an expulsion of the organization, if their eligibility criteria are not met anymore.

Everything else is in your charter, which I have no reason to doubt everyone here is familiar with. Just want to put that on the record again.

GRAEME BUNTON: We spent some real time on it recently. Jothan.

JOTHAN FRAKES:

Yeah, thank you very much. And thank you for your hard work, Thomas, as always. One of the things that I wanted to discuss on Friday was – I have a dual hat. I’m the CEO of a registrar. I’m a member of the Registrar Stakeholder Group.

In my spare time, I’m representing the domain industry as the exec director of the Domain Name Association. One of the things that we have voted for in our board is to participate and support various stakeholder groups and other associations as part of our charter.

And I look at organizations like [ECO or i2C] who represent a very wide group of interests, and then having domains being a very narrow focus of that. I look at the DNA and what we do where we’ve got registries, registrars, ccTLDs.

Seems to me like what we’re discussing is an association that represents the narrower path of that, which is specifically registrar interests. So my question would be as part of supporting that, is the structure such that the DNA could join that, given that we’ve got registrars and registries? So this would be restricted to simply registrars.

THOMAS MÖRZ:

Thanks for the question. That’s not for me really to decide. I have not touched eligibility criteria that you have in your charter.

MICHELE NEYLON: I did have something to do with charters at one point. The short answer is, hell no. The longer answer is the charter of the stakeholder groups and constituencies restrict them and very much to the ICANN circus. So it can't be a trade association.

So the stakeholder group cannot be a trade association. So as a trade association, you cannot be a member of the stakeholder group. You do not qualify. You personally do, and you are. But the DNA cannot qualify.

JOTHAN FRAKES: If I may respond, I notice that the RySG does have an observership sort of status that does allow or include other associations to participate on an observer basis. I wonder if we might consider as part of drafting this to perhaps be inclusive of some form of an observer status.

MICHELE NEYLON: It's linked to the charter of the SG. I'm not speaking for everybody else, but I think we're pretty clear that we just want to get that thing done, not reopen it again.

GRAEME BUNTON: Yes, that is also true. That's not something we contemplated in the charter drafting. It would require, I think, substantially more discussion to figure that out.

Right, I'm glad we've put a lot of time for this, because it turns out it was a more complicated question than we thought it was. I'm going to lean on Tom Keller who's studiously ignoring me for the moment.

And I'm doing that because you referenced your familiarity with this sort of structure previously, and it sounded like you were also leaning towards Elliot's suggestion of something extremely lightweight whose only job it is to hold the bank account. There's not a membership component.

If you're weighing these two things, do you still land on that lighter weight, and is it your impression that we should sort of pull this back a bit, do another rethink, and see if there's a different opportunity there, or a different choice?

THOMAS KELLER: Well, that's a tough one. The one thing I would not do is go into actually comparing other nations' legal bodies. This is not really going anywhere.

I think we really have to sit down and think about what we want. And this is having influence about how that is structured at the

end of the day. So, what do we need to do? And I would actually really prefer to have a bit of a dumbed-down version, which is enabling us to employ Zoe and which can hold a bank account on its own behalf so that this doesn't have to be held by a person privately or a lawyer whatsoever. And then we have some checks and balances around as well.

Whether we all have to become a member, I don't know. How the board should look like I don't know. These are all things we would need to figure out first. But going back to the drawing table for a moment and saying, "Okay, what purpose should be fulfilled by this entity?" would be something I would be absolutely encouraging, and I would offer to actually be part of that discussion.

GRAEME BUNTON:

Thanks, Tom. So I wince a little bit because we've been essentially bouncing this question back and forth now for probably close to three years. But I don't think the requirements we have are complicated. I think it's really that we need to be able to employ people or contract with people at least, have a bank account that we can use that we can get a credit card so we can do transactions and make our lives easier.

And that is largely it. I don't think it has to be a membership organization and do those sort of broader things. And we're about

out of time, and lunch is here, and I don't want to hold people up from that, although it's a working lunch.

So maybe what I'll do is turn back to Thomas, who in all fairness has done this wonderful set of work on the requirements that he was given. And I think we've now pivoted a little bit. So I would be curious – the sort of sense in the room, I think, is that maybe we have gone a bit too broad. And maybe there is a smaller something that we can look into.

THOMAS MÖRZ:

I guess the bit that I think we need to think through is if this organization shall just be the financial manager for you, whether that would still give us the eligibility for getting the tax relief. I guess that's the question that I can't answer on the spot.

Also, I thought that we need to link your membership duties, your membership eligibility criteria to the membership criteria in the association. If you want to give up on all of that, I'm wondering, would you then have two different onboarding processes for your membership and say, "Okay you become a –" what would force a member of the Registrar Stakeholder Group to pay its dues if you don't have that legal authority?

GRAEME BUNTON: I think this was Elliot’s point earlier, is we just rely on the charter. If you don’t pay your dues, you’re not on the list and you don’t get any of the benefits of actually being a member.

THOMAS MÖRZ: Yes, but if you had an organization just doing the financial transactions – we don’t have that in the charter at the moment that they should pay to a certain entity. It just says you have to pay, and doesn’t really specify where.

So I thought that you want that link. But you see that conceptually, I want to make it safe for you guys. And then how do we best proceed? So I think I would really need a little bit of time, maybe with a caucus of you guys to discuss this and specify more which part you don’t want, basically.

GRAEME BUNTON: Right.

THOMAS MÖRZ: So I’m here until Friday.

GRAEME BUNTON: So, this is fun and interesting and very classic for trying to figure out what the heck to do inside of the ICANN space, which is we have a couple alternatives.

So what I've heard from the room and in discussions from Elliot and others is that it feels like maybe this goes a little bit further than we require. And it's perhaps possible that we can pull this back a bit and have a smaller, lighter-weight thing. We don't know what that thing is yet because we haven't spent probably enough time contemplating it.

We don't want to go into a process of comparing all sorts of jurisdictions and things. My sort of gentle hope is that when you have a moment and we haven't put you on the spot and we've had a little bit more discussion, you can help us figure out what that thing is. And ideally, it still exists in Germany because you're willing to help us with these services, and maybe there's still something there.

THOMAS MÖRZ:

Yeah. I'll try to reach the tax person. We have an eight-hour time difference, but later today. Maybe that solves it. If they say there's no issue, no complications, then we can re-proceed.

GRAEME BUNTON:

So that's sort of where I'm at, is I think we've murdered people to death with incorporation. I see lots of heads down, not up. Does anyone else have thoughts? Do people think I've just now mischaracterized what it is we're looking at? Or are people like,

“Oh my God, I can’t wait to have a German association, that sounds the best?”

OWEN SMIGELSKI: [inaudible].

THOMAS MÖRZ: Use the microphone.

OWEN SMIGELSKI: Apologies for that humor. I said that was my lifelong dream, to have a German association.

FRÉDÉRIC GUILLEMAUT: Sorry, I don’t want to start again the debate, but once we have this association, we don’t need to be member of two things because it’s going to be the only thing.

GRAEME BUNTON: No. In fact, where I think we just ended up in the conversation was that there is going to be a thing that does not have memberships. It’s just a thing that holds a bank account and can contract with people. It doesn’t have a linkage necessarily to the rest of the membership.

FRÉDÉRIC GUILLEMAUT: Yes, but why don't we do it then? Because then you become a member of this German association and that's the registrar constituency, and that's easy and there's no other link.

GRAEME BUNTON: I feel like you haven't been in the room for the last hour.

FRÉDÉRIC GUILLEMAUT: Okay. Maybe I missed something, and my apologies. But I think we're maybe trying to make too many notes in our heads or something. And we should have lunch.

GRAEME BUNTON: Yes. You get to join us for a little conversation after this, I think, to see if we can distill all of this into something more digestible. Volker, and then we're going to eat some lunch.

VOLKER GREIMANN: Yes. Just very shortly, I think one added bonus that we all have forgotten about if we join a German association as members would be that we could all participate in German [inaudible] in the future.

GRAEME BUNTON: Hooray. Okay. So I know that was sort of dense and arcane. But it was [inaudible]. So, thank you guys. There is food over there. I don't know if Zoe's going to shout at me about specific instructions around food, but we have food. This is also a working lunch. I think we scheduled half an hour though for people get it, sit down and chew for a bit before I make you chew into microphones. So go get some food.

ZOE BONYTHON: Okay so we can pause the recording, please. And just as a side note, I think this is for Registrar Stakeholder Group members, number one, but I think we're going to be fine on numbers. So even if you didn't confirm, I'm pretty sure there's enough there.

If anyone wants more sandwich, take more sandwich.

GRAEME BUNTON: It's 12:45. We're waiting on Ram to show up from the TSG, and then we'll get going. Alright. Are we recording again?

ZOE BONYTHON: [inaudible].

GRAEME BUNTON: Great. Hey, everybody. Welcome back. I hope everybody enjoyed their interestingly-colored sandwiches. Most of us were in with

Compliance – or many of us at least – when the TSG was having their session the other day. So we've invited them to talk to us, and I think we've got an hour on the schedule for this.

ZOE BONYTHON: Up to an hour, yeah.

GRAEME BUNTON: Up to an hour. Because I think we all care a lot about the Technical Study Group and its output, so I think we want to hear about that and do a bit of a dive. Because these are all problems that we're solving on a day-today basis as well. So I won't belabor the intro. Thank you for joining us. Take it away.

RAM MOHAN: Thanks, Graeme. I'm Ram, for those of you who don't know me. I'm the coordinator of the Technical Study Group on access to nonpublic registration data.

We have just a few slides to go through. Graeme, you had said that what you'd wanted was for us to get as deep into the tech as possible. So with that in mind, I'm actually wondering [Diana,) if you'd get the slide deck from yesterday's community session up rather than the shorter slide deck. Because the community session slide deck has the deeper technical details. I'm not sure

which one has been loaded here. I think this is the shorter deck that has been loaded, because I only see 11 slides in here. So I'm wondering if you could take a moment, [Diana,] and get the – okay, wonderful. Thank you for that.

While that gets loaded, I can cover the first couple of slides that are in there, which really has to do with how we got started, what the initial intent and purpose was. Graeme, you and folks from the Registry Stakeholder Group had kindly invited me to come and speak to the CPH – I forget, December, was it? Or January? It's all so far away, so long ago. But I think we had a good conversation there.

But the origin of this came about when Göran asked me at the end of the Barcelona meeting to convene a group of technical experts to go look into what the feasibility would be of a technical model that could be used for the access to nonpublic registration data.

So yes, if you shift down a couple of slides – yeah, there you go. So our charter, you can access it on the URL that's up there, and you see the motivation and the background. The purpose of the group was to explore technical solutions rather than policy solutions, so they make no recommendations on policy questions. We make no recommendations on things like who gets access, what is access, is access the right word, which data fields

under what conditions? What is a legitimate interest?" None of that stuff. That's not in our remit.

If you go to the next slide, you'll get a sense of who we are. There's a bunch of folks I had asked to come on and join me as the study group team. Benedict from – I think Benedict is here. Almost everybody is actually here in Kobe. There's Benedict, Gavin, Jorge, Crocker, Scott, Jody, Murray, Andy and Tomofumi. Murray is the only guy who's actually not here in this Kobe meeting. And we have excellent support from the ICANN Org support team as well. Next slide.

We'll talk about how we went about doing our work. Our model from the get go. Hey, Jody, there's a seat right here at the table for you, and you have a speaking slot too, so come right over. We've been trying to get Jody to speak at these things, and he's been therefore trying to keep as far away from me as possible.

