ICANN
Transcription
GNSO Temp Spec gTLD RD EPDP
Thursday, 03 January 2019 at 14:00 UTC

Note: Although the transcription is largely accurate, in some cases it is incomplete or inaccurate due to inaudible passages or transcription errors. It is posted as an aid to understanding the proceedings at the meeting, but should not be treated as an **authoritative record. The audio is also available at: https://audio.icann.org/gnso/gnso-epdp-gtld-registration-data-specs-03jan19-en.mp3**
Adobe Connect recording: https://participate.icann.org/p9c1ehjl4s4/

Attendance of the call is posted on agenda wiki page: https://community.icann.org/x/-Aj_BQ

The recordings and transcriptions of the calls are posted on the GNSO Master Calendar page http://gnso.icann.org/en/group-activities/calendar

Man 1: Recordings have started.

Terri Agnew: Thank you. Good morning good afternoon and good evening and welcome to the 37th GNSO EPDP Team meeting taking place on the 3rd of January 2019 at 1400 UTC. In the interest of time there will be no roll call. Attendance will be taken by the Adobe Connect Room. If you were only on the telephone bridge could you please let yourself be known now.

And I do believe we have Caitlin Tubergen and Kristina Rosette on audio only at this time. Anyone else? Hearing no one further we have listed apologist from Matt Serlin, the RRSG, Alex Deacon the IPC and Thomas Rickert ISPCP. We have formally assigned Theo Geurts and (Brian Key) as the alternate for this call in the remaining days of absence. During this period the members will have read-only rights and no access to conference call. Their alternates will have posting rights and access to conference calls until the members' return date. As a reminder the alternate assignment form must be formalized by the Google Assignment Forms. The link is available in the agenda pod to the right and as well as the meeting invite email.

Statements of interest must be kept to date. If anyone has any updates to share please raise your hand or speak up now. Seeing or hearing no one if you need assistance updating your statement of interest please email the GNSO secretariat. All documentation and information can be found on the EPDP wiki space. There is an audio cast in view-only Adobe Connect for nonmembers to follow the call. So please remember to state your name before speaking. Recordings will be circulated on the mailing list and posted on the public wiki space shortly after the end of the call. Thank you. I'll now turn it back over to our chair, Kurt Pritz. Please begin.

Man 1:   Hello.

Kurt Pritz: Hi everyone and welcome back. I hope you all had a great break. Before we start I want a note in the chat that I put in the link in the public comment review tool. So I hope you either have a copy of that by you or that open because today we're going to be reviewing the comments made to Purposes 1 and 3 which are part of Recommendation 1.

And so as I'm sure you're familiar the Public Comment Review Tool or PCRT has the changes that were recommended by each of the commenters and the rationale upon which we want to focus the reasons for making those changes. So they'll be part of our discussion when we get to the substance.

As far as the updates go we had a meeting of the legal committee yesterday which was the first day back for many after break and not the first day back yet for some so but the meeting was pretty well attended. We essentially reviewed our methodology for reviewing certain questions. We honed the language for guiding the ICANN procurement that we're asking to be kicked off immediately for legal counsel and pay particular attention to the issue of conflicts and how to manage them and make sure the requisition for legal advice included that consideration.

And we also considered comments we received from Kristina Rosette augmenting one of the questions but we didn't get to any final decisions on any of the questions but rather we have three small teams working on each of the three questions that are in the initial report.

And so our expectation is that we'll have a better honed set of questions for the next legal committee review which will be a week from yesterday so Wednesday at least Wednesday where I am. And hopefully shortly thereafter we'll have revised sets of questions for the full teams review before they would go on to the - for input by our legal advisor. So that's essentially the update from the legal committee.

On the face to face meeting everyone I think on this call who's attending has their flight reservations. I don't think hotel reservation notifications are yet out yet. I'm not sure but the flight arrangements are all set out. So if you have an issue or don't have them please let Terry Agnew know right away.

And I think that's it on updates. Does anybody have any questions about the actions of the legal committee? I'd assume not but just wanted to check. Okay great. Marika are there any outstanding action items? I think in our last meeting there were not so I just want to check with you to see if there are.

Marika Konings: Thanks Kurt. This is Marika. There are a couple but I think they date back from the meetings we had prior to the new year. I think we - one came out in relation to the registrant consent to publication and the leadership team had an action item there to summarize the EPDP teams, a discussion and I think we're just checking up whether that actually happened or whether there's some outstanding item.

And there was one – an action item to look at the timeline and workplan in relation to the launch of phase two that is outstanding. And then we still have an outstanding item in relation to the statement of work file type counsel but

I'm actually thinking that that has been overtaken by the work that the legal committee is doing so we can maybe mark that as complete.

Kurt Pritz: Okay great. And I see a question in the chat so when we get to the substance I'll get to that question so thanks very much for bringing up that agenda item. So but before we get to that I'd like to review the proposed methodology for going through the comments. We have as a wise man once said, we have a long way to go and a short time to get there.

And so it's incumbent upon us all to read through the comments that are entered into the Public Comment Review Tool. I think I'll start saying PCRT and pay particular attention to the rationale so that we're going to have to assume, make an assumption that everyone's read the rationale and carefully considered it.

So where we don't touch on every single comment that was made in the public comment forum we want to make sure that every comment receives consideration. So there are two ways of doing that. One is to touch on each one in our, during our meetings. And the other is that everyone has read and carefully considered the comments and has chosen to not support or make a comment about - or not to enter into a discussion about a certain comment on this meeting.

So we owe a duty to all those who commented that aren't part of this team or the people that the people in this team do not represent but those more at arm's length from this group that took the effort to comment have to know that their comments have been read. I'd rather not do that during these calls because there's just not enough time.

So you really need to look at them and pay the comments that were made respect that they deserve even though we decide that they aren't to be discussed on this call because we, you know, maybe set a bar high for making changes or something like that.

So with that preamble I'm now looking at the team screen, could you bring that, the (low) letter? Oh go ahead Kavouss. How are you? And Kavouss while you're talking because the team broke up the letter we posted…

((Crosstalk))

Kavouss Arasteh: Thank you very much for the opportunity for talking about to repeat what I sent you all that the way ICANN - I'm not talking to (unintelligible) ICANN in general put the public comment together is not user-friendly manner. It does not facilitate the reading of the document and does not (unintelligible) a most quickest link of analysis. And I sent you an example how the comments could be consolidated in a document. I'll tell you an example, one example of one (unintelligible) that you see that how it has been assembled and make it easy for the people to quickly look at the matter and grasp that.

Here we do the comment in a narrative way just narrate whatever people just said. So we don't know what the changes they do and what is the impact of this change. If someone asks to activate not to use the word activate then we will know which area we are talking of activate and what is the proposed instead of activate and so on and so forth. So just wanted to tell you that there.

And second in regard to your question you hoped that we have already document, maybe everyone has done but they have not done. I have done part of this but that was very recently available. I sent you a message and asked you do I need to have a document during the break? And I was told that civic is not available because they creating these tools.

And very recent two or three years ago document are available and I have not done the whole thing so many recommendation and so many comments and so on and so forth. So at least I can openly mention that I have not read all the documents. I have read some of them. Thank you.

Kurt Pritz: Thanks Kavouss. And partial answer to your several comments on the - there's, you know, I really have two comments. One is for each meeting we will let you know which sets of comments will be reviewed during that meeting so that for example during this meeting we put part of Recommendation 1 on the agenda.

And two is that in addition to the PCRTs which are comprehensive and compiling the comments and the rationale for them and therefore I found to be very instructive. The support team has also created a short form document that we'll put up shortly that indicates the final language so where somebody had wanted to change the word activate for example. They didn't want to change the word activate they wanted to define. Berry has shown what those - that amendment can clearly be.

So you'll have to read through these in a measured way but in a dedicated way. And two is maybe the format you'll see today will be more friendly and we can start distributing those before the meeting.

So this is the letter that we sent out that outlined our process going forward. And, you know, I've covered part of it and I think you understand the PCRT and how it's laid out. And I outlined people's duties in here. So I think a way to go about this is really, you know, we want to focus on rationale and to see if there's any new thinking here.

So if a change is recommended to one of the recommendations, one of the policy recommendations so one of the purposes for processing registration data, we want to look at the rationale and say had we talked about that before? You know, for example in purpose one somebody recommended we include that, you know, that one of the purposes was the transfer of domain name. And I'm not sure but I think we talked about whether transfer should be included or not and actually had that address that somewhere else in our thinking and in the consideration of the temporary specifications.