So the engagement model for the TSG has been consensus-driven inside the group, iterative, and with a clear focus on the technology and the technical aspects. Here is what we did. We began by defining the key questions and the considerations. Once we did that – and if you go to the URL, you'll find in the charter document, you will find us listing what the key questions and considerations were.

Then we identified the main assumptions. Following that, we identified use cases and also defined the user journey. That led us to define system requirements which included the functional, the operational, as well as the management requirements. Then we mapped our design plan with the functional requirements. That led us to identify some actor models. As we went along, we were also able to see that there were some considerations or implementations, so we've made those observations and we have determined what those are.

And that led us to arrive at a proposed solution which we're calling the technical model. That has been a completely iterative process. What's in front of you in the community, and if you go to that URL, you'll see that the technical model, we published that as a draft document for input. So that model is in draft form. We're looking for input, we're looking for what we got right, what we got wrong.

We're meeting here tomorrow face-to-face, the Technical Study Group, to reflect upon the feedback that we receive, to go through iterations again, to modify as necessary. And then when we're done with that, we'll publish the final document. As we went along the way of creating the proposed solution, the technical model, what became apparent was that there were considerations for other entities and organizations, ICANN Org, contracted parties, etc.

Now, we don't get to say what should be done there. But as we saw that there were issues or there were topics that should be looked at, we've made the observation, we are documenting them, and those are in the document. We will continue to make those observations, without actually making any recommendations about them necessarily on that area. The community feedback part, we're going to review all of the feedback, we'll revise the technical model.

So that's overall our process and the engagement model that we've gone about. All of our calls have been recorded, have been made public. The actual mailing list is public, the archive is public. So we've tried to operate as much as possible being clear that what we're doing is and remains in the public eye. Next slide, please.

What you'll find on this next slide are the key questions and considerations. You'll find what the major categories of questions that we looked at and what those might be. We ended up coming to something like eight or nine of these key questions and considerations. Again, you'll find a listing of those if you go to the URL and you look at the charter document. You will see what those categories are.

So that actually was what primed the pump. That's what led us to get to, okay, there are 17, 18 questions, and out of those 17 or 18

questions, that led us to say "What should be the assumptions?" So we then started up with a set of, I think it was maybe seven or eight assumptions at the start. And as we've gone through our work in November, December into January and February, we've revised those assumptions and we've made them far more explicit. If you could advance the slide to two slides further – I think to Slide Number eight. And perhaps there's a technical problem. Oh, there is not. One more. There we go.

So this shares with you the assumptions that we have made. Now, I want to just state something. When you see the slides here that talk about assumptions and you see what's listed there, these are really assertions that have been made by various parties that we've heard and that we've taken as these are all true, or these are all the expectations.

So with those assumptions, if you have to evaluate the technical model that we're proposing, you have to keep in mind that the way we looked at it is the technical model is based upon a foundation of all of these assumptions. And we've been very clear to list these assumptions so that all of you in the community understand that this is how we've gone about doing it. So with that, I'll ask Steve to walk us through what the assumptions are.

STEVE CROCKER:

I'll start with a poll. Is there anybody who didn't understand that those assumptions are not our fault? Those are the context [that we were given.] So the basic conceptual scheme is that ICANN gateway is the pathway into nonpublic GTLD data, and that queries for them come through the ICANN gateway. And that the whole venture is to reduce the risks attendant on the registrars and registries with respect to GDPR liability.

There are 12 assumptions laid out in the report. I've summarized half of them, and the numbers in parenthesis are keyed to the numbers in the report. And then on the next slide, the other six show up as well.

So the basic working assumptions are that RDAP is the answer, and that port 43 access will be deprecated over time. As I said, access to the GTLD nonpublic data is only via this mechanism, this process, and that queries from unauthenticated sources will be handled per policy, as opposed to not being taken care of at all, and that ICANN oversees the credential protection and validity processes. Next slide, please.

So those same assumptions are on the top, and then the other six relate basically to the evolution and adjustments that have to be made over a period of time. So there may be changes in datasets and rules, and those have to be accommodated. They'll have to match RDAP usage and existing RDAP practices. And there'll be

the usual learning process as one goes through the implementation and shakedown of operational things. You have a pilot and deal with the implementation practicalities. This is all subject to whatever policy choices are in fact made by the people who make policy decisions, which is, to emphasize over and over again, not us. Thank you.

RAM MOHAN:

Thanks, Steve. Next slide, please. Thank you. So as we've mentioned earlier, we went through listing the assumptions and then went through talking about use cases. Andy, can you take these slides?

ANDY NEWTON:

Yes. So we started with a set of use cases about – of course, the first one is, what about a user who actually is authorized to see this data? This first use case kind of drove a lot of what we thought about. But then we had to consider the other users in the system.

So we talked about the differences between a user who needs a one-time request versus somebody who needs a little more permanent access to the data. And then we also have users who may not be authenticated or authorized to see the data at all. What do you do with them? And finally, what do you do with the

registrants – the data subjects – of the data? So that's a use case we have to deal with as well. Can we have the next slide, please?

So from there, we came up with some system requirements. These also evolved as we went through the iterative process. We basically have broken some of the requirements down into what the requirements are for each individual component of the system, and some of them are overall requirements.

Overall requirements are things like must be v4 and v6, must be distributed and use secure protocols such as TLS and other security measures where appropriate. One of the things for dealing with some of the use cases of people who need one-time or immediate escalation of access is a browser-based web portal so a user can get that done through ICANN. So we have system requirements based on that. We also have system requirements where we break apart the authentication from the authorization, and have those maybe delegated if policy dictates that.

As in the previous slide, we talked about the ICANN RDAP gateway. We have requirements about how that must be able to authenticate the requestors using this distributed system if that's what policy decides. Must be able to have granular access to data, support passing information about the requestor to the contracted parties if necessary, and also redirect unauthorized users. We have requirements on the contracted parties so their

RDAP servers. Mostly, they have to receive and respond to the queries that ICANN sends them. Next slide, please.

Overall requirements, we have things like logging and auditing. That's mostly for transparency of the system. Being able to log the queries, being able to reconcile the queries, understanding data retention around these logs, so forth. Then we thought about performance and service level agreements. The system does have to perform what type of SLAs are necessary upon all parties in the system in order for it to function properly.

Then we went into information security requirements about security controls. What is required of an identity provider, such as doing an audit? Basically, we came down to - in order for us to have a proper security posture, there needs to be a proper risk assessment done, and from there, we can drive a lot of the guidelines for what the requirements are going to be.

And finally, we had other information security requirements, such as business continuity plans and the use of cryptographic techniques in order to secure the data. And I think that's it. Next slide. Yeah.

RAM MOHAN:

Thanks. So that gets us to the proposed model. And Scott, will you take this?

SCOTT HOLLENBECK: Sure. Thank you, Ram. So when you put all this together, after looking at the requirements, looking at all the assumptions, we debated appropriate technologies that would allow us to meet as many of these requirements as possible. The matrix that we came up with – you'll find it in the report should you want to look at it – identified a series of technologies based on two Internet standards-based Web services: OpenID Connect and OAuth 2.0.

I don't necessarily want to talk to this slide in great detail right yet. A lot of technobabble here. In a moment, I want to jump ahead one slide and show you what this looks like graphically, and then it's easier to talk to that.

But these technologies – yes, if you could flip ahead while I'm running my yap here, thank you – if you're familiar with how single sign-on services work today, you go to visit a website and you see a little box there, log in with Google, log in with Twitter, whatnot, it's the same underlying technology.

The difference, though, is that those companies are performing a service – they're acting in the form of something called an identity provider. In the context of what they do there, they're set up to vouch for your identity, to vouch for your credentials, and to collect some information about you that you are willing to share with the resource that you're trying to access. And typically,

that'll be something like your name, your e-mail address, maybe your age, none of which is really relevant for the context of this. But as I said, this is what the technology is based on.

So if you look at the model here, this looks a little bit different than what you've got in the traditional WHOIS-like service, where there is a client and there is a server. We have a couple of additional actors. We have the ICANN RDAP access service that we've already described. And if you look kind of like in the southwest corner there, there's this entity called an authentication provider, and another entity or actor called an authorization service.

Now, these technologies allow those two functions to be performed by the same actor – sometimes collectively called an identity provider – but based on the assumptions and requirements that we came up with, we thought that they could be separated and that there would be one entity that deals with the management of credentials, identification and authentication, and then another entity that would deal with questions about authorization.

At a high level, the way this works is when a client application is dealing with a requestor, a person who wants to make a query, they send this query to the ICANN RDAP access service, who

immediately needs to know if this person is who they claim to be, and what that person is authorized to see.

But the ICANN RDAP access service knows nothing about these credentials. They didn't issue them, they can't authenticate or verify them. So they send a little redirect off to this authentication provider who interacts with the human. And again, if you're familiar with single sign-on services, usually when you click that little "Authenticate with Google" button, what do you see? A Google webpage where you're prompted to provide your username and password and to select the information that you're willing to share. Works the same way here.

When that process is finished there's some bits of information that are given back to the ICANN RDAP access service in the form opaque data structures called codes and tokens. Those contain information about the person that was authenticated and identified.

Next question though is, I have a query and I have some information about this person. Are they authorized to see what they're asking for? And so there's an interaction that takes place with the authorization service where the information is sent over there, and based on policies, – which are TBD, of course – the ICANN RDAP access service gets back an answer, yay or nay, this person is authorized to see what they're asking for.

And if they are authorized to see what they're asking for, there is potentially a series of RDAP queries sent to registry and registrar RDAP services to collect the nonpublic data to form a full RDAP response and to return that to the client. So let's take a step back just on the one slide here, see if I missed anything. The prerequisites, yes.

So this is important. I'm sure you're looking at this and you're saying, "Well, wait a minute. None of this stuff exists right now." Absolutely correct. RDAP services, us as contracted parties, we're all on the hook to get that deployed by sometime later this year. But these identity providers, these authorization services, they don't exist right now. And someone eventually has to step up and assume these responsibilities.

In other contexts, people have spoken about the need to accredit actors to perform these functions. I'm not going to talk about what accreditation means. Let's just throw that out there. But they have to exist, and some kind of relationships have to be established between the actors here. Because this is all based on web services, there needs to be, for example, an exchange of configuration information in the form of URLs.

So there are end points that the identity provider needs to publish. There are end points that ICANN RDAP access service has to publish. That's all based on static configuration information

that takes place when some type of a service relationship is established. The next big change here is that the requestors, the people who are looking to submit queries, have to have credentials. And they typically get that credentials from an entity that's performing this identity provider role.

And if you're wondering, "Well, what's an identity provider?" I like to describe it as some type of an actor or entity that has a relationship or they're part of a community of interest with these requestors. They need to be able to know who they are. And they need to be able to assign certain identity attributes to the requestor.

And what I mean when I say identity attributes, in the context of this work, it would be things like the role they're performing. Are they a law enforcement officer? What's the purpose of their query? "Well, I'm doing an investigation and I have a warrant." The legal jurisdiction from which they are submitting their query. These are all the types of attributes that need to be fed into an authorization decision later on.

But it's also important to note that what these attributes actually are is also a matter of policy. So we describe the technology and how it uses it here, but our model does not make any statements about what those attributes are, what they need to be or where they're coming from. And then the rest of this pretty much as I

described on the flow diagram. So, could we step forward two slides, please? Gavin.

GAVIN BROWN:

Yes. Thank you, Scott. So as we went through the process of designing the system, we came across issues that we felt needed to be addressed but which we didn't feel we were qualified to address ourselves. They're primarily things that kind of bubbled up into the policy area rather than purely items of technology. The report does outline this in more detail, but I'll run through them here on the next couple of slides.

The first item is data retention. We don't envisage that the ICANN access service would hold any data. It's a reverse proxy but it's not a caching reverse proxy, so it doesn't keep copies of the registration data. It sees it, just passes it through and then forgets it. However, it would store logs, and those logs could be associated with requestors. And that does have some implications for confidentiality of those things. So things like data retention policies, we feel it would be appropriate for those policies to be established and put in place prior to the standing up of the system.

Second item is service level agreements. Contracted policies are already subject to SLAs on the operation of their RDAP service. We also recommended and identified that the other potential actors

in the system such as the identity providers, the authorization services, and obviously ICANN Org itself should be subject to a service level agreement that should be enforced and monitored, and that the performance of those SLAs should be published and available for the participants in the system to review.

Obviously, we identified that there was some significant issues that might fall on ICANN Org if they became the operator and coordinating party of the system. We outlined those two items here. Obviously, the feasibility of the system hasn't really been established. We don't know if it's operational or possible to operate at significant scale, depending on the outcome of the policy process that might say that the system might need to handle significant volumes, or alternatively, it might not need to handle that kind of volume.

But we can't comment on that. But we would say that if it does need to operate at significant volume, then there may be operational issues that might need to be addressed ICANN Org in terms of their ability to handle a system of that scale. We also recommended that if ICANN did perform that exercise, they should publish that for review by technical experts. I'm happy to answer question now, if you have one.

ELLIOT NOSS: What scale would you say you start to worry about this at? So think about that as queries per day or queries per month. And what scale would you say it's not even worth building this at?

GAVIN BROWN: I can't answer those questions. They weren't things that we covered.

ELLIOT NOSS: But what would you think? You guys are a deep technical group.

GAVIN BROWN: But we don't represent ICANN Org, and I don't know what their resources and capabilities are.

ELLIOT NOSS: If you built the system.

GAVIN BROWN: Again, I haven't done the exercise and I couldn't give you an answer off the top of my head. People have been saying where we've presented this before, they said, "Oh, this looks great. This is going to be a one-stop shop for all registration data, whether public or nonpublic." So then, okay, that's fine. Let's assume that's [the operating] model.

So let's take the number of WHOIS queries that every registry and registrar in total receives during the course of a month, and then put all of that through this system. That's the kind of upper limit on the volume of queries that this system might have to sustain.

ELLIOT NOSS: You just went a totally different place. Somebody actually said that they wanted to put all of the WHOIS queries that people make externally?

GAVIN BROWN: Yes. Because if ICANN stands up an RDAP service, it'll essentially function as a bootstrap service. So naive client implementers will say, "Right, there's this thing called rdap.icann.org. I could implement the RFC and do the bootstrapping process, or I could just hit that service."

ELLIOT NOSS: Yes, I think that's just an absurdity that I don't think anybody in this room would allow on levels either commercial or legal. But we can put that aside, [because you didn't say it.]

GAVIN BROWN: We had to design a system that allowed for that possibility even if we couldn't comment on the feasibility or acceptability of that of that.

ELLIOT NOSS: Why?

GAVIN BROWN: Because we don't do policy, we're just doing technology.

ELLIOT NOSS: No, I've heard that rap throughout the week, so I'm trying to ask only technical questions. But who would say that?

GAVIN BROWN: I can't remember who it was. It was someone in EPDP.

ELLIOT NOSS: Ram, you remembered.

RAM MOHAN: It was [Alan] from the ALAC.

ELLIOT NOSS: His deep commercial sense was brought to bear there. So let me go to the other end of the spectrum. At what level would you say it's not worth building this service at all?

GAVIN BROWN: The report outlines – most of the time we've spent here in in Kobe has been talking about the RDAP system. But we actually have two systems that we describe, and they're documented in our report. There's the RDAP-based system that we're talking about here, but there's also a simple web-based interface that allows human beings to go in and type their request in and wait a day and get an e-mail to say, "Your request has been responded to, and here's the answer." We, again, take no position on whether any or all of that –

ELLIOT NOSS: I'm asking a technical question.

GAVIN BROWN: But I could certainly imagine a situation where the outcome of the policy process is such that we don't envisage anything more than a trivial number of requests coming through at any given time.

ELLIOT NOSS: In your view, what's trivial?

GAVIN BROWN: And therefore there's no point in automating anything, and everything else collapses out, and we just have this simple web-based system.

ELLIOT NOSS: Yes, but pick a number for trivial.

GAVIN BROWN: 42.

ELLIOT NOSS: That was glib, not trivial. Ram, trivial? What's a trivial number here?

RAM MOHAN: I think it really depends on how big you are as –

ELLIOT NOSS: Let me frame it.

RAM MOHAN: Let me finish, Elliot. Hold on.

ELLIOT NOSS: Sure.

RAM MOHAN: Let me finish, okay? It really depends on how big a player or an actor you are and where you are in the ecosystem. So trivial for me might be in the millions, and trivial for someone else might be in the tens of thousands. So the real technical answer to your question is it depends upon who you are, and where you are in the system.

If you're a provider who is thinking of – and I've seen some folks here in in the meeting who are thinking of, "Oh, we're going to offer WHOIS as a service and we're going to go offer to every registry and registrar who doesn't want to stand this up. Just give us your data and we'll just manage this." Their version of trivial would be different. So it's I think pretty hard to actually come up with a number that will work all the way across.

ELLIOT NOSS: Well, I think you actually did pretty well. You say all the way across. I think you did pretty well. I think you did pretty well. I think you said kind of trivial at the high end is going to be in the millions and trivial at the low end is going to be in the tens of thousands. That's great. Thanks.

RAM MOHAN: I think I said it could be that. I didn't say it would be that.

ELLIOT NOSS: Happy to caveat it by in your – let me try it like this. If Afilius was standing up a service like this, what would be trivial?

RAM MOHAN: I don't know. I'll have to look at it. I haven't given it enough thought to give you an answer that I could go back and say, "Hey, that made sense." But the way I look at it, if I had to stand up a service like this, I would tell my engineers it better be able to handle millions.

ELLIOT NOSS: Great. What if they came to and said, "Ram, we're getting 50 a day. Should we stand up a service like this?" What would you say?

RAM MOHAN: I'd say, "What's it going to cost? How many months is it going to take?"

ELLIOT NOSS: Well, you guys just spent months designing a system. It's your choice. It's your system.

RAM MOHAN: It's not my choice. This is a model.

ELLIOT NOSS: It is. In the hypothetical [experiment, it is.]

RAM MOHAN: No. In the hypothetical, if it was 50, I don't know. I'd want to go and find out, is it going to cost me \$500,000 to build this thing for handling 50? And then I'd go talk to my lawyer, who might tell me you better damn build it because it doesn't matter that you got 50.

STEVE CROCKER: If it's 50, can you hire somebody to do that?

ELLIOT NOSS: Can I hire somebody to do what, Steve?

STEVE CROCKER: To answer 50 queries a day.

ELLIOT NOSS: And not build it, you mean?

STEVE CROCKER: Yeah.

ELLIOT NOSS: Yes.

STEVE CROCKER: Oh, okay. So there's an alternative.

ELLIOT NOSS: There is an alternative, isn't there?

RAM MOHAN: I would say everything is trivial if you had the budget for it. But Benedict, did you want to –

RAM MOHAN: I'd actually say, Gavin, why don't you finish? Because you only have another slide left. Let's finish that, and then let's open up for everybody else. Including Elliot.

GAVIN BROWN: Yes, so moving on to the next slide then. And obviously, this is the elephant in the room, which is the risk, whether this does actually reduce risk to contracted parties. We can't answer that question. We've taken it as an assumption, because if we didn't, we would never have made any progress. So we just wanted to reiterate the fact that we're not the people to make that decision.

We did feel; however, it was important that transparency be a part of this and that ICANN should publish transparency reports. Not necessarily details of specific requests, but maybe information about the types of requests and the types of people who are making the requests, and the sort of purposes that they're claiming for those requests. Transparency reports are very common amongst other operators, and I think it would be fairly straightforward to do that.

And then finally, we felt it would be important to have a mechanism to handle complaints, which may include dilution requests, which ICANN may not be able to satisfy themselves. Obviously, we don't expect ICANN to store any data needing deletion. But there may be other parties – such as the identity providers – who do. And obviously, it may also be necessary for ICANN to forward deletion requests or [redirect requests] to the relevant contracted party. So those are the considerations that we had. And I'll pass back to Ram now.

RAM MOHAN:

Thanks. So we've listed these. These are not exhaustive, and we may end up adding more as we continue to do the work. And for I think almost all of them, if not all of them, these are going to be in the report for others. EPDP2, etc, for others to go and think

about and to go decide whether they want to act on it or not. Next slide, please.

So we're here to solicit input from the community, and we're going to integrate that. We have, I think, three or four calls scheduled, and one final face-to-face in April to go finalize the technical model. On the 23rd of April, we will publish the report and we will be done. Questions?

GRAEME BUNTON: Thanks, I'm suspecting – what's that?

ZOE BONYTHON: In chat.

GRAEME BUNTON: Oh, we've got one in chat as well. I'll try and manage a queue. I've got Michele, and then, did I see Fred? No? Michele, and then we'll go to the online, and then Tom.

MICHELE NEYLON: Right. Thanks. Thanks for the presentation. The first question I have is, why are there no women in this group? Why is this a group of men? You were incapable of finding a single woman across the entire technical community to work on this? Strikes me as a bit shocking. So, that's the first comment.

Secondly, who on earth came up with the assumptions? Because I think they're fundamentally flawed. The assumption the number three, "ICANN is the sole party that authorizes access to nonpublic registration data in the GTLD space" is a fundamentally flawed assumption. I just don't see how anything can possibly work based off that single assumption. I would love to know where that came from. Göran has spoken many times about reducing contracted parties' risk, yet that's not an assumption that's in here.

So I'm just having difficulty understanding what this is meant to do, because, sure, at a technical level, Scott's explanation about how that works technically is perfectly fine. But it's based on assumptions that I don't think fine. And to try and build a system which is so closely and inexorably linked to data protection without considering data protection, without considering the policies, without considering the laws, just doesn't make any sense to me.

That would be like going off and designing a car without considering whether or not you were going to put it in the Japanese market or the American market. This where I'm having terrible difficulty understanding how you could do that. That leaves me very confused.

RAM MOHAN:

Thank you. Could you take us back to the assumptions slide? Yes, that's good. Or perhaps the slide before that. Thank you. So just a couple of things. As Steve said earlier on, it's entirely possible that some of these assumptions that are written here are invalid and inaccurate. We'd like to hear about which of those might be invalid and inaccurate, and that will probably have an impact on our deliberations on what the model might be.

But we don't stand here to defend why these assumptions are accurate or not. What we are doing here is documenting what we've heard and what has been asserted. And you should take these – and we've listed them – as these are the axioms that that we have worked with. If you disagree with them, that's fine. But that's not a fight with us. That's a fight elsewhere in the community. We really don't have a dog in that fight, just to be clear.

The other thing that you talked about was what Göran had said about liability. I think it's actually been reflected there. But perhaps we ought to do a better job of revisiting that.

MICHELE NEYLON:

[inaudible] basing it off what's actually in your charter, Ram? Not
–

RAM MOHAN: I'm sorry?

MICHELE NEYLON: I'm basing this off what's in your charter, not what was on the slides.

RAM MOHAN: Why not? Why are you not basing it on what's on the slides? We're presenting to the slides. We're telling you what's in our proposed document.

MICHELE NEYLON: Ram, your work group has a page on the ICANN website which has several documents, a draft final report, and your charter. And in your presentation today, you said you did your work based on your charter. So the query I had was, if Göran, on multiple occasions, has said that this work was meant to reduce our liability, why is that not in the charter?