So for me I'd really like to take comments or suggestions that were made in the comment forum. And if they're based on thinking that we've already covered I'd kind of like to let them go but I'd rather that we, you know, review carefully each comment, identify if there's is any novel arguments in the rationale and then review the proposed recommendation in light of those arguments, those novel arguments and see if we still support changes.

Also rather than going around the room or presupposing who might be for or against a particular recommendation, you know, I think we'd bifurcate the discussion and say, you know, who in the room is for a proposed recommendation and then who did not support a recommendation or a change and have the discussion that way.

Or the – I'll layout how we're re going to have this initial discussion and we're going to see how this works. I want to get this done in the shortest period of time and but allow for the necessary discussion. So we'll see how it goes and adjust our methodology as we go along. I hope that was clear to everyone.

And, you know, it's hard to - it's really hard to debate process and how we're going to do something without doing the work itself. So I recommend that we dive into these first couple purposes and see it goes, but I'm willing to take - are there any other comments about in addition to Kavouss' about the process and how we go through this? And I'll admit that I'm a little bit under the weather so I'm – I've kind of like concentrating on what I'm saying and haven't read the chat so I'll pause for questions and gaze through the chat. Kavouss is that an old hand or a new hand? Let's go on to Alan Greenberg. Hi Alan. Happy New Year.

Alan Greenberg: Hi. Happy New Year to everyone.

((Crosstalk))

Kavouss Arasteh: One of the – yes, yes one of the comments mentioned that we need whenever we talk about rights, also talk about obligations. So I would like to see the initial text of the EPDP and the addition of the obligations proposed by different people. If they're proposed by several people the same thing we should have it at one time. If there's different things, we should have different color. We should have blue, we should have green, we should have red, we should have anything.

So it is quite clear that rather than going and reading all these consequential pages we have the text and text of the recommendation and then we have changes proposed. And they look at the changes, what the changes is and then we agree with the changes which has more or sufficient support from the (unintelligible) or from the people in the team. Currently this is too many lines and too many pages we have to read so this is not an efficient way of that.

This should have two alternatives, either the person or be active or be active with some initiations to propose some solutions so I don't know which one you want. I can be passive totally, say nothing at all. But the way that the document (unintelligible) I'm sorry, is not user's friendly is narrative way and it doesn't help at all. Thank you.

Kurt Pritz: Okay well you - I'll remember that comment because it's going to become a little more meaningful in just a couple of minutes. And I will – and then we'll preserve your comment. You won't have to make it again. Thanks very much Kavouss. Go ahead Alan.

Alan Greenberg: Thank you very much. I just wanted to thank staff. I made two comments on the list when they published the summary and the responses, the staff was exceedingly prompt and, you know, addressed them very quickly and I want to thank them for that and wish everyone a Happy New Year. And I know Berry's hand has been up for a very long time.

Kurt Pritz: Thank you Alan. Berry go ahead.

Berry Cobb: Thank you Alan, thank you Kurt, Berry Cobb for the record. Just to kind of tack on to Kurt's introduction as well as what was mentioned in the chat about support of Milton's approach. In essence we are doing that. We will be getting to the harder or more of urgent positions that were raised during the public comment form against either certain purposes or recommendations.

We did choose to Purposes 1 and 3 today because on the initial scan it didn't seem like there was, you know, general support for the purposes perhaps maybe some slight modifications to the wording. But it in essence it's kind of a baby step into our way as we review each of these comments. That said the same approach applies when we're working within a particular PCRT or a specific purpose or recommendation.

As noted in the letter, you know, most of the PCRTs are structured by starting with support and then support with intent of recommendations with edits or intent and wording that requires amendment. And as you step down through those there - the second and third parts are where kind of the more divergent positions are mentioned as well as not only just the rationale but proposed edits.

And so when you look at this from a document or a PCRT level review, yes we're starting with the easy ones first then we're going to get to the more complicated ones or divergent ones, but then the same approach actually occurs within the document.

You know, where there was general support and especially where there were no comments specifically assigned to a response, to a quantitative question there's is no point for this group to spend time to reviewing through all of those agreed comments not to say that if there's additional comments posted in agreed sections that they should be ignored. They should be reviewed.

And again the general premise is if there is any new idea that hadn't been discussed by the group before that we spend time on those. But the majority of our time should be focused down in the areas as Milton pointed out where, you know, there are divergent (unintelligible) on a particular topic that we're reviewing through. So I'm – we're hopeful or staff is hopeful that at least with this approach we can wade our through or filter our way through to the most meaningful comments that (unintelligible).

Kurt Pritz: Thanks Berry. Go ahead Milton. Welcome. Can you guys hear me?

Woman 1:   Kurt we can hear you. Milton I see where your Adobe Connect mic is unmuted on our side. Please check on your side. We're unable to hear you. And Milton it seems like we're still unable to hear you. I'll send you a private chat message and see if a dial out would be helpful.

Kurt Pritz: Okay with that let's get into the, let's get into the substance.

Milton Mueller: Can you hear me? Okay…

Kurt Pritz: Oh yes go ahead. Welcome.

Milton Mueller: Sorry about that. AAC was cycling and being very sluggish. It has been that way all morning. So I appreciate Berry's comments. I think we will take a slightly more meta approach in these early phases. That is I would like for us to agree on the categorization into those three categories and say what - which ones we agree which purposes we agree at least our pretty much well-established and we're talking about tweaking at best. I would like for us to agree which ones actually really need work and I would like us to agree on which ones are possibly lacking enough consensus to even be taken forward or at least will have to be seriously discussed.

Now what I'm afraid of with the approach that's been proposed is that we will spend an hour talking about minor wordsmithing of basically consensual

purposes. For example, this tweaking of purpose one by adding the word obligations which is in my mind clearly a mistake and somewhat (contentious) one. And then we will not have time to get into the real serious discussions we need to have. So I would appreciate if it at least is a procedural matter that we could first of the categorization of all of the purposes in terms of where they stand in those three categories?

Kurt Pritz: Thanks Milton and I'd like to talk about this for a few minutes because it could save us a lot of time going downstream. So I for one I agreed with your categorization. And after this call we could formalize that in a notes to the whole group and in order to ensure that we all have the same understanding.

So the - yes so the question I really have for the group is this, and this is why I waited to respond to (Ayden)'s comment initially is, you know, that I really wanted to get into discussing the purposes. So for example in Purpose 1 we have seven parties, seven – well seven groups of suggested tweaks to Purpose 1. And for me, you know, some of them I think are in error. Some of them I think make it better. But to me at the end of the day if we implemented any of them or left the wording the same I don't think that would change the work or the results of the work at the end of the day.

But I also understand that, you know, work went into creating these edits and it's difficult in that discuss them (unintelligible). So I, you know, I for one would like to shortcut the process somewhat but would like to understand and get some sort of understanding from the group about, you know, how we pay attention to, you know, these set, when they're grouped together seven suggested changes in Purpose 1 and nine suggested edits to Purpose 3. Marc go ahead.

Marc Anderson: Thanks Kurt. This is Marc. I am a little bit worried that in the rush that we're going to be shutting down comment prematurely, for instance the obligations text, you know, of the people who wanted an edit. That seems like that's the common thing that they wanted the edit on behalf of the people who wanted

edits in this purpose, wanted that particular edit. And so I do think that we need to talk about things that are like that.

Most of the edits are, you know, as Milton says they're one offs and we can move quickly through those or even just decide not to engage them but, you know, one of the great advantages of format that was created by staff is that it allows you to very quickly scan through and see what the commonalities are.

So, you know, we are, what we're wasting time on right now is arguing about whether or not we're going to even discuss things as opposed to discussing them. I think we can go quickly through. Maybe I don't know how you plan to determine, you know, I mean is this a consensus call? I didn't think it was. I don't know how you plan to determine which things, you know, we might take but shutting down the comments right now just seems like the wrong way to go. Thanks.

Kurt Pritz: Thanks. Go ahead Alan.

Alan Greenberg: Thank you very much. I've no problem with the categorization. However one person's tweak may well be another person's die in the ditch. And I don't think we can ignore them. However we've successfully used small teams to resolve issues. I certainly don't want to be wordsmithing on these calls. That is a futile and horrible effort.

So I would suggest that if we have anything other than one offs, that if we have a common theme that we try to identify a small group of people including the proponents of those and the, you know, and the opposition if there is any and to come up with a proposal and not try to wordsmith on this call. Thank you.

Kurt Pritz: So I'm sorry Alan could you - so you're recommending that we view the set of recommended changes and try to resist the urge to wordsmith?

Alan Greenberg: That is indeed. I don't think we can ignore them because our obligation is to go through them as you've pointed out, but I don't want to try to resolve issues on this call unless it's something that we can really readily do. You know, we're - many people on this call are not going to be in a position to do a formal consensus call without consulting their groups so I would suggest we try to delegate when we can. And but I believe we need to go through everything. Thank you. And again Berry has had his hand up for a while.

Kurt Pritz: Go ahead. Thank you Alan. Go ahead Berry.

Berry Cobb: Thank you again Alan, Berry Cobb for the record. Just to tack on to Milton's point earlier, you know, if the group wishes to generally categorize the purposes or recommendations between support or divergence and attack the divergence in terms of assigning those levels of agreement or lack of agreement at a macro level I do want to caution the group you can't just rely on the graphs or the pie charts at the beginning of each one of these PCRT charts.

It's really just kind of a general indication of a compilation of the categorized responses. But in some cases they're not a perfect delineation and should in no way be used to try to determine a formal level of consensus or a consensus against. That's not the intent of the tool.

But just to provide a more detailed example, you know, within this Purpose 1 there are 19 responses for support purpose as written. As an example and this is not a direct one, for instance the Registrar Stakeholder Group submitted a comment and could have flagged purpose one as a support the purpose as written but there were also individual registrars that also had indicated supported purpose with written meaning that, you know, there could be multiple like positions that are being calculated or revealed here in the pie chart. So it's not a perfect delineation of agreement across the group. It's merely meant as a quick takeaway oh it looks like there's some severe

disagreement such as purpose to. So in terms of trying to assign these macro levels of support the comments should be considered in assigning that particular level. Thank you.

Kurt Pritz: Thanks and I'm not a big fan of the - I think the pie chart's necessary but it's sort of a necessary evil, so I look for yellow and red. But otherwise it often is a display of different people comment on the same thing which is not indicative of total support of the community so the pie chart I see is (unintelligible) limited value. Alan Woods, the other Alan.

Alan Woods: Thank you. Happy New Year to you all. It's actually a very quick one from us. Just as I'm reviewing the actual purpose one PCRT I just noticed that the Registry Stakeholder Group's comment actually seems to be mis-copied over for a team that's replaced the term agreement with the word support in the first amendment. I just want to make sure that maybe staff could just take a note of that that it should be in Column 12 or Row 12 should I say in accordance with the relevant registry agreements.

Kurt Pritz: Can you stop there Alan. Could you - could…

Alan Woods: Yes.

Kurt Pritz: Oh this is scrollable. So we're - I want to look at that because that really confused me so that could be very helpful.

Alan Woods: 12.

Kurt Pritz: Row.

Alan Woods: Yes that jumps (unintelligible). Yes well it jumps the right place.

Kurt Pritz: Yes.

Alan Woods: So you see in the first proposed that in accordance with the relevant registry support. That should be registry agreements and the Registrar Accreditation Agreement so not supports. We don't - I was reading that. I was like I have no idea where that came from. So I think it was just a copy and paste or a replace all so I just wanted to flag that with the team. That's all.

Kurt Pritz: Thanks very much. That's helpful. (Emily) go ahead please.

((Crosstalk))

Kurt Pritz: Oh wait Alan's got the actual, yes.

Alan Woods: No, no sorry, apologies. I just want to say that that what was submitted on the Google form as well. So it's not that we tried to do that. We were trying to do the latest change.

Kurt Pritz: (Emily) go ahead, please.

(Emily):   Thank you very much Kurt. Happy New Year to everyone and also a big thank you to staff for plowing through the comments over the holiday season and getting them into a very readily adjustable form. I know that there's been some comments about, you know, it could be like this, it could be like that which is obviously useful feedback. But I think that we should all acknowledge that there has been a great deal of work and that by staff that is very helpful to all of us as a team so thanks for that.

                  Yes I agree with the comments on that Berry's made and Kurt has made on the pie charts. I view them as a sort of useful indicator of what's to follow. But it's, you know, I always feel with public comments in these environments that they are not a numbers game. This is - the comments are received from self-selecting groups of stakeholders. They are not representative of the entire global community and all of the different states that are involved.

And so although it can seem tempting and attractive to go well how many, you know, voices supported this particular amendment, there are many different ways in which the whole process can be distorted or in which different voices can be louder or more vigorous than others but it doesn't mean that those other voices should not be heard.

I think it's much more interesting and relevant for us to look at we, you know, we are experienced in this area all of us. And it's much more relevant to say well where is the same point made by different stakeholders across the traditional divide if you like? If you've got people from - and we know we have an idea of what those divides are. They might not be fixed on every item but where there is - we understand where there are divergence of views so where a particular point is made across the spectrum of interest and that is really significant.

And of course I agree with everyone who's saying we don't want to sit here wordsmithing every single text or amendment. At the same time we do want to show respect to those who have made comments and to highlight as many others have said new ideas, things that haven't occurred to us. So that's just a brief intervention which I hope is useful.

Kurt Pritz: Thanks very much (Emily). So there's a couple of different ways of going about this. One is to scroll through each of these with the change and the rational. And the other is that in addition to this the support teams summarize the recommended changes. So if you guys can open up the PCRT so you could look at the rationale in each one we can look at the recommendations sort of in total. So if you could either make that smaller so we can see it and then we can blow it up a little bit. But you'll see here that there's - what I would say is essentially six proposed changes to Purpose 1. There's 1 to 5 on the first page and then Number 1 on the second page is sort of a recommended change. But GoDaddy and the Registrar Stakeholder Group did not recommend a replacement for the word rights in the term.

But we can sort of stare at all of the changes at once here and, you know, and I think kick off a distance. So I think we want to hear from someone in and let me just - this is the last little philosophical or process related thing I'll try to – I'll say - I'll try to fit in. That is that we sort of have to try to divorce ourselves from the commenters which to me is practically impossible.

So, you know, each of you has a duty to the group you represent and then you have a duty to this team. And so the comments, the proposed changes and more importantly the rational for those changes have been written by organizations you represent. They might be your employer or they might be your stakeholder group but they sort of have to stand on their own at this point. And we have to look at the proposed changes and the rationale as written and see what we think of that and sort of adopt the change or not and, you know, further refine what is here or further justify what is here beyond what is suggested over what is written in justification.

So to the extent you can, you know, I would I think that's something we have to try to keep in mind. So with that I think we want to start to letting go or letting go of some of these recommended changes as, you know, possibly making it better but not better enough that we need to debate it, you know, voicing support or an opinion against some of these changes. So Kavouss is first in the queue and I understand you've already voiced support for the addition of obligations in this. Do you have further Kavouss?

Kavouss Arasteh: Yes once again Kurt I think we need to respect each other. Someone told that my time is wasted. It is not correct. We are not wasting time of anybody. We're raising the question and we must be clear about the question so I don't think that there is somebody or everybody else saying that my time is wasted and so on so forth. And this person has in many times in the past also told the same thing to the others so we should respect each other. So I have one general question, twenty-nine people for several months have done something. All of a sudden one commenter comes and proposed a change. Do we agree with the change or we need to discuss the change to see

whether this has not been already agreed or discussed several times. And the result of what we have in the initial text is after all those discussions so we should not subordinate ourselves to one single common problem with the (unintelligible) of the work.

Somebody saying that activate is not that a correct word or somebody is saying that we have forgotten something and somebody is saying that it is a narrow discussion or saying that a narrow definition has been defined narrowly. I think we have to look into the acceptability of all of these comments, some of them may not be acceptable by us. So I ask you please how you want to go through these comments? Thank you.

Kurt Pritz: I think there's two ways to go through these recommended changes. One is to go through them one by one and one is to go through them in a group of either five or group whatever - however we want to term that. So for me I think they're kind of easy to go through them one by one but we could just ask for who's, you know, who's in support of these. I guess we should - we could do a show of hands. We could try that. So we can try each one of these and do a show of hands and see who is in support of a change. The alternative is to just take all five recommended changes and say okay who's in support of any of these and listen to all the support and who's against these and then have the show of hands. So let me - let's go through the queue quickly and then we're going to start with a first proposed change and go through these. Go ahead (Hadia).

(Hadia):   So hello everyone. I was actually going to comment on the changes in the concerns so can I do that now?

Kurt Pritz: Let's…

(Hadia):   Is just a quick one. I don't have too many comments. It's just one simple.

Kurt Pritz: Okay.

(Hadia): So it's actually with regard to the concern that speaks about the word activate. And it is within proposed Change Number 5. And but it of course in change Number 5 it doesn't say - it will still have the word activate.