RAM MOHAN: Well, I'll have to go read the charter. And if it's not there, I'm happy to go add that. Because clearly, that was part of our assumptions.

MICHELE NEYLON: But then the other bit I have a problem with is you did the work based on the assumptions, but you're saying you didn't develop the assumptions or validate the assumptions. I'm just trying to [sense,] where do the assumptions come from? I find that bit very hard to understand.

RAM MOHAN: You think the assumption that RDAP is a mechanism needs to be validated elsewhere? Do you think that the assumption that port 43 is going to be deprecated –

MICHELE NEYLON: No, Ram, you said –

RAM MOHAN: Hold on a second. Let me finish. That that needs to be validated? I think when we've talked to folks both in the community or you find documents that have been written, I think many of these things can actually be validated. Perhaps there are some of these that we have to go to list the sources of them. But to the best of my recollection, I believe all of the 12 assumptions have some sources that we arrived at. I don't know that we actually invented any of these assumptions. Elliot?

ELLIOT NOSS: On that point, this very clearly came out of Steve DelBianco's exercise that Göran picked up on to see if it could be technically implemented. I don't think there was any mystery about any of that. That's where they came from.

MICHELE NEYLON: It's the bit I'm having a major issue with, Elliot is the idea that ICANN is the sole party that authorizes access to nonpublic registration data in the gTLD space.

ELLIOT NOSS: I'm not defending the assumptions any more than Ram is.

MICHELE NEYLON: That's the bit I'm having problems with.

ELLIOT NOSS: Or any less. They came from elsewhere. That was the – you've sat there just like I have and watched on the stage as we saw that dog and pony show. And by the way, I think there is a way that this could be delivered that could work. But I think it's highly unlikely.

And the material question – which, again, these guys can't answer – is, how many years would it take to get to the other side of all of these different parties who get created to authenticate, etc.? You're probably two to three years away on a fast track. I don't

know. Your nods will not be noted for the record, because, that's not a technical question. But I think that's sort of the missing piece in this, and the piece that I've been screaming about in public forum, which is, it's great. That's great. We're still going to be years away, and we've still got to live in the world between now and then.

GRAEME BUNTON: Thank you, Elliot. Steve?

STEVE CROCKER: So, Michele, I empathize with you. There's actually sort of two big boundary conditions, if you will, or interfaces, and you've been focused on, "Are these assumptions valid? Is it is this right problem for us to be working on?" In a sense. I'm rephrasing. I hope I'm not straying too far from what you're trying to say. And I think those are fair questions. This group very purposefully said, "We're not going to challenge the assumptions. We're going to work within the assumptions."

But it's certainly fair – stepping outside of the work that this group has done – to raise those questions and to do so quite vigorously. I guess that's the only mode in which you actually operate, so that's not a required statement. But that's half of it. And the other half is this is built with the assumption that it can implement

whatever policies are decided by the policy people. And that's also an inherently risky kind of process.

So one might ask, "Well, what policies are likely to be implemented, and who's going to make those policies? And will they fit with this?" There's been some attempt at trying to anticipate that. But nothing formal and nothing definitive that can be said. So that's another kind of high-risk area, if you want, where you have to go over to that set of people, whoever they might be, and say, "So, what policies did you want? And will they fit into this implementation or this design that is presumably capable of that?"

MICHELE NEYLON: Thanks. Thank you.

STEVE CROCKER: So there's two pieces of work for you to do there, which is to go challenge the assumptions on the one side and to go stir the pot on what the policies are going to be.

MICHELE NEYLON: Thanks, Steve. And so I think, Ram, the problem that wasn't clearly articulated was that Göran gave you a list of assumptions. I think that's the actual – you were given a list of assumptions by

Göran and ICANN Org, and then worked from that. But the way you presented this, it sounded like the assumptions kind of came out of – it wasn't clear where.

But if you're working on the basis that Göran goes, "Here's a list of assumptions, go do this," then I can completely understand how we end up with this. Now, and as Steve said, I'll quite happily challenge the assumptions. But I don't need to challenge it with you.

RAM MOHAN:

Yes. Thanks for that clarification. In fact, if I go back and recollect what we did, in our first face-to-face, we have some of these same questions, including the one on ICANN being the sole place for all of this to go through, etc. And we had Göran on a call with us and we asked him that. And he said, "Yes, that is a clear prerequisite condition of all of the work." So not all of those assumptions came from Göran, but certainly some of these definitely came from the ICANN Org point of view. Yes, and if you want to, you can go back to the recordings for that.

GRAEME BUNTON:

Alright, thank you. Steve, can I get you to turn off your mic, please? Thank you. Alright, so I've got a long queue forming now, and we've got only – we're now down to 11 minutes technically. I

think we can run over a bit because I think our next compliance update is a bit shorter. So I've now got Dan online, then Tom, then Darcy, then Volker. I threw myself in there. Then James, and then Jothan. So Dan first.

ZOE BONYTHON:

Okay, so this is Dan Wright from pair Networks. His question is, in designing the model, did the TSG make any allowances for the possibility for multiple levels of authorization? For example, cases where the locale of the registrar might create additional levels of restriction on authorizations that are not contemplated by ICANN.

I understand that the TSG didn't want to get into policy questions, but I'm curious if this model allowed for the possibility of multiple levels of authorization. And to expand on that, what kind of metadata regarding the query would be communicated to the RDAP server from ICANN? Are they going to include both information on the identity and the proposed authorization?

STEVE CROCKER:

The short answer to that is, yes, we did consider it, and yes, the system will support it, both the multiple levels of authorization and the ability to have information about the requestor in the

system itself. We even talked about an ability to pseudo anonymize the requestor or if need be.

What we did was we tried to come up with a framework that could support multiple options, knowing that we didn't know what the actual final answer would be to a lot of these questions. We even talked about different levels of identity providers. So the system is very flexible in what it can and cannot do – well, what it can do, sorry –and what it might end up in the long run is based on policy itself.

GRAEME BUNTON: Thank you. Okay, who is next? Tom.

THOMAS BARRETT: So I'm curious about –I have a general question, which is how you define nonpublic registration data, and whether or not it includes any data elements that are not in the legacy WHOIS pre GDPR?

RAM MOHAN: I think it's a great question. It's not a question for us. So what I'm saying, Tom, is somebody's going to define what is public and what is nonpublic registration data. Once whoever it is decides that, if there is a definition and if there is a set of nonpublic data, here's a model that can be used to access such data.

THOMAS BARRETT: So the...

RAM MOHAN: We're not defining what that is.

THOMAS BARRETT: Okay. So the general impression I think I've received – maybe others – is that this is a replacement for WHOIS. And so we have to deliver something in six months per this new policy. I'm wondering if I need to figure out, for example if I publish traditionally pre GDPR proxy or privacy data, that's what I publish into the WHOIS, unredacted, do I also now need, under RDAP, to start to provide the underlying data as well? That's one use case that I'm not sure [whether I need to] architect something else because you won't get that out of my traditional WHOIS database.

RAM MOHAN: Yes, if whoever it is who's making the decision, the policymaking, wherever the decision is made, if the decision is that such access should be made available, this model will accommodate it.

THOMAS BARRETT: Okay. So you're saying someone is going to define nonpublic registration data. Not your group.

RAM MOHAN: I don't know who that someone is. I just know it ain't us.

GRAEME BUNTON: Thanks, Tom, and thanks Ram. Darcy is up next.

DARCY SOUTHWELL: Thanks. So this slide says one of your assumptions is that ICANN is reducing the registrars' and registries' GDPR liability. Probably should say data protection law liability, because this is a global problem. But you also then later have a slide that says you can't comment on whether it reduces risk. So I'm struggling to reconcile those two things, because I don't know how you can say you can't speak to it, but this is your assumption. So how is this exactly alleviating our risk? Because I think I'd really like to understand that.

RAM MOHAN: Yes, so would we. We're saying this is an assertion that has been made, Darcy. The assertion that has been made and that we are noting is that unified access model – whatever – the ICANN will reduce the liability in registries and registrars. So we state that

because we heard that. Then, as we went through our process and as we went through analyzing all of this, what became clear to us is that we don't know if that assumption is valid or not, but it's not for us to say that it's invalid.

What we're saying is, "Hey, whoever is affected, you guys have to go and validate it." So that's in the considerations section. So I think they're actually quite congruent. Again, keep in mind, Darcy, we're not saying that the assumption is true. We're saying that's it that's a darting condition that we were told exists.

GRAEME BUNTON: Thank you. Volker, you're up.

VOLKER GREIMANN: Thank you, Graeme. My main concern is that certain element that's, in my view, essential part of the GDPR is absolutely missing from this proposed model, which is the requirement to check each and every request whether it's legitimate or not. Let's say you become accredited under this model. You're an entity that's used to drinking from the firehose that used to be WHOIS. Let's call you Domain Utensils or something like that.

You get accredited for a certain amount of data that's set to your access levels. And the only thing that stops you to start drinking from the firehose again is the code of conduct that you may or

may not adhere to. We have a code of conduct with use terms currently in the WHOIS, and see how well that has worked to discourage such actors from drinking from a firehose.

There's no review process for any of the requests, there's no requirement for the accredited party to provide a reason, or verification process of that reason in the process that would be triggered before the data is being disclosed. This is an access model, not a disclosure model. We would like to see a disclosure model, not an access model.

SCOTT HOLLENBECK: Volker, I actually have to challenge what you said about there not being elements in the process to do that. That authorization service that I described is intended to provide exactly that kind of function. There is a set of information associated with the identity of the person making the request and the nature of the request itself. And an active decision is made with every query to determine if that requestor is authorized to see what they're asking for, based on the mapping of that information with the policies that are encoded at that authorization service provider.

VOLKER GREIMANN: Yes, but say I'm a police entity that is authorized to check all data for Canada, if they have a criminal investigation. And now they

pull every data from Canada because they can whether or not there is a for the current ongoing investigation, just to have that data on hand, because who knows if they can get it later. There's nothing to stop them other than the code of conduct, right?

Currently, they make a request to us, we check that request, they state in that request, "Yes, we have a current ongoing investigation." We disclose the data. There's nothing like that in the current model. They request it, they get it, based on their access levels. If their access levels don't cover that, okay, that's a different thing. But they're not on a case by case basis. If I'm accredited to a certain level, I can drink the firehose with everything to that level.

GRAEME BUNTON:

I think Steve has a comment.

STEVE CROCKER:

So, you raise an important point. There is another avenue for control that is consistent with – I wouldn't say built into what we've done, but consistent with, which is the basic picture is that you have a series of requests from known sources with the credentials and so forth. And then you raise the question, well, suppose that they abuse that and go beyond what the intention is.

In my view – I'll just speak personally, but I think it's consistent with this – this is there has to be some form of audit and quality control, if you want, built into all of these things. So you have some group, whether it's law enforcement, whether it's intellectual property, or whether it's some other group that's making a series of requests, there is an oversight process and discipline as to whether those people are behaving within the confines of the rules that are [in play.]

And that's true of basically all systems, whether or not they're automated or not, where you have authority and then you have to have some sort of oversight function. In some parts of government, it's an inspector general, and in other cases, it's internal affairs or whatever. And I got your attention over there.

ELLIOT NOSS: Well, it's just that – what you've said is there is there is protection in the breach.

STEVE CROCKER: I'm sorry, say it again.

ELLIOT NOSS: You said there's protection in the breach. You said that if they do something wrong, there is recourse if they're caught. But the

system, unless you found a system to authorize truth – which I don't think you're asserting – it's very difficult. And we're seeing such high error rates. Not just in the information – the proper information – which you can check for, but in the assertions. And I'm happy to share some stories with you outside of this room.