I actually support the comment because activate domain names typically means bringing it (unintelligible) you'd like to register if this domain name is a Web site so activating the domain name would mean typically mean develop the Web site and (unintelligible) a up and running server right? And so I do support changing the change of the word activate and maybe replace it with register a domain name and allocate it to the registered name holder. It's more clear and obvious. So that's the only comment I have.

Kurt Pritz: Thanks. Go ahead Amr.

Amr Elsadr: Thanks Kurt. This is Amr. Generally speaking one thing I would recommend when going through these proposed changes is to consider when some of these changes are actually recommending a change or the addition, deletion or amendment of an actual purpose. My reading of some of these is that some of them might actually qualify a bit more as processing activities as opposed to actual purposes and might or might not fit into some of the purposes that already exist. And so I think that would be helpful to, you know, to keep an eye on while we're going through these and not just consider them all proposed purposes just because the commenters believe they might be. Another thing is to also when considering these -- and I'm sure that the entire EPDP team would -- wouldn't fall short of this, but when going through with these especially when it comes to amendments with the purpose of adding new ones to also consider, you know, what the legal basis is and to what extent it might be within ICANN's agreement or the remit of its mission to do this. But these are just general suggestions on my part on, you know, when tackling these comments things to be cognizant of. Thank you.

Kurt Pritz: Thanks Amr. Alan Greenberg?

Alan Greenberg: Thank you. I was just foolish we're going to try to address the question you asked. I would suggest for ones that are commented on by one person we group them all together and ask is there anyone here who feels strongly that this warrants significant discussion and perhaps we can get rid of a fair - get rid of is too strong of a word. We can eliminate a significant number of the one offs that way without spending a lot of time on them. Thank you.

Kurt Pritz: Thanks very much Alan. All right so I'm sitting here thinking and Farzi got in the queue, so go ahead Farzi, Farzaneh?

Farzaneh Badii: Thank you Kurt. Farzaneh Badii speaking. So I just thought that just that general methodology or approach and also like to specifically for the addition of the word obligation. So if the changes that are being that it would require us actually go through the exit site of the datasheet that we had and over it and see if this change requires us to do the exercise again then we will have to consider that. For example, if we add obligation to this purpose then we have to go through the data matrix again and look at the processing and look at the collection of the data, the exposure of the data and all sorts of the questions that we answered in the beginning when you came up with these purposes.

So I think if there changes that would require us to go through those like elaborate exercises then we need to decide on whether we want to make the changes and – make the changes or go through the elaborate exercises and then accept or drop them. And I agree with Alan that if the change is something that the group I think that it needs to be considered seriously then we can go over them (unintelligible).

Kurt Pritz: Thanks very much. Okay so let's look at the first - let's try this. Let's look at the first proposed change. And I apologize this is going a little bit slow and we will get our legs under us and go through these more quickly as we proceed. So let's look at the first proposed change and ask if there's any support for

further discussion of this change? I think Amr's comment kind of went to this one. So please let's – is there any support for this recommended change? Amr am I correct in - Berry please go ahead.

Berry Cobb: Thank you Kurt, Berry Cobb for the record. So I think to be more precise on this question, you know, specifically our purpose statement is talking about the activation and use of the domain name. And the comment provided by George Kirikos, you know, he essentially thinks that transfer and recovery should be spelled out specifically in the purpose statement. So really the specific question for this group to consider it should the more detailed definition of including these two words transfer and recovery be added to the purpose statement or is that implied by the general term of the word use? And if it's not then the group should consider adding it but if it is then we can acknowledge the comment that basically transfer and recovery are implied by the term use. Thank you.

Kurt Pritz: Thanks very much. Go ahead Amr.

Amr Elsadr: Thanks Kurt, this is Amr. Yes I think this proposed change would qualify as one of the ones that I view as not necessary to achieve the objective of the purpose. I understand - I think I understand where George is coming from on this and I don't remember all the processing activities associated with this purpose at the top of my head right now. But I think it might be worth checking to see whether any of these things like a transfer and recovery activation and so forth would fit in as processing activities or not within the purpose but to me they all just still fall under the general umbrella of establishing the rights of a registry domain holder.

So I don't think that's spelling them out specifically in the purpose itself adds any value. And I think if we do go through this exercise with every one of these purposes it's going to become a – well it's going to give us all a terrible headache dealing with them and trying to wordsmith and make sure every possible is that was not me barking that every single processing activity is –

that was not me barking – that every single processing activity is included within the substance of the process itself. I think that would be a terrible waste of our time and we'd end up submitting very confusing recommendations. So I think we should look at the purpose, see if they fit in with the processing activities. If they do fine, we can work it out. If they don't we don't need to but I wouldn't recommend changing the purpose based on this comment. Thank you.

Kurt Pritz: Thanks Kavouss, go ahead.

Kavouss Arasteh: Yes I don't really understand what is meant by recovery. Recovery of what? Transfer I understand but recovery I don't know what we mean by recovery. However transfer and recovery does not constitute to be use. Use is more general. So whether we agree to the transfer and recovery or not but I don't understand what you mean by recovery. What is recover? Thank you.

Kurt Pritz: (James) may I answer your question as part of his intervention here? Hi (James).

(James):   Hi Kurt, (James) speaking and Happy New Year everyone. To Kavouss' question I think we have separate consensus policy that establish and manage the processes of transferring domain names between registrars, between registrants but recovering domain name registrations that have inadvertently expired or are in some sort of a redemption period with the registries. So I think what George is referring to here with this comment is he wants to see those functions baked into this purpose. I disagree. I think that they do fall under the umbrella of use and disposition which is a much more generic and I think broad category. And in fact we might come up with new ways of using and - dispositioning domain names that are beyond transfer and recovery. But I should note that we have discussed the possibility or the likelihood that the transfer and possibly the EP E - expires the - PDP - or no I'm sorry, I'm getting my acronyms mixed up but the transfer and recovery

consensus policies may have to be revisited following the outcome of this PDP.

And so I think (George)'s comment might be relevant to kind of flagged that work that needs to occur as a subsequent PDP or two following this one. So I think I'm agreeing with Amr and others that this is, these are important uses. They are important dispositions of domain names but they don't belong as part of the purpose however they should be flagged for follow-on work. So I hope that's helped - helpful thanks.

Kurt Pritz: Thanks very much (James). So I'm looking at the remaining two. Is there anyone that supports this change and thinks it should be made? So Marc and Alan if you are in agreement with what's been said before even if for a different reason it's okay, I think it's okay to drop off. Go ahead. Thanks Alan. Go ahead Marc.

Marc Anderson: Thanks Kurt. I am in agreement but I want to make a - I do want to respond to something different in the chat. There's been a couple of statements in chat about, you know, what it means to activate and allocate. And I think there's some confusion about what those terms mean. And so I wanted to raise my hand and make sure we all get on the same page there.

And so, you know, allocating, you know, allocating a string, we talked about allocating a domain name, you know, that's phasing of the act of taking a string and, you know, and registering it to a registrant. The activation of it is different from registering it. The activation we're talking about activated we're talking about activating it in the DNS. And so those are two separate activities. You can't activated if it hasn't been allocated. And you don't have to activate it but that is one of, you know, but that is still I think the key to purpose one. You can register or allocate a domain name and decide not to activate it in the DNS. But just because you choose not to activated it in the DNS that doesn't, you know, I think that doesn't change the fact that that's part of the purpose of our - that's part of what Purpose 1 is covering.

And then just, you know, sort of a friendly reminder, you know, activating a string in the DNS is not the same as having a Web page. You can activate a domain name in the DNS and not have a Web page at all. Having a Web page is just one of the activities you can do with the domain name.

Kurt Pritz: So I think, thanks very much for the clarification. And I think that's where not just for this but for another reason. So I think where we are in number on the first proposed changes that we're going to let it go. And so I want to just pause to make sure that there's no objection to that. And then so I'll pause. And then Marc really addressed if you go down to the second page, Marc really addressed the concerns noted, concern number two, what does activated mean? And I saw in the chat that, you know, it's a legal term of ours that's well defined in the contract. So I think it's okay to leave the word activated in our purpose that it was carefully chosen and debated for some time.

So I think that we're - we've considered proposed change Number 1 and also in the second page concern Number 2 and we're leaving those both. So unless there's an objection will go on to the next proposed which is Number 2 which is the addition of obligations of the registered name holder into the proposed change. And so we see from those supporting it, it's - we can clearly see groups supporting it. So I think there's probably some appetite on this call for discussing this.

Can we hear from - and I – sorry and I hope you've read the rationale. So the rationale supplied with those is really clear but I've also heard comments that this -but I think what we do is take comments that - I can't think of a better word - set of words than go against so are not for this change. So are there people on this call that oppose this change? We just, you know, I don't remember if we decided or discussed whether or not obligations should be part of this are not. Go ahead Milton. Thank you. Milton...