But I think that for all of us, I think the point here – you know these guys are doing what they've been tasked to do. And I think the point here for all of us in this room is keep your data and track your data now. We're going into a policy process. I can't tell you how many people from the community – people from the GAC, IP lawyers, have come up to me and said that when I'm providing specific data in our blog posts and at the public forum, how appreciative they are.

Every one of you is collecting data on this stuff every day. Keep it. Track it. Graeme, maybe what we want to do is some formal process inside the constituency to take submissions from people. Because I'm telling you, everybody cares about that data. And the real bad actors in this process only can take advantage of the absence of data. Because they don't have any.

RAM MOHAN:

So, thanks, Elliot. So, Volker, I think the other answer to what you're saying is we weren't solving for that particular case. So just

to be very clear, that was not what we were solving for. Back to you, Graeme.

GRAEME BUNTON: Thank you. I've actually put myself in the queue, but I think we've just answered it. So if I'm understanding correctly, all of our restrictions – are being like Tucows or any particular contracted party – they would have to pre negotiate with ICANN to ruleset for what they find acceptable. And those rules would live inside the authorization mechanism. This system doesn't presume the potential for a manual review at the contracted party, where we're queuing these requests, looking at them, going, “We don't respect law enforcement from that geography” or something. Is that correct?

SCOTT HOLLENBECK: Yes. Well, [I don't know if we're going to] pop up that other picture.

RAM MOHAN: Can we put the other schematic?

ELLIOT NOSS: Sure. And Graeme, never use law enforcement, because it's such a tiny percentage of the queries. How about the partial trademark string which we see abused all the time?

SCOTT HOLLENBECK: One of the aspects of this model that I think is interesting from a contracted party perspective – and remember, I too represent a contracted party – there are two classes of queries that we're going to see. Queries from the general public for public data. That's that loop across the top there. No authentication, no authorization, no nothing in that regard. And so the responses that those folks are going to get will be appropriate for whatever an unauthorized person is allowed to see.

The only other types of queries we will be getting will be from ICANN. And the easy way to do something like that has nothing to do with this OAuth 2.0 or OpenID connect process. It's more typically implemented using some sort of a privileged pipe, IP address whitelisting, client certificate for ICANN using TLS or something like that.

And so you're going to be responding to those two forms of queries. And we are suggesting that it should be possible for the ICANN RDAP access service to pass some identity information to the contracted party, so you know who's behind the query. But we didn't take that any further in terms of looking at what the

contracted parties will do with that information, because that's kind of a matter of policy and not technology.

GRAEME BUNTON: Right. So then in your model, you're saying that the actual ruleset would live with the contracted party. So they would get the request. It would have who the requestor is, and we can acknowledge or deny the request based on our internal rules that, will be some mixture of both policy and national law, and whatever else.

RAM MOHAN: Yes. Graeme, I think the short answer to that is yes. The local policy, whoever stores the data, whatever policy they want to apply, the model doesn't presume that the policy is overtaken by some other body or resides in another place.

GRAEME BUNTON: Okay. I'm just trying to figure out where that veto lives. James, you're up next. And then Jothan, then Caroline. And I'm going to give us until 2:00. So we've got 11 more minutes.

JAMES BLADEL: So, yes, everything and it has moved on quite a bit since I got into the queue. A lot of my concerns have been raised elsewhere. I just

wanted to point out – who was it down here who made the joke, the 42? Was it Gavin? I think the metaphor of the Hitchhiker's Guide is very apt here, because you guys have answered a question that no one really was asking the right questions to begin with. So you provided this answer to something – and, we can laugh, but really, the technology was never the problem.

I always assume that once we address the policy questions that, collectively, the industry and the intelligence and capabilities that are represented here would deliver on a platform that would adhere to the policy decision. So I think I think the problem is, the hope of some and the concern of others is that the technology is going to answer or lead or box out the policy discussion.

And I guess – I don't want to beat you guys up, because you were given sort of a – I don't want to – I have to be very careful. Let's say what Volker said earlier. I want to make sure you guys aren't working for the trash can and that this stuff is DOA, and all of this effort is really ultimately just wheel spinning. Thanks.

RAM MOHAN:

Thanks, James. I think the actual response to your question on the technology, etc., is probably better raised to Göran and to the ICANN Org, because I think there is an intent and a plan to take the output of this and to do more things with it. And I don't know

all the answers for that. But Göran spoke a little bit to that yesterday in the community session.

But that's a question that is probably best left and passed on to ICANN Org. I'll make sure that that question does get passed on, because that's really where it belongs. And to your other thing of, whether the work we do, whether it'll survive contact with reality and, live on, etc., it may or may not. I think there are some pieces that we've talked through, and I think there is a framework and a particular model of how to go address up a problem like this inside of a community-based solution. I think that may actually be the thing that survives all of the rest of the deliberations going forward.

JAMES BLADEL:

Just one last comment, Graeme, is that Michele opened this up with a statement about the diversity of the group. And I think it is very important for people to be mindful when you are part of a group that is hand selected by either ICANN Org or some other thing, kind of take a look around and see if it's representative of the community. Because that's the definition of an old boys' network. I know we all kind of bristle at that, but I'm just kind of putting that out for something for us to think about. Because those things tend to be invisible from the inside and only visible from the outside.

RAM MOHAN: Yeah, fair enough. And let me just address that directly. To a large extent, it was dependent not upon whom I asked to be on, but it was depending upon who had the time and the availability to be there. So it's more than just a variable of – what you see is the outcome, but what you actually don't have is what I put into it, which was certainly greater than what I ended with. Thanks.

GRAEME BUNTON: Thank you. I believe it's Jothan's turn.

JOTHAN FRAKES: I want to definitely thank all of you as recognized technical experts. We've got the author of EPP RFCs here, Scott Hollenbeck. We've got Steve Crocker, Ram Mohan, lots of very respected technical leaders, thought leaders that are looking at this. So I definitely recognize that. I think you're catching a lot of visceral energy because some of this, there was a report filed like on the 7th of March. Many of us were on airplanes and haven't had a lot of time to review this. We're a bit on our back heels and probably reacting in ways that – we're grateful to you for clarifying.

So some of the things that we really brace ourselves for are the – we'll call them the data researchers type that seem to have been bundled together with law enforcement or other critical uses and

defined as critical, when this is a lot of folks who are simply – they've built a business model about data that may have been freely available. And those hit the services very hard for contracted parties. Often more so than the typical consumer.

And while they may be providing important results to people doing important good things, many of them just have a commercial dependency on this. And the burden of supporting that commercial dependency often falls upon us and our systems through the form of service level agreements that we have with ICANN. And as we look at this, we want to make sure we are building a robust system that can support law enforcement and other crucial needs.

But I look at page 5 of the report that came out on March 7th and I see – in fact if you go back a slide or two here, it was defined – there we go, use case 1, authorized users. This was probably just a velocity thing. But we do note that security researchers are bundled together with law enforcement, registrars, registries as being critical and must have.

And I think to them and their business models, that may in fact be critical or must have. And I know that they certainly have Göran's ear, and that may have come through with a high intensity. But while it's critical perhaps to their business models, it might be

more considered realistically to be optional, or even important, but not, certainly, critical.

And it seems like that may have just been a quick editing thing in keeping it very high-level. But a nuance like that is going to be very helpful as you clear the paths of groups like the ALAC or places where anonymity and people's personal privacy is more important. Thank you.

RAM MOHAN:

Thanks. That's a great comment. We're doing this with kind of an eye both to getting it out as well as with an eye to doing it right. And that's really why feedback sessions like these are really good. And I don't have a problem with critical comments or the energy. We're proud of the process that we've gone through and what we have.

But what happens to it from there on is whatever happens to it. This is not a, "This is our model and you shall use it" or anything like that. So no trouble. Keep the comments coming. Better to have lots of comments and a lot of critiques, etc. in it, because at the end of the day – and I'm speaking as a contracted party – I'd much rather have as many of those criticisms come in now before we start to put a single line of code together.

GRAEME BUNTON: Thanks.

JOTHAN FRAKES: Just a quick response, again, very quick. So it kind of starts to create some foundational things that lean together in support of some of those groups. And I'm not necessarily opposed to them getting data. But I do want – if we're building systems that have costs to us – that maybe as these lean together, are we building a framework that just creates their status quo access once more in this new regime? That's my concern commercially.

RAM MOHAN: Thanks.

GRAEME BUNTON: Thanks. We've got two minutes left before we need to move on, and I still have Caroline and a very quick Volker in the queue. I would love to get you guys, but you've got like a minute each.

CAROLINE GREER: That's fine. Thanks. And I think the conversation you had with Graeme probably helped me a little bit, although I'm trying to get my head around how that's layered on top of this model. But I totally share Volker's concerns, but I appreciate that's creeping into the policy area. But, is it the case that it is definitively seen,

at least for this draft schematic, that the authorization entity would be a third party versus the contracted party? And is that assumption or case linked to the liability issue specifically?

ANDY NEWTON:

It is a possibility of the system, but it is not predetermined. So in the document, we actually have this list of actor models where we go through and we describe which actors are doing what. And in some of the actor models, there is a third-party authorizer, and in some of the actor models, there is not. The way we put this together was, we wanted the flexibility that policy could decide what was the right way to do it and how to get it done.

CAROLINE GREER:

So another consideration could be a dotted line to the contracted party to be determining the authorization request.

ANDY NEWTON:

Yes.

CAROLINE GREER:

Okay, thank you.

GRAEME BUNTON:

Thank you. Volker, last word?

VOLKER GREIMANN: Okay, very brief. Because you're fishing for opinions, here's just one brief suggestion how you could fix a lot of the issues at least that I have with this model, is by having the requestor include a request reason and giving the contracted parties an option to accept, deny, and give a reason for denial. That would already fix a lot of issues, because then we would control the data again, and the distribution of the data.

SCOTT HOLLENBECK: Volker, it's already there.

VOLKER GREIMANN: Great.

GRAEME BUNTON: Well, thank you for coming. I think we got a lot out of that. I hope you did too. We really appreciate you guys joining us today and sticking to it. I know we ran 15 minutes long. So we appreciate it. Thank you.

RAM MOHAN: Yes, thank you for having us over. Appreciate it.

ZOE BONYTHON: [inaudible].

GRAEME BUNTON: Yes. So next up we've got ICANN Finance, I believe. We sort of ran over our Compliance team update, but we'll come back to that in a few minutes if you guys don't mind. There should be a whole bunch of room up here on the left side. We're just getting the slides up. We'll be good to go in a moment.

Welcome. I'm not sure how long we have with you guys. I don't think it's a ton of time. 20 minutes. So we're getting an update from ICANN Finance. Feel free to introduce yourself and get going. We'll get the slides up shortly.

BECKY NASH: Thank you, Graeme, very much. Good afternoon everyone. This is Becky Nash from ICANN Finance. If we go to the next slide, I'll just do a quick introduction of those that are here. So we are joined here by Xavier Calvez, ICANN CFO, and my colleague, Shani Quidwai, director of finance from ICANN. If we go to the next slide, we have provided a set of slides as distribution where we have information related to FY19, which is our current fiscal year, our year to date financial results through December.

We do have slides on the draft FY20 budget with highlights. And then we have a section on an overview of the public comments

that have been submitted on the draft FY20 operating plan and budget. We're going to start with that section, only because we have a limited amount of time. And then we do have an update at the end as it relates to our billing and payments process.

So if we could advance to slide number – I think it's 16. Thank you very much. Yes, thank you. So the public comments on the FY20 operating plan and budget. The draft was posted for public comment on the 17th of December. And the public comment period ran through the 8th of February. We'd like to highlight that this was the first year that the draft operating plan and budget was submitted for public comment as early as it was.

And the reason why it was at least a month and a half earlier is just due to the fact that with our new bylaws and the empowered community process, we need to have time for that process at the end of the approval process in order to have an adopted budget go into effect prior to the fiscal year. So this is a theme that we'll be undertaking of trying to do these activities earlier and earlier each year. So we do appreciate the community's involvement.

The stage that we're at right now is that we are seeking clarification on comments that have been submitted by different stakeholder groups and individuals. We are then due to publish the staff report on public comments just subsequent to the ICANN 64 meeting, so the week of the 19th of March. But the purpose for

this session is to go over the themes of all of the comments that have been received.

And then we do have a slide specifically with the Registrar Stakeholder Group and related comments that we would like to engage with members here today. Prior to moving ahead, I just wanted to highlight that we did receive 143 individual comments, submitted by a variety of submitters. About 18 or so different groups or individuals submitted.

We provided on this slide a trend just so that we can show that the level for FY20 is down from the FY19 operating plan and budget, but it's pretty comparable to the years prior to that, FY17 and FY18. We will discuss on the next slide just about the reason why the comments seem to have decreased this particular year.

So at this point I'm going to hand this over to my colleague Shani, who's going to go over the next couple of slides, and then we'll ask for some engagement on comments that have been submitted.

SHANI QUIDWAI:

You can switch to the next slide. On this slide, you can see the groups that had submitted comments. The decline that we saw in FY20 is primarily driven by individuals. In the prior year, there were a lot of fellows that had submitted comments regarding the

change in funding to that program. Aside from that group, the comments are relatively stable year over year. There's some movement within some of the groups specifically, but overall, relatively flat. If you move to the next slide, we can look at the themes a little more.

So there were three key themes that composed about 60% of our comments. Those were financial management, budget development process, and community support and funding. And there are a few other – five or six – that make up the remaining themes. In the next slides, we'll go through the comments that you submitted and where they fell under. If you could move to the next slide.

I believe your comment was that you guys had agreed with the submission from the Registry Stakeholder Group. When you look at any of the statistics, it will just show as one. But if you flip to the next slide, this is how the registry comments had shaken out. Three under financial management, three under ICANN Org headcount, three under the reserve fund, and then a few across a few other different categories. With that, I'll hand it back over to Becky to maybe go in through these a little more and then eventually touch on the billing updates.

BECKY NASH:

Thank you, Shani. So as it relates to the comments submitted, first of all by the Registry Stakeholder Group. I think the Registrar Stakeholder Group said that they support all of those comments except indicating that they did not have any concerns – or you did not have any concerns – about the funding of future rounds for new gTLDs. So with that, we acknowledge that there were some specific questions just as it pertains to headcount and expenses related to staff costs.

I don't know if there's anyone here that wanted to elaborate a little bit about the support on the questions related to ICANN Org headcount. From the ICANN Finance team, the message that we have been providing to all of the stakeholder groups is that FY20 as compared to FY19, pretty much the funding and the expenses have stabilized. And what that means is that funding is growing at a slower rate than it may have in previous years, just based on the fact that with the new gTLD delegations all being pretty much complete, we're not seeing the year over year growth that we may have seen three years ago, but that we are moderately growing in funding.

As a result, the headcount and other organization costs are also moderately being contained. And although there is increases in headcount, it's at a much slower rate than it had been in the prior years, and is less than 2%. So those are just some of the comments that we have as it relates to the overall theme for

ICANN Org headcount. I don't know if there any members here that wanted to maybe elaborate on that comment at all?

GRAEME BUNTON:

Thanks, Becky. Actually, I think our comment was largely written by our treasurer, who relatively recently left the RrSG and is not at the moment here. Although I'll look around the room to see if anybody else has anything they wanted to add at this point. On this point. Heads up, Billy is coming. But just not right now.

XAVIER CALVEZ:

I'll add a little bit of color in addition to what Becky just said, just so that you understand that when looking at the numbers, we're talking about stabilization of headcount at about 400 people. The reality of the trend is that over the past 15 months, our headcount has decreased from 400 to 388.

It's not a huge decrease, but the point is that there's a trend that is resulting from a set of controls that we've put around hiring, which are very simple in that for any hiring – whether it is a new position or it's a replacement – there is a set of approvals that need to occur up to the CEO. So Göran approves any hiring, inclusive of potential replacements.

So we challenge any department in the need for hiring or the need for replacing an existing position, which has helped [influxing,] of

course, the growth of the headcount. This is in the context – as I think you will all know – of the increasing amount of work that the entire ecosystem feels you all in this group and others have regularly expressed the challenge of the workload, which of course is equivalent in the organization.

So stabilizing or reducing the headcount is in the context of trying to get more done, which is what we should try to do all the time, but of course, it is a continuous challenge. I just wanted to put a bit more color around that, and happy to address the smiley faces around the table.

BECKY NASH:

Thank you. so if there are any other comments in general, we would welcome those. We just highlighted a couple of the themes that were submitted. And of course, we welcome any other comments.

ELLIOT NOSS:

Xavier, no surprise, six months later, I'd love an update on the litigation reserve. Yes, the thing we talked extensively about in Barcelona. Publicly. We had a long public discussion of it.

XAVIER CALVEZ:

Yes, it's the vocabulary, sorry, that was putting me off. The – so Elliot is referring to the new gTLD program application fees which had been \$85,000 that had been defined to help cover for all the costs of the program, including the potential risks associated with the program.

The risks associated with the program at the time of design were of various kinds. Could there be the phases of the program that were not planned for and that could be necessary? Could there be other risks relative to the processing of the applications? Could there be litigation type of risks and other legal type of costs? And it's not just litigation if you just think about it this way. IRPs is also part of the challenges to the application processing that could have occurred.

So a fraction of the fee was representing the intent to be able to cover for this type of costs. So in the budget – the draft budget that's published – you can find a section on the new gTLD program with a document that shows the entire cost of the program, the entire recap of the application fees collected, and the cost of the program that we offer show the cost of the past and the future application processing costs, but do not include the potential costs of the defense or litigation that we could incur in the future, because of course, we don't know what those costs are. We don't project for litigation costs.

So when you compare the applications fees left and the total application fees and the total application processing costs, there's a remaining amount of funding that is of application fees unspent that is \$68 million. So that's the currently estimated amount available for defense and litigation, etc., and potentially any other risk to the program which are mainly, at this stage, litigation defense costs and IRPs costs. I don't know if that fully addresses your question.

ELLIOT NOSS:

No. I know that number. I think that was great to help everybody else understand that there is a \$68 million reserve, and there's a separate discussion about the need for a reserve fund in order to sort of protect for general budget overrun. And I'll repeat for this room, since we're recapping, that I felt very strongly that ICANN Org should not have taken \$32 million from the auction proceeds to replenish their reserve when there was a \$68 million reserve available.

That reserve is not considered in any way a budgetary reserve. Now, I run a public company. Every year in our audit, we have reserves just like you do. Every year, we sit down with our auditors and we assess the likelihood of the items that the reserves are set aside for happening. I would imagine that the risk of litigation this

year, as you sat down with the auditors, had to be assessed as less than it was last year, no?

XAVIER CALVEZ: So you are pointing out to a possible practice that you were describing as reviewing with the auditor a reserve. There's no specific reserves from a technical standpoint for the new gTLD program.

ELLIOT NOSS: No, wait. Now I need to understand this. You have audited the financial statements, correct?

XAVIER CALVEZ: Yes.

ELLIOT NOSS: Great. So those statements, do they not contain a specific reserve on the balance sheet?

XAVIER CALVEZ: Absolutely not, no.

ELLIOT NOSS: So where does that money sit on the balance sheet? Because this is the long back-and-forth we had in Barcelona. Where does that money sit on the balance sheet?

XAVIER CALVEZ: In investment accounts for the funds that are remaining. That's what it should be.

ELLIOT NOSS: So then it is –

XAVIER CALVEZ: It's vocabulary, Elliot. There's a confusion between the notion of a reserve and the notion of a bank account or an investment account. So we have investment accounts, and yes, those are audited. It's not a reserve for future costs that we are estimating to be X amount of dollars. It's simply the difference between application fees collected – \$362 million – and...

ELLIOT NOSS: Well, now you've made it sound like a profit.

XAVIER CALVEZ: No.

ELLIOT NOSS: Well, the relationship between the balance sheet and the income statement is revenues less expenses equals change to the balance sheet. This is all very simple.

XAVIER CALVEZ: Elliot, please give me a second. I recognize you want to teach me accounting, but the point is [inaudible].

ELLIOT NOSS: Sorry, no, hold on. I don't want to teach you accounting. I want to hold you to where this money is, because I feel like it keeps moving around.

XAVIER CALVEZ: I can show it to you. Can we move the slides, please, to the slide either 12 or 13? I don't remember.

ELLIOT NOSS: I don't want to teach you accounting. That was dismissive.

XAVIER CALVEZ: Good.

ELLIOT NOSS: It very clearly took 50% of the application fee – I'm not going to say set aside, but attributed it to litigation risk. That's fine. Here we are. It was a \$68 million number. I know originally it was a much higher number than that. You're telling me is currently a \$68 million number. Okay. What was the \$68 million number you referenced?

XAVIER CALVEZ: It's the difference between the total application fees collected and the expected total cost [to be incurred.]

ELLIOT NOSS: Understand. That's great. let's use your definition. Okay. In this budget, in the budget that you've tabled now, how much money will be spent on the previous program?

XAVIER CALVEZ: You mean the current program?

ELLIOT NOSS: I'm not talking about the next round.

XAVIER CALVEZ: The 2012 round is what you're saying the previous program.

ELLIOT NOSS: That's right, yes.

XAVIER CALVEZ: So in which current year? Now, tomorrow?

ELLIOT NOSS: I call it the previous program because I've been selling those names for a number of years now.

XAVIER CALVEZ: I understand. So, we are planning to have \$15 million spent, including refunds.

ELLIOT NOSS: Did you say 50?

XAVIER CALVEZ: 15. Including refunds.

ELLIOT NOSS: 15. And what's a refund?

XAVIER CALVEZ: Refunds of applications that are withdrawn.

ELLIOT NOSS: And other than refunds, what's that money being spent on?

XAVIER CALVEZ: So there is a number of costs relative to –

ELLIOT NOSS: Sorry, let me ask it differently. How much of the \$15 million is refunds?

XAVIER CALVEZ: Six.

ELLIOT NOSS: And \$9 million is being spent on the previous program? Talk about that a little.

XAVIER CALVEZ: Sorry, I didn't catch that.

ELLIOT NOSS: What is that \$9 million for?

XAVIER CALVEZ: There's the personnel cost associated with the processing of applications [for what there is.] There's 50 applications left.

Those are in the applications that take a lot more of the time. I'm happy to provide more details and expansion on costs incurred, the cost of the EBERO program. There's a number of those costs pertaining to the program.

ELLIOT NOSS: So it's \$180,000 per application to review 50 applications?

XAVIER CALVEZ: I'm sorry, I didn't catch what the 185 –

ELLIOT NOSS: \$9 million divided by 50.

XAVIER CALVEZ: I don't understand what the 185 is.

ELLIOT NOSS: 180. 185, we all understand, was the application fee.

XAVIER CALVEZ: Right.

ELLIOT NOSS: 180 was \$9 million being spent to review the applications, 50 was the number of applications. So I just divided.

XAVIER CALVEZ: Yes, understood. But no, it is not just 50 applications. The program contains for example the EBERO program, has nothing to do in total with the number of applications.