Milton Mueller: Yes.

Kurt Pritz: ...whatever you did the last time. Oh there you go.

Milton Mueller: Yes, sorry about that, very sluggish Adobe Connect. So what we have here is something that we're, a pattern that we're going to have to resist as we go through the purposes. We know we have a group of stakeholders whose primary interest is access to Whois data. And most of the discussion and debate about the purposes and GDPR compliance has been then bent to the purpose of getting access.

                    And so by adding obligations here what's being done is to try to essentially a change purpose one into purpose two which is to say we can impose third-party obligations on registered nameholders because they have these unspecified obligations. Now the problem with that the most basic problem is that in so far as it's valid it's a different purpose. It is not the same as the purpose we have identified in Purpose 1. It is in addition to it. And if it is indeed a different purpose then create another purpose or incorporate those concerns into Purpose 2.

                    I really think that this is kind of the kind of word game that we really can't - we don't have time for. I mean Purpose 1 is valid on its own terms. If you add that word obligations in there you're in effect turning it into a completely different purpose. And I think we just don't want to do that. That's all.

Kurt Pritz: I'm sorry, I was muted myself. Thanks very much for that Milton. Go ahead (James).

(James):   Hey Kurt, (James) speaking, thanks. Just, you know, wanted to note that the word obligations as an addition here is probably something I'm not comfortable with. I know we have a number of other documents that were labored over the years that used the word responsibilities instead. And I think that if we were to entertain this I would hope that we'd switch it from

obligation to responsibility. It makes sense that as a party to a contract that registrants would have some degree of obligations and responsibilities whatever we had a (unintelligible).

For the most part I do agree with Milton that this is sort of I don't know if it's an effort to water down Purpose Number 1 or 2 kind of blur it was a very (unintelligible) and concrete definition and make it look a little bit more like Purpose 2. And if we continue down this path I think we should keep these, the boundary between Purpose 1 and Purpose 2 clear and distinct. Thanks.

Kurt Pritz: Thanks so much (James). Go ahead Alan.

Alan Greenberg: Thank you very much. I would have no problem changing obligations to responsibilities. I do think it's important and I certainly would accept a new purpose but I don't think we want to draft a new purpose right now. I will comment however that the term ensure does not go along with obligations because you can't ensure someone's going to fulfill their obligations. You can fulfill - you can ensure that that they're identified so that their rights can be exercised but you can't ensure that they actually do something. So I would use the term established with regard to the term obligations or responsibilities. Thank you.

Kurt Pritz: Thanks Alan.

Amr Elsadr: Thanks Kurt. This is Amr. Yes I would be one of the folks who oppose the addition of obligations or even responsibilities in this purpose. I think that a number of factual clauses that a - any registered nameholder agrees to the - at least so far as registration data is processed I believe those exist in other purposes such as for example, you know, the purposes we have on the different DRPs. So I don't see why we need to repeat those here.

So far as the rationale that is provided in several of the comments that are proposing this change I have to admit that I haven't found any of them to be

particularly persuasive. Again I think a number of them sort of, you know, conflict between this purpose and the other purposes that address some of the actual obligations that a registered nameholder agrees to when registering a domain name. I also think that some of them are generally not accurate in terms of, you know, they don't, the so-called obligations don't actually require processing of gTLD registration data in any way and some of these are just, you know, obligations that are, that exists between two parties such as the registered nameholder and the contracted party that it chooses to contract with.

But if in the absence of any specific examples or reasons where gTLD registration data needs to be processed within the context of this purpose I don't see any compelling reason why we should make a change - make this change to this purpose. Thank you.

Kurt Pritz: Thanks very much. So I'm looking at the queue and I'm sensing that we're about to see a change in the sentiments expressed. So to say what I've heard so far is that to paraphrase it and please correct me if I'm wrong is that the, we were - the raise on (unintelligible) for purpose 1 is really so the registrar can do its thing with regard to getting the domain name to the registered nameholder and making sure it works good, lasts a long time and that by adding the obligations to the registered nameholder it changes the original intent of the purpose and that those obligations of the registered nameholder are covered under other purposes. So that's what I understand that this – the discussion to be. So Marc if you - so those that are in support of this if you could point to areas in the rationale where there is support for this or paraphrase those expressions of the reasons why this is required, that'd be helpful I think.

Marc Anderson: Yes this is Marc. So just checking your previous comment is just summarizing the comments that have already been made right? It's not…

Kurt Pritz: Correct. Yes I asked initially for people to comment that, you know, we read the proposed change and we read the rationale. Everybody's read the rationale for this proposed change and so I asked for those that are against it. So now I'm looking at the queue thinking the next few comments are going to be for this change. So that's why I made that (unintelligible).

Marc Anderson: Yes, thank you for clarifying. Yes first of all I think that responsibilities is the better term and we'd be happy to embrace that. We do feel like this is not Purpose number 2. You know, if our arguments are not found to be compelling I think we'll be overruled. But it just felt like for consistency and completeness that we ought to mention that there are rights and responsibilities in this. And I think that there's a registry that we're going to be getting to soon, you know, where this is actually split into two pieces or maybe that's on proposal three? Is that, hang on number…

Kurt Pritz: No that's on this one.

Marc Anderson: Yes it's on this one, yes. And that would be another logical place to change and so on, sorry Number 12. Yes so they break it into two bits. And so when we get to that I would think that the second portion would be a place where you would put responsibilities as well. So it felt like it was in line with tat comment as well. Thanks.

Kurt Pritz: Thanks Marc. Go ahead.

Alan Greenberg: Yes thanks, Kurt. Can you hear me?

Kurt Pritz: Yes.

Alan Greenberg: Great. So yes the other side of this - and I can certainly understand of folks think that this might fit better as a different purpose. I think it makes sense to be here but the other side of this is that to be able to establish obligations that the registered nameholder has in the domain name, right? It won't do illegal

things with the domain name and, you know, all the other terms that the registrant agrees to when they register the domain to be able to establish those responsibilities and (unintelligible) with responsibilities too. I think that tracks better to the registrants benefits and responsibilities document on the ICANN Web site.

But that's just it is that that's the other side of the same purpose right to establish that the registrant has the claim to the name and that third parties if necessary, and not even just third parties but the registrar, the registry can rest assured that that is the party who has signed up to the responsibilities about how they'll use that domain name or what they'll do with the domain name. And I think I just end with the thought that in the real world with rights come responsibilities. And I think it's pretty important just to note that here too. (Margie) go ahead please.

(Margie): Sure thank you. This is (Margie). A couple of points to give an example from Amr where there might be a processing involving personal data and we're talking about a situation where a registrant wants to update their Whois information for accuracy purposes. That's an example of where they would - the obligation would be specific to, you know, to this purpose and would be needed in order for the data to go through at the system, you know, from the registers to the registries.

And in terms of the point that Milton raised about this being an access issue, I think we're going to have a separate discussion about access anyways and we can all be mindful of the fact that the third-party access comes from other purposes. As I looked at this as being a registrant specific purpose and a registry and registrar specific purpose so that the registrant can be - have assurances that if there's data that they need to have updated that, you know, that it'll be covered by the processing that the registries and registrars would have to do. And this is not - I don't see how a third-party access even plays into that.

Kurt Pritz: Thanks (Margie). Kavouss go ahead.

Kavouss Arasteh: Yes in general and in principle whenever you're talking about rights you are
                  talking of oppositions. But here (unintelligible) obligation would change the
                  scope of the purpose and then create some difficulties. Perhaps if you and
                  other (unintelligible) you raised the question of whether there is any support
                  from these changes, if not you drop it. Thank you.

Kurt Pritz: Thanks. Kristina?

Kristina Rosette: Kristina Rosette. I want to take this in a slightly different direction but still
                   focusing on the responsibilities. I think it would be helpful if everyone would
                   just kind of keep in mind that, you know, a lot of where we ended up with this
                   language was working backwards to some extent from the domain name, the
                   registrant's right, the registrant's benefits and responsibilities document that
                   ICANN's posted. And if you look at that and look at all of the delineated, the
                   five delineated responsibilities of the domain name registrant they're very
                   clearly articulated as being in the context of the registrant to the registrar, to
                   the registry and to the extent incorporated by ICANN, I guess technically to
                   ICANN. They are not responsibilities of the registered nameholder to third
                   parties.

                   So while I am, have a much greater preference for responsibilities over
                   obligations, I do think that it sounds like if the view of the group is that we are
                   going to include responsibility I think it's critical for the purposes of clarity and
                   to avoid future misunderstandings that we limit that language to make it very
                   clear the parties to whom those responsibilities are owed. Thanks.