ELLIOT NOSS: If you just had to look forward, there's 50 applications left. Will they all be reviewed in this budget? Of that 50, how many do you propose to review?

XAVIER CALVEZ: All of them.

ELLIOT NOSS: So then in the 2021 budget, there will be no applications left to review?

XAVIER CALVEZ: Likely not, correct. But that depends, of course, of what is going to happen to those 50 applications. It's not our decision that they are withdrawn and so on.

ELLIOT NOSS: But you've budgeted. Look, again, I think everybody in this room, they prepare a budget every year. They make their best guess. Some things are higher. Some things are lower. Of course. In this budget, you're saying you've planned – you hope – to go through the 50 applications this year.

XAVIER CALVEZ: When you say this budget, which budget?

ELLIOT NOSS: The one you're tabling.

XAVIER CALVEZ: No, this is not the budget. This is the funds under management. But the budget for FY20 is not assuming the end of the program by the end of FY20, no.

ELLIOT NOSS: You used a \$15 million number. What period did that apply to?

XAVIER CALVEZ: FY20.

ELLIOT NOSS: Great. That's what I'm talking about. Okay? So does that \$15 million contemplate reviewing the 50 applications that are left?

XAVIER CALVEZ: I can't tell you that, because we don't know how many of these applications will be either processed or withdrawn or terminated for whatever other reasons. We don't budget for...

ELLIOT NOSS: I'm not asking you to tell me what's going to happen. I'm asking you to tell me what you've budgeted for.

XAVIER CALVEZ: Which is what I'm telling you. We are not specifying which applications will be withdrawn at what point of time, for example.

ELLIOT NOSS: You said which. I'm saying how many. They're very different things.

XAVIER CALVEZ: We don't schedule –

ELLIOT NOSS: I'm not holding you to –

XAVIER CALVEZ: We don't budget how many, Elliot.

ELLIOT NOSS: You're leading the budgeting process as the CFO, yes?

XAVIER CALVEZ: Right.

ELLIOT NOSS: Great. Are you using the estimate of the number of applications to be reviewed in preparing your budget?

XAVIER CALVEZ: For certain costs, yes.

ELLIOT NOSS: Great. How many did you use as an estimate?

XAVIER CALVEZ: As being completed within the fiscal year 2020? I don't remember the number, but it as something like 10 to 20. Sorry? It must be 10 or 20 or something like that.

ELLIOT NOSS: So you're going to do 10 or 20 this year, and that's going to be the \$9 million.

XAVIER CALVEZ: It depends on what's going to happen with those applications. Hold on, let me finish. You're assuming that I decide what happens on which applications when. What I'm trying to finish in saying, if you don't mind not interrupting me, is that the life of the applications at this stage are dependent upon the decisions that are not the amount of work performed by the organization on a daily basis.

It's home, corp and mail. It's auctions that get resolved. It's IRPs that get to a point of completion where then the applicants decide at that time what they want to do. It's not anymore how much processing we're passing on these applications on a daily basis, which is why we cannot predict what is going to happen with these specific applications, and therefore, at what point of time they will be withdrawing, and therefore, at what point of time they will come out of the number of applications that we deal with.

One second. The volume of work is not, at this stage anymore, based on the life of those specific applications, driven by the volume of work that we carry out on those applications, because

it could be an IRP. We spend for example on one application, one, \$8 million. Yes.

ELLIOT NOSS: I'm asking you for your assumptions. I'm not putting words in your mouth. I know that you don't know. I am happy to provide you with whatever latitude you want. I'm asking you what assumptions you made in coming up with the \$9 million number. And all of it is in service to trying to get a sense of when you have run through this.

XAVIER CALVEZ: If that would have been your question, that would be helpful to have.

ELLIOT NOSS: [But] this is the \$68 million.

XAVIER CALVEZ: No.

ELLIOT NOSS: So all of this is – I'm saying for me – this is in service to trying to figure out when the work is completed and what the pot of money

left might be. [inaudible] question I'm asking is, what were your assumptions that went into the \$9 million?

XAVIER CALVEZ: So I suggest then that we look together at the budget for the new gTLD program that we currently have, that we pull all the assumptions that we have used, which will then let you be able to have comfort – or not – on the fact that there's \$68 million left for risks coverage or not, and then you'll draw your opinion. What I was trying to explain before is that there is no specific reserve as, per se, pot of money sitting other than the \$112 million or \$98 million at either date of application fees unspent, of which we are currently estimating that it would be \$68 million left once all the costs of the application reviews would have been completed.

ELLIOT NOSS: So it's just gone into the general treasury.

XAVIER CALVEZ: No.

ELLIOT NOSS: It's just sitting on the balance sheet. There's nothing specific to it.

XAVIER CALVEZ: It's segregated just for the program.

ELLIOT NOSS: It is segregated.

GRAEME BUNTON: I'm not saying we're done on this, but there are unfortunately other things we need to cover. And I know you guys have a piece on local payments that I think is pretty interesting to people, and we're already over time. So, if we can just distill that down, and then let's set up another conversation to finish that out, because I do think it's important.

BECKY NASH: Thank you, Graeme. If we could go to slide number 22. This section here is just an update on the overall billing and payments process. We just wanted to highlight that we have on our website a quarterly update as it pertains to several process improvements that have been worked upon or are in progress currently as it relates to the overall billing process.

And again, we encourage members to go look at our website under payments and billing, and we have this roadmap just highlighting ongoing projects that will result in more efficient invoicing, automation of the e-mailing of invoicing, and then

eventually, automation of the billing contacts for registrars as well. So if we could go to the next slide, please.

XAVIER CALVEZ:

So the document that Becky just showed is an update that we provide on the website. For those of you who are interested, there's a billing and payments page on our website. If there is more information that you would like to know, we have leveraged a response that we provided to a complaint of a year and a half or two years ago to provide a comprehensive view of a number of improvements on billing.

And that's what is on that page on an ongoing basis over the past couple of years. We have a number of either registrars or registries. Individuals have shared in the past a number of questions on practical issues relative to payments. And some are a little bit related. I would suggest we talk quickly about both the bank fees and the currency other than USD, because I think that there's a number of you who are based outside of the US who issue payments to ICANN for your invoices in the currency, of course, in which your bank accounts are set.

So there is international bank transfer fees that are incurred by you or the registries to pay ICANN's invoices, like any other business is incurring the same type of fees when you do international payments. So I think that there was a certain

amount of ideas relative to how do you avoid that, of which, why doesn't ICANN open a bank account for example in Europe? Thinking that that would resolve the issue.

It doesn't. We've had a bank account in Europe for a long time. But the issue that we have is that the tax status of ICANN, of a tax-exempt organization and a nonprofit does not let itself collect – let me rephrase. In the jurisdictions other than the US, we cannot collect revenue, what is described as revenue, as nonprofit organizations in liaison offices in those jurisdictions.

So we have an office in Belgium. We have a bank account in Belgium. But we cannot receive funds and revenue in that bank account. And that's because of the tax status, the VAT application that would result from that, and the translation of that tax status locally onto the overall tax status of ICANN.

However, there are potentially other solutions to address the need that would want to look at, and that could allow registries or registrars outside of the US be able to issue their payment to ICANN in the currency of their choice while ICANN would receive the corresponding amount of dollars, and with also avoiding the international bank transfer fees.

So what I propose we do because of the time limitation is that we provide a briefing on what that solution could potentially be, because I actually believe that it addresses the concerns of local

currency, of international bank fees, while allowing still ICANN to receive the funds in the currency of the contract. I think we have a question from Michele, if that's okay, Graeme.

MICHELE NEYLON:

Just very briefly, if you could take payments by credit card, I'd stop harassing you. And I think several of the other European registrars are probably in a similar position. Because at the moment – I've told you this repeatedly – if you send me an invoice for below a certain sum or you do some kind of adjustment, it's probably more cost effective for me to wait until I'm in the ICANN offices and to give you cash than it is for me to send you the money via wire transfer, because I'll get hit with like a 30 or 40 euro per transaction fee. And if I'm paying you an adjustment of \$10 or something like that, it's just totally pointless.

XAVIER CALVEZ:

Understood. So that's why we had listed credit card payments. When you said that, I saw other heads nodding as well, so I suspect there's an interest in the credit card payments from others as well. So, okay, understood. So I think that we'll – this is why we wanted to be able to engage a little bit on this topic, because we can work on the solution for local currencies, but if it's easier than that we work on the notion of credit card payments, then this is something that we can prioritize.

Okay. The one thing that I want to make everyone understand on the credit card payments is that your interest in using it is because there's also to a certain extent, one, a logistical ease to do so. Two, there's also rewards on the credit card systems which result also on the other side in a cost. So this is why we currently have a limitation on the amount of payments that we accept by credit cards, because of course, that triggers a cost for ICANN, which is between 1.5% and 3% depending on the type of payments that we receive.

But we will come back to that topic then on the basis of that feedback. And we are trying to seek the same feedback from the registries, but I think it's less a matter of what type of contracted party you are and more a matter of where you're located that triggers that need. So I'm assuming we'll have a similar type of feedback. Thank you.

GRAEME BUNTON: Thank you. We're grossly over time. Anyone have very quick pieces? Michele again, lickety split?

MICHELE NEYLON: Thanks, Graeme. Xavier, I think this is very helpful. I think it's also helpful that you guys have been making incremental improvements to some of the kind of invoice processing. The idea

that you would physically send out hard copy invoices, it's just bizarre.

The one question I do have for you is with respect to ICANN travel support, the disbursements there, is that something that's handled by you guys, or is that handled by them on their behalf? It just seems to be a little bit of inconsistency with respect to the notifications that they send or don't send. And that's just because for some of us, we were trying to kind of line stuff up internally afterwards.

XAVIER CALVEZ: Sorry, I didn't fully understand the subject of your question.

MICHELE NEYLON: I'll make it simple. I'll talk to you separately, because Graeme's going to beat me over the head.

GRAEME BUNTON: Okay. I think we can wrap up with finance. That conversation is clearly not over, and we need to tease that out, so I think we've got understanding on both sides. So we'll need to set something up.

XAVIER CALVEZ: May I suggest that after Elliot and I have had a chance to sit down as much as we think we need to address the questions and the points, that then we come back, and I am happy to work with Elliot to come back to this group at maybe a next meeting to provide a comprehensive briefing that then addresses at least the information, if not the points.

GRAEME BUNTON: Yes, and so that would be great, because I think you heard exclusively from Elliot there, but I have actually quite a bit of back channel going that there is a substantial number of people in the room who are very interested in the outcome of that conversation. So let's make sure that happens. Please and thank you. Thank you for joining us.

Okay. What is next? What am I doing? What are we doing, guys? What are we doing? Quick compliance group update. Greg, Kristian, who wants to take that?

GREG DIBIASE: Super quick, just a reminder tha we have a thing called a compliance subgroup where if you are having an issue with compliance, you can e-mail us, and we will bring these issues to ICANN as a group. I recommend everyone in this room to join.

We've had a lot of productive activity. This last meeting, we raised several issues to ICANN about things we're seeing.

One was a thing we've continued to see, which is timing and the lack of a quick response. And they said they're working on it. I think the takeaways to know is that we asked about how they're enforcing the temp spec, if they're just forwarding on e-mails. And they said, no, they're receiving a lot of complaints, but they've consolidated them into single queries to registrars. So they've sent one, I guess, long notice, generally what are you doing in the temp spec, and that's how they've been handling the temp spec.

Two, we had an issue seen by many registrars that ICANN was sending them notices for redacting the registrant org field, which as it may contain personal data, there was a strong opinion that that was not proper, and that was also discussed in the EPDP in parallel. ICANN said that they would revisit that determination now that the EPDP recommendations are out. I'm pretty sure that means they're not going to try to enforce that.

Man, do I want to go into the whole privacy proxy? Well, I'll say that last. Okay, then the last big thing I want to note is that there are changes to compliance generally, at least from a staffing perspective. [Maguy] is no longer with ICANN, and [Jen] is moving to Legal. And they noted they'd be receptive to hearing our ideas on how they can improve their processes and maybe general

philosophy towards compliance. So I've actually already got a lot of good suggestions on the complaints subgroup list. I'll send that out to the list generally.

And I welcome your participation. We can send a friendly letter to ICANN saying this maybe is a new starting point, here are some different ways we think we can interact more effectively. Okay. Does anyone have questions before I go on the privacy proxy thing, which will lead to the next?

NEAL MCPHERSON: On the topic of inconsistent interpretation of policy and contracts, did you talk about that with them?

GREG DIBIASE: Yes. So, that was a big heading. We're seeing that, and the enforcement of registrant org was an example of that. Some registrars were saying that Compliance was pursuing the issue. Some registrars are saying that Compliance had dropped it. We saw an issue related to transfer in which the transfer was rejected for evidence of fraud. So, yes, we raised that issue generally. And I think the big picture idea there is we want a consistent opinion from ICANN on these things, and it shouldn't differ from registrar to registrar.

NEAL MCPHERSON: And did they give any kind of signal as to how they'd like to try and achieve that? With more transparency or anything?

GREG DIBIASE: Yes, I think the best way to do that is that when we see an issue, we raise it as fast as possible to them and say, "Hey, you need to give us what the rule is here that is going to be consistently applied to all registrars." Other than that, they gave a vague statement that, "We try our best to treat everything the same and be consistent."

KRISTIAN ØRMEN: Just to add on that, Jennifer quite often said that, "If you see something like this, please come to me with this." And this is what the compliance subgroup does. We collect issues like this, and especially was we see issues being handled differently, we take them to ICANN, in front of maybe ICANN meeting where we have a meeting with Compliance, we basically give them a long list of things that we would like them to answer at the meeting, so they are well prepared, compared to how meetings with Compliance was three, four years ago where they were not prepared for the stuff we asked, and they always had to say, "We will come back to that." So by doing it this way, they come prepared for this and they see what we come with that just is handled inconsistently.

GREG DIBIASE:

Okay. So a specific issue that was raised in the group, and it turned out that a lot of other registrars had a differing interpretation than Compliance, is that Compliance believes that if proxy or privacy service is enabled and the underlying registrant is updated, that does not trigger the change of registrant provisions in the policy.

So a practical application would be that if the registrant changed and they did not opt out of the 60 day lock and the registrar locked the domain accordingly and prevented a transfer, that act of preventing a transfer is noncompliant under ICANN's current interpretation. They didn't say that they were going to change their interpretation, but they said basically we realize that this calls for further instruction. Did I get that right, Reg?

REG LEVY:

Yes. I wanted it raised in the public group because I wanted ICANN to hear from the registrars and for the registrars to hear from ICANN so that it wasn't just all being filtered through me. It is specific to an issue that Tucows has, but we're dealing with that on our own. I'm not trying to get you guys to solve my Compliance tickets. I just want to have that issue in the public.

ELLIOT NOSS: I just want to clarify on that. There's a distinction between privacy and proxy here, right? In privacy, the registrant –

GREG DIBIASE: Yes. Sorry.

ELLIOT NOSS: Yeah. So we should make that clear.

GREG DIBIASE: Sorry, I meant proxy services, which almost everything is a proxy service because most don't actually say the registrant's name. But yes, you're correct.

REG LEVY: It's the other way around.

GREG DIBIASE: No, it's not.

REG LEVY: No?

GRAEME BUNTON: Darcy?

GREG DIBIASE: Elliot said I'm right.

DARCY SOUTHWELL: Well, if Elliot said you're right... And for those who weren't there yesterday, I think my biggest issue with this discussion is the fact that it feels to me like Compliance is interpreting the transfer policy one way in this particular situation and interpreting it a different way for another situation, which is when you have information in the public WHOIS that's redacted for GDPR.

So I don't know how you can interpret the transfer policy differently for those situations when it says what it says. So we can certainly talk about how we do this. I know we're running out of time today, but I would like to encourage us to consider, do we go back to Compliance and ask them to explain to us very specifically what is their interpretation of the transfer policy? Because they can't have it both ways. It's one or the other.

So I'd like to see that issue solved. It's a policy question. I know poor Reg is dealing with the compliance tickets, and that's frustrating. But it's a policy issue that – and it's a precedent I don't like. They don't get to play favorites. Thanks.

GREG DIBIASE: Right and to be clear, I'm not accepting their final word of, "This is what we think." we're sending follow-ups after this meeting and we're going to figure this out.

GRAEME BUNTON: Joyce, and then are you about done? Do you have more? Okay. So we have 11 more minutes before we have our next mandatory break and a bunch of stuff to cover.

JOYCE LIN: I think we were told yesterday that the Compliance department is going to hire a team of consultants. And that really scares me, because I don't know where the best sources that they can get feedback from, other than the registrar group. And outside consultants come in here, set up all kind of rules, and it's just going to make our job much harder. First, a waste of money, I think, and secondly, they should really get our feedback, our input first. That's just my feedback to them.

GRAEME BUNTON: Thanks, Joyce. I agree, and I don't disagree with you. They definitely need our feedback. I think that's super important. I don't think ICANN, when they realized they need compliance desk, had any idea what it meant to run a service desk of any sort. They were just like, "We need to do compliance" and they didn't

hire any expertise, and they haven't built up any, it would seem, in that amount of time.

So I think any reasonable outside consultant is going to look at them and their processes and just be like, "Oh, Christ. Jesus." And have to rebuild it. Sorry if Compliance is in the room. I like you all. You're nice people. Oh my God. So I actually don't think that would be the worst, because our interactions with them and have never revealed any particular expertise in any of it.

Sorry, Owen. You're one of us now. Okay. I will say, we pay \$1000 a year to join this party, and joining the compliance subteam makes that worthwhile, full stop, just that group, plus all the wonderful lunches and things that you get. So please, if you're not part of the compliance subteam and you would like to be, you should talk to Greg or Kristian and get on in there, because it's great stuff.

Eight minutes. We need five minutes to wrap up a couple other things. We need to talk about privacy and proxy and SubPro in somehow three minutes. ICANN has requested that registrars extend again the privacy and proxy interim thing. So James Bladel, cleverly, in the 2013 RAA set a sunset provision on when the interim spec for privacy and proxy services would run out. And I think that was 2017.

JAMES BLADEL: Yeah. That worked out great, didn't it?

GRAEME BUNTON: So it was expiring, and we voted to extend it twice, I think, already. And we're not going to have to, but we're going to either need to extend it again or let it lapse.

JAMES BLADEL: I think we should entertain the idea of what would happen if we let it lapse. Okay, so the whole point is that – just for a little bit of context – when we were negotiating 2013 RAA, ICANN showed up with a fully baked privacy proxy consensus policy and said, “Here, this is going in your contract.” And we said, “No way. Time out. Back up. This is a community discussion. You can't just hand us the end product here.” And I don't think I'm speaking out of school, I think this is a well-known story.

What we did do is we pared it back to just the bare essentials, put it into a specification. But to ensure that the specification didn't become permanent, we gave it a sunset date of three years ago. So it seems like the temp spec – I don't know if it served its purpose. I have no idea. The sunset date definitely hasn't served its purpose if we just keep kicking the can every year. And then the final point of it is all of this is being swallowed up by the EPDP beast, so what's the point? I think we should have that

conversation with ICANN. What's the point of continuing to renew this? Tell us what happens if this expires.

GRAEME BUNTON: Thanks, James. I don't disagree. I certainly don't think the sky is going to fall. I don't think anyone is going to materially change how they do anything. Volker, and then last word on this, because we need five more minutes for other stuff. And we're going to have to skip SubPro.

VOLKER GREIMANN: Basically, I'm of the same opinion as James. However, we are currently in a very interesting situation where the implementation work on the privacy proxy working group's final result has stalled in a way, or is not progressing at least. I don't know the terminology. ICANN is currently using – paused, thank you. And one thing that could happen if we decide not to extend it is that ICANN suddenly feels an urge to unpause the entire thing.

So we might have to weigh the alternatives here. A, continuing with the temp spec in good faith or just because we feel like it, because we're generous, or B, be faced with the possibility that the IRT is being restarted and the privacy proxy accreditation program with all the costs attached to it is something that's looming on the horizon again. That's the only potential risk that I

see with not extending. Otherwise, I would be entirely in James' camp.

GRAEME BUNTON: Thanks, Volker. Real short, from Greg, and then Pam. We have a hard stop in four minutes, and we have a couple other things. So lickety split.

GREG DIBIASE: Now that I'm thinking about it, I think maybe we should think of this longer, because extending it, I don't see really any negative consequence. Not extending it, we give a talking point that the PPIRT needs to be opened right now. So I don't know.

PAM LITTLE: I'm going with Greg. I think that's the least harmful consequences. This will come up at council's meeting tomorrow and I anticipate our IPC, BECAUSE councilors would freak out if we say we are going to propose continued pause of the IRT. Okay. I know we're going to do that, but I guess there's no point to stir the pot any further. We just extends forward until end of 2020? Is that what Cyrus is proposing?

JAMES BLADEL: I defer to the cooler heads.

PAM LITTLE: It's harmless. That's my view. Thanks.

UNIDENTIFIED FEMALE: [inaudible].

GRAEME BUNTON: Until the completion of the EPDP, Cyrus has asked to extend. I'm sorry, we can't. So we need more discussion, but ultimately, you guys get to decide. This is a thing we actually vote on. It's one of the very few issues, because it's in our contracts, that we actually run a vote. So we'll be doing that between now and April.

UNIDENTIFIED MALE: I was only going to throw out, why don't we propose 2025 as a good next period? Or an arbitrary point that we could reasonably accomplish it.

GRAEME BUNTON: 3000? Let's just go full blast. Actually, that that would be pretty funny. Zoe's got three things, I think, for us, in three minutes.

ZOE BONYTHON: Okay. So this is sort of new things and reminders. So tomorrow, we were originally having a [CPH] CSG ExCom meeting, ExCom

only. This, because it got opened up in the CSG, is now open to anyone that wants to join. So this will go out in the reminders tonight. I'm just announcing it now. That is tomorrow at 10:30 to 12:00 time slot. I sent an e-mail yesterday about this.

What was scheduled for tomorrow morning 9:00 to 10:30, RrSG and PSWG, so the Public Safety Working Group, that meeting that was scheduled for tomorrow morning has now been postponed until Thursday, 10:30 to 12:00. Again, I will send out another reminder tonight and tomorrow about that one.

And finally, of course, we do have the registrar strategy planning meeting for Friday. The agenda hasn't changed. I'm still waiting on confirmation of the room. I hope to get that very soon. Just to say if you didn't RSVP and you're planning on coming, I need to know that like yesterday. So, yes. Thanks.

GRAEME BUNTON:

Okay. So we've got a 15-minute break now, and then the registries meet us in this room, so we might want to clear a couple spots at the table so they don't feel unwelcome. So then we meet for an hour and a half, and then we need quite a break because then we need to trot all the way over to Portopia Hall to meet with the board. So slam a coffee and get ready to party.

ZOE BONYTHON: Thanks. You can stop the recording. But just FYI, everyone that's in the AC room, you can stay in this. It's the same AC room, but they'll need to clear it as it's a new meeting. So you don't need to leave it.

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