Kurt Pritz: Thanks Kristina. Please go ahead Milton.

Milton Mueller: Yes just to answer Kristina the purpose currently says subject to registry and
                   registrar terms conditions and policies. So all of your obligations to the
                   contracting parties are covered by that. So we clearly do not need to add

responsibilities and in so doing you are - would actually be contributing to the confusion between third parties that you spoke of, that's all. So is that a - you know, when I run obligations I never thought that they would be obligations to third parties. I mean there's a registrant agreement where it has - that's between the registrar and the registered nameholder. And they each have obligations to one another. And I don't think there's third-party beneficiaries to that contract.

So I - so there's - this is an issue where and here is my opinion. This is an issue where, you know, if - so we've seem to be somewhat divided on whether there's no change made or whether we put the rights and responsibility of the registered nameholder into the agreement. To me at the end of the day regardless of which we choose there'll be little or no change in the outcome of this new PDP. From my personal standpoint I really think that this purpose was really targeted at the registrars collecting data in order to make the domain name work, in order to be able to activate it and ensure that the registered nameholder exercised its rights. So it was really pointed in that one direction. And to me that's a cleaner approach. And I see no degradation in any of the future discussion about obligations of registered nameholders with regard to dispute policies or any other obligations that the registered nameholder has in maintaining his or her data if we made no change.

Having said, so that's sort of an independent assessment listening to the discussion. However at the end of the day I see little change or affected are in our results if we include the word. So this is one of those issues where, you know, there's two sides to it that not quite but fairly evenly divided. I think we have the contracted parties in the noncommercial group and the GAC against the change in the IT and the BC for the change with some support from the ALAC.

So and that's where we are. So this is where I get myself into trouble. So if I'm – if I think I'll take a look at the chat here. You know, I'm seeing people (unintelligible) yes so I'd be for - so I don't know exactly where to take this

one other than to make the comment I have. I'm just reading the chat and reading some messages.

Sorry for the silence. I'm just reading the chat and thinking. Please go ahead (James).

(James):   Yes Kurt this is (James) and just to echo what is happening I think in the chat is, you know, we have a proposal for some additional language to be inserted into the purpose and that doesn't seem to be achieving consensus. I tried to put out a different spin on it that hopefully would be a little bit easier. That didn't work either so it sounds like we just back to where we were. That's just my take on it. I'm sure others have other ideas.

Kurt Pritz: (Brian) go ahead.

(Brian):   Yes thanks guys. I didn't hear an argument that I think made (Margie) sound like a bad idea where, you know, the registrant has the responsibility to maintain accurate RDS data and to ensure that the registrant is able to meet that responsibility that the process is necessary. So that's the purpose for processing the data. I didn't hear an argument against that and I think (Margie) floated language around responsibilities for waiting to maintaining the registration or something like that as language that might work. I'd love to hear the group's thoughts on that.

Kurt Pritz: Thanks Alan, go ahead. Thanks (Brian). Go ahead Alan.

Alan Greenberg: Thank you. I'm having trouble identifying what the negatives are. I've heard a number of people say it's not really needed. The only harms that I can recall hearing are from Milton worried that it's going to be taken as a third party access issue. And that I think clearly would not work and, you know, that's a separate purpose all together. So I'm having trouble identifying what the negatives are to doing it where a number of people think this is useful and necessary. Others have said they can live with it and I haven't - I don't recall

having heard a lot of negatives. Maybe I missed something or was sleeping. Thank you.

Kurt Pritz: Well don't be sleeping. Go ahead Farzaneh.

Farzaneh Badii: Farzaneh Badii speaking, thank you Kurt. So I'm just going to repeat what I said in chat. I don't think that the group is suggesting to add the word responsibility has provided a just (unintelligible) and has provided thorough data element analysis of what data elements is needed and what then, what should be processed for what responsibility. So I don't think at this stage I do not support addition of this work and I think that the group has to bring more justification in order to add it. We can't just like add it because a portion of stakeholder group wants it.

Milton Mueller: Should I go ahead?

Kurt Pritz: Yes please Milton.

Milton Mueller: Yes and just to answer Alan's specific argument that there are no negatives, the negatives are very clear. The whole point of this exercise is to have clearly delineated purposes for the sake of compliance with GDPR. We've already noted and in fact (Brian King) has just agreed that adding responsibilities makes it a different purpose and that's exactly what we've been arguing. And, you know, that cloud, the picture of what are the purposes and therefore what data elements are required to fulfill the purpose and what forms of disclosure and the transfer and processing of the data are needed. And the other problem was that it doesn't add anything of value because insofar as we're talking about obligations or responsibilities to registries and registrars those are already clearly covered by the reference to registry and registrar terms, conditions and policies. So I think it's unfortunate that we even need to spend this much time talking about this. I think the issue, you know, is pretty clear that there's no reason to opt - to amend this purpose in a way that creates all kinds of problems and accomplishes very little.

Kurt Pritz: Go ahead Kavouss. Thanks Milton.

Kavouss Arasteh: Yes I think you have spent a considerable amount of time on this. If we
                     continue the same momentum of work we may not finish the things before the
                     time that allocated to us. Moreover adding responsibility and obligation as
                     mentioned by others changed the scope of this purpose and moreover it may
                     compromise the rights as well. So I think you take the decision now and ask
                     whether there is any serious objections not to take it. Thank you.

Kurt Pritz: Thanks. Go ahead Marc.

Marc Anderson: This is Marc. One of the reasons I was interested in discussing even the so-
                     called easy ones is because eventually you get to a point where everyone
                     has spoken and tried to defend their point of view and now the question is
                     how do we decide to move forward? I mean simply having Milton say over
                     and over again, 'Look let's move on, let's move on let's move on, that doesn't
                     seem like a very good way to proceed." I mean take a vote or something. But
                     I, it was not really explained in advance at least not to my understanding how
                     we were going to resolve these issues. So now we're, everyone has spoken.
                     We could take a vote if that's the path forward but I don't think we've defined
                     our path forward. And I'm very curious how we're going to do this because if
                     these are the easy ones how are we going to proceed on the harder ones?
                     And then I guess my second point is if we're arguing about, you know,
                     creating new purposes and stuff like that that the registry group did in fact
                     provide a comment that breaks the purpose into two parts. And this added,
                     fits nicely into the second part of that. So if that comment is to be considered
                     as well I think it is in line as I've said before with this proposed edit.

Kurt Pritz: Thanks Marc. Go ahead (Hadia).

(Hadia):   So that (unintelligible) that I heard someone saying so what does a
                     responsibility add? So in my opinion what responsibility adds it establishes

fact that the – a registrant could have the domain name deactivated just if he does not need his responsibilities. So (unintelligible) it does fit in here because it does say something about the activation or deactivation of these domains.

Kurt Pritz: Thanks very much. So let's just - so I have a comment and then so the way out of and then so it can go on to the next topic at least before the end of the meeting. So gosh, I don't - what I'd really like is a show of hands by constituencies so I don't know if we can coordinate that. So a show of hands. So I think green would be for the change and red would be to maintain the status quo. And then I'm expecting to see what I'm expecting to see.

But then, you know, I have some comments to make so we can go on to the next thing. I'm just looking for a registrar vote in here somewhere. Yes so we have - I don't see a registrar vote anywhere. Yes so soon anyway, so the ALAC, the IPC and the BC are in support of it and the contracted parties, registrars and registries then Noncommercial Stakeholder Group and the GAC are against it. So I think that, you know, I'd like us to think about a couple things. One is when we think about the legal basis for the processing of the data would adding to this purpose, the responsibilities of the registrant would that change the legal basis for the purpose and because I think it might. I think it makes it more difficult. And so the way forward out of this is to not adopt this change at this time, stick a pin in it and go through everything else we have to go through and see if the concerns are addressed and if they are fine and if not we'll have to come back to this in some way.

But so, you know, we certainly don't have agreement to adopt a change and we certainly agonized over this purpose for a long time. So well let's not write in ink that we're going to make this change but rather leave the purpose in this situation the way it is and then at the end of this we'll come back to it and see. And when I say at the end of this it might be at the end of the discussion about this recommendation in it or this specific purpose or it might be later to

see if we addressed it or can think through it in some other way. But other than that I don't really see a way forward to make a final definitive answer.

Again I'll say that, you know, at the end of the day I don't think it would change things that much. So a little bit sad that we have this discussion and this disagreement at this time. Let's go on to the third proposed change which is from John Poole which essentially Caitlin or Berry, it essentially just rewords the purpose into this short sentence is that correct?

Berry Cobb: Yes it's kind of a – it's a proposed final statement to the purpose as in general.

Kurt Pritz: So it's added onto the purpose? So is there anyone interested in discussing this change further? And Berry or Marika or Caitlin if you could just confirm that this is in addition to the purpose and not a replacement of the purpose. Marc go ahead.

Marc Anderson: Thanks Kurt. This is Marc. So to me this is, you know, to me this is unnecessary. I think it's just, this is part of the allocation, you know, allocating the domain name to a registered nameholder. You know, that includes, you know, the process. You know, that includes this processing activity. So to me this is (unintelligible) tech and really just having, just saying allocate to a registered nameholder encompass this. So, you know, my 2 cents I don't see this as a necessary edit.

Kurt Pritz: So it's part of the register requirement in the first place and so it's sort of a restatement. Is anybody else interested in discussing this proposed change? And just to confirm so what John is recommending here is that we replace the three bullets in the purpose with this statement. Alan Greenberg?

Alan Greenberg: I like the summary I'm not sure it replaces the three bullets. And I'm not sure it adds a lot so I think at this point and unless someone can demonstrate

what it adds or what is danger or, you know, I think it's gilding the lily at this point.

Kurt Pritz: Thanks Alan. So what I'm hearing is it's a good and accurate statement for this purpose that may or may not be the equivalent of what we have. So we're going to decide to maintain the language we have and not use this recommended language in lieu of it, it being essentially equivalent but there would require some discussion to determine if that's the case or not. So I'll pause for a second and see if anybody - and anybody wants to discuss this one further?

Okay thanks very much. The next comment comes from the Internet Society of India. And I just got a confirmation but I assumed it was to add an additional bullet, a fourth bullet to ensure transparency in the domain name registration process. And I don't, you know, I was - I'm trying to recall, I don't have the, I have to get the PCRT up in front of me so I can read the rational for this one but I forgot it so I hope we can take the time to look at the rational for this one. Is there any interest on this call who is - who wishes to discuss this addition by ISOC India?

Alan Greenberg: Kurt it's Alan. Can we get clarity on what he - where he was suggesting putting this?

Kurt Pritz: Yes it's a fourth bullet.

Alan Greenberg: This one also is a fourth bullet, okay.

Kurt Pritz: The other one John Poole's was a real placement for the three bullets. This is a fourth bullet. Go ahead Marc.

Marc Anderson: Thanks. I guess just a procedural question to start with like when you ask is there any interest in discussing this, I guess what does answering no here

mean to us as a working group? If no one here is interested in discussing it what are we – what do we do with it then?

Kurt Pritz: I think so maybe I was a little sloppy in my language but I think the best way to go about it is to ask if there's, you know, first ask what the support, if there's support for this change and agreement with, you know, use of the rationale that was, that accompanied this. So it's really asking if there's support for this. And, you know, I appreciate by saying that, I appreciate any comments to the opposite too to sort of put a point on, you know, put an end to the discussion to get to the end of the discussion.

Marc Anderson: Thanks Kurt, good clarification.

Kurt Pritz: Go ahead (James).

(James): Thanks Kurt, (James) speaking. And I guess and I apologize on behalf of myself to the Internet Society of India because I did not read the entire comment. And I'm asking if there's any context or, you know, justification or rationale around what they mean by transparency in this, you know, in the context of domain registration or is there some specific process or part of that process that they believe is not sufficiently transparent that this would fix because I think transparency obviously is always a good thing to pursue transparency unless and until it starts to collide with privacy and then you, you know, you kind of have to get into a balancing discussion. So I don't really understand what their objective or purpose for adding this is. So I don't maybe for you or a question for staff if there's any more material or explanation backing up this, the reason behind this insertion?

Kurt Pritz: Right so I think it's really important and remember in the old days it seems like years ago now would start every meeting by making sure we had the temporary specification in our hand as we went through that as part of a triage. So it's the same thing with public comment tool now the PCRT. And looking at that the text that accompanied this recommendation said it's

important to ensure the availability of unregistered names to natural and artificial persons without the availability that is being met in the middle paving way for speculative transactions by intermediaries which may not always be fair.

This purpose is added to ensure transparency. This purpose is added to ensure fairness in the availability of domain names to natural and artificial persons. It is acknowledged that some names that are beyond the purview of trademarks may - are desirable names by many hence have a premium value to ensure fairness and transparency of opportunities for registering premium names by existing and new processes between ICANN and registries. So, you know, I read the first clause of that and said, "Oh I'll just plow through that," but it's kind of a little bit of a dense read but that's the rationale for it. Alan?

Alan Greenberg: Yes this sounds like a plea for availability of the zone file or something like that, that is that we are allowed to know what names are registered and what names are not. Now that's not actually the zone file because it may not be in the zone. It may be registered. So this sounds like it's a plea for to make sure that the public and not only the registrars involved know what domain names are registered and what domain names are not registered. You know, clearly you can find out by doing a Whois query but it sounds like a proactive request to make sure that the domain names are going to be available in some form or another.

Kurt Pritz: Right.

Alan Greenberg: And I don't know whether that's covered somewhere else at this point honestly.

Kurt Pritz: Thanks. I think that's a pretty good assessment. Amr please go ahead.

Amr Elsadr: Hi Kurt, thanks. This is Amr. Yes I think what Alan said makes sense. And I was just going to say that I don't see how, you know, processing registration data somehow helps with determining the availability of a domain name whether it be a premier or not. So I don't - I'm not sure if I misunderstand the rationale provided for or not. But I think what Alan just said might be an appropriate response to this comment, you know, what – when recording it in the Public Comment Review Tool. Thank you.

Kurt Pritz: Thank you. Go ahead Marc.

Marc Anderson: Thanks Kurt, Marc Anderson. I think for me reading this comment and the explanation for this it just, you know, I'm not sure this fits in our work at all but I feel pretty comfortable that it does not belong as part of his Purpose 1. And so, you know, whether or not this is a different purpose to consider or is something to consider under the different - or under the umbrella of a different purpose, you know, like maybe you can make that argument. But I don't think there's anything here that for me really fits under purpose one at all. I think this is, you know, I think I've said this before. You know, Purpose 1 is activation and allocation of the domain name. This, you know, to ensure transparency in this domain name registration process, you know, that's, you know, if, you know, I- to me that's different. That's different than what we're trying to accomplish in defining what purpose one is. So for me at the end of the day I think it's just, it doesn't belong here under Purpose 1.

Kurt Pritz: So respecting the rest of the queue what I'd recommend is putting this statement in a meeting notes and as a signal for the team to think about this recommendation as we go through the other purposes and the rest of the comments and see if this belongs somewhere else. So I would stick this comment with the accompanying rationale in the meeting notes and as a marker for then read through it so that we were reminded that this might be considered somewhere else. So I'll take (James) and Alan's comment if you want to - if you think that is an okay approach you can put that in hand but if

you have a comment I'd be very happy to hear it, so please go ahead (James).

(James):   Thanks Kurt, (James) speaking. So just to say very quickly thanks for the explanation. I think others mentioned there's not a one to one relationship between and availability of a domain name and something showing up in RDS under a registered nameholder, certainly a number of scenarios where that's not true.

But I agree with your approach as just kind of putting a flag on this. And I think I'm supporting the previous speaker which was Marc that this probably just isn't relevant to this purpose if anything at all regarding our work. Thank you.

Kurt Pritz: Great, thanks. Alan go ahead please.

Alan Greenberg: Yes thanks. I think putting in the meeting notes alone is not sufficient. I think this does need to be flagged to come back to. The bottom line is if when we finish this entire process it is possible to register a domain name and they're not, that information not be made available unless you query that exact character string, I think we have a problem. So, you know, I think we need to look – and look at the end and decide do we have a problem or not based on everything else we've done. Thank you.

Kurt Pritz: Thanks Alan. So let's promote that then from stick it in the meeting notes to making it some sort of action. And I'm not sure exactly what that action is, but when we talk with this support team after the call we'll figure a way to memorialize that. Go ahead Berry.

Berry Cobb: Thank you Kurt. So just to advise the group as you're deliberating each of the comments I'm basically trying to summarize what the group's overall summary comment would be. And I'm updating the PCRT in real-time with the general comments from the group itself and what action was taken. As

you'll notice that, you know, up till now there hasn't been any action to edit the text of Purpose 1.

But Alan's point I've documented a summary statement for this particular comment from (Sieber) the ISOC India but I have flagged it over to the right to keep it open until we've reviewed through all the comments and circled back that, you know, in case this needed to be considered again. So the long and the short is that we're documenting the deliberations and actions in the PCRT in addition to the notes. The PCRT in terms of what's open and what's not is the authority. Thank you.

Kurt Pritz: Thanks very much Berry. Kristina go ahead.

Kristina Rosette: Thanks, Kristina Rosette. I am just I'm sure I will say this again when we get back to it but I think any action on this particular recommendation that we could potentially theoretically take is going to be beyond the scope of this charter. And given how far we are behind and how little time we have left I would actually support not flagging it and coming back to it acknowledge that we have read it, we have considered it and believe it's out of scope for purposes of this working group charter. Thanks.

Kurt Pritz: Thanks Kristina. Go ahead Stephanie.

Stephanie Perrin: Thank you. Stephanie Perrin for the record. I'd just like to as long as Berry is noting the comments I would like to underline my request that when we get independent legal counsel we ask them to elucidate for us to explain how do you go about defining purposes for, in this process because it seems very clear that we are going in circles trying to ensure in air quotes balance. Some people don't like to see the word rights without the word responsibilities or obligations tagged to it. And that I would argue is not what you're trying to do when you're delineating purposes in a limited scoped way. So I think it would be helpful to ask legal counsel to explain our process to us better late than never. Thank you.

Kurt Pritz: Thanks Stephanie. And I'm sensitive to Amr's comment here in the chat and Christina's final comment. It will be, you know, we'll find a way to say this but it'll be up for those, as we go through our different parts of the initial report it will be up for those who are a proponent of the sentiment exposed in this, sentiment expressed in this comment to bring it up and insert it at that time.

So with that let's spend the next couple of minutes on the RySG proposal to bifurcate this into two purposes. And is there any reaction, so we really want this, these comments to stand on their own and so I've read the, if you have your PCRT open you'll read the one paragraph of, so we're pleased that it's a succinct justification or rationale for this that it captures two purposes. One is the technical provisioning of a domain name and the second is the establishment of the name holder's rights so two different things. And so the RySG recommends separating this purpose into two purposes. Is there, as we did with the last controversial one are there people that would oppose this one? Go ahead (Margie).

(Margie)   Hi, it's (Margie). And I'm not necessarily saying I oppose it I just don't understand the reasons for it. Could the registry folks on the call provide clarity as to what the intent of the bifurcation is?

Kurt Pritz: Go ahead some registry person Marc, Christina go ahead Marc.

Marc Anderson: Kurt, this is Marc. We're sort of pointing fingers at each other in chat to decide who field this one. But I guess maybe I'd just question whether, I mean we're at, you know, we've got 3 minutes until the end of the scheduled call. So, you know, maybe, you know, maybe I'll ask the question if it makes sense to get into a substantive discussion about a proposed change like this at this point in the call. You know, and I'll just also note that I was hoping to get to Agenda I 4 next steps today on this call. So I guess the question for you as to whether it makes sense to get into this now?

Kurt Pritz: Well my thinking was an introduction into the thinking would be good so that we could sort of formulate our responses to it because it's sort, it's a little bit of a radical change. And I, you know, I put the rationale there in the chat. And it describes what but, you know, I sort of agree with (Margie) that it doesn't exactly describe why the change is necessary. So if someone is prepared to talk to it now that would be good but if not we'll end the substantive discussion. Kavouss, go ahead.

Kavouss Arasteh: Yes I am not sure that this is say we need to go to the legal counsel and ask them to redefine the purpose. The people getting together a few months ago and established these purposes that is for ICANN, for the BC, for (unintelligible) or third-party so on so forth. We have spent a lot of time. And we have drafted a purpose and now all of a sudden we say that we're not doing something properly because of some comment and we have to ask legal the counsel to redefine the purpose. And when redefine the purpose we may change the recommendation it may lead to public comment I don't understand this process. There has been a lot of support for this legal counsel but I am not quite sure that what legal counsel is going to do if redefining of the purpose and why we need to redefine the purpose. Thank you.

Kurt Pritz: Thanks. Go ahead Alan Greenberg.

Alan Greenberg: Yes, thank you. The rationale really comes down to the purposes may require different processing different data elements to achieve them. I would suggest this is better discussed if someone from the Registry Stakeholder Group would actually draft the two new purposes so we can look at them and see how different they are. I mean if we had started off with two different ones and then decided that almost all of the sub elements are the same we could merge them. That's a decision we might well have taken along the way.

So I instead of hypothesizing how they would be different I would suggest someone needs to actually do the work and then we can make a simple

decision yes or no. I don't think there's any hard and fast rule about how simple or complex a purpose can be. So I can live with it either way. If they think there's good reason to separate them let's see some drafts. Thank you.

Kurt Pritz: Okay. No I aren't these the drafts here in Number 5 these are the two new purposes 1A and 1B?

Alan Greenberg: I met the draft of the whole workbook showing the processing, the data elements and the processing steps.

Kurt Pritz: No compression no. Alan Woods?

Alan Woods: Actually this, Alan actually answered the question there in a way. Yes I mean I agree with Marc I think, you know, this is probably going into a bit longer than we have left in the call. But again one of the major reasoning behind this of course you must remember the registrar, or the registries there are several of us within this therefore there was a lot of discussion over this therefore there was a lot of discussion over this one specifically with regard to the fact that the transfer of registrant data elements was not envisaged to be a good thing for some registries whereas for others it was necessary. So it was actually a compromise between all of the registries in order to ensure that where the transfer of registrant data is necessary that, that is taking into account in the second part which is data subject to registry registrar terms and conditions.

But for the actual technical allocation and activation of the domain there's very minimal personal data that needs to be transferred. It was for the second half of the transfer is probably more envisaged. So it was to come up and it's a very fervent to work through but it's to come up with basically a justification and a proper consideration of the transfer of data elements that are necessary in a specific instance that we felt wasn't improperly covered by the overarching idea of a single purpose so a few purposes are now separate. They're both technically on the same ideal of things that are necessary for the

activation of a domain but it's not necessary in all instances to have both. So that's a really that's really probably bad explanation of it but again we should probably look into that.

Kurt Pritz: Thanks very much Alan. So I think that's a good recommendation from Alan Greenberg about between now and the next meeting if Alan was in the others to flush out the taking of these two especially since Alan Woods just sort of confirmed what Alan Greenberg said about different data is required for these that we flush out the data requirements for each one of these two so that we can understand what the change is.

So I'm going to do two more things. I'm late for a meeting too so and I, so I apologize to you guys. One is that I think Farzaneh brought up the idea of trying to get through this in small groups because obviously we've demonstrated we can't use this methodology to plow through all the comments. So I'm not sure exactly how that work would work and how that would be affective but it seems like it might be a good idea if we have representation from each of the constituency groups on the smaller groups so we'll think about that. And we'll set an agenda for the next meeting that gets us through some more of this material and with specific assignments about what charter, not charter material sorry, what, how to comments and rationale to read in the public comment tool so we'll get that out.

And then, you know, and in deference to Marc we hadn't planned to deep a discussion on Agenda Item 4 but I'm going to turn this portion over to Marika who will make some comments about next steps which are just sort of indicate what the next steps are but not exactly how we're going to go about them yet because that's not settled and so maybe for some questions for us to think about. So Marika if you could take that.

Marika Konings: Yes thanks Kurt and this is Marika. Indeed as you know that these were just some items to flag to the group that, you know, these are on the development

and will need further consideration. You know, the first one being operations for the face to face meeting.

And I think some of you may already be aware but it may be good to formally state it as well that CBI will be again there with us to help facilitate and mediate that meeting. So the leadership team and staff will be getting together was CBI to plan for the meeting and work on the draft agenda. And so we hope of course to share further details with you shortly.

And of course at some point the group will need to move towards the formal consensus call on the different accommodations for the final report. As such we just wanted to flag here that the decision making methodologies and the consensus call process are outlined in the charter and referred from there from the GNSO Working Group guidelines.

So we'd just like to encourage everyone to start familiarizing yourself with that process as it applies to a GNSO PDP. And the leadership team here will also yes put some further thought in what that will mean in practice and how that process will be run in relation to the different accommodations. So again it's just to put you on notice to really starting your homework there but further details will follow on that.

Then the second item on final report development just to note that, you know, staff is happy to start transforming the initial report into a final report at least starting to work on some of the more admin parts of their changing the titles. And they're starting adding in a chapter that focuses on the public comment the fact that the public comment was held and feedback received in the process that they've used, or refuted those comments and of course eventually any changes that the group has agreed upon.

Again we just wanted to confirm that that is a process you feel comfortable with whether there's another way in which you think the report should be reviewed and edited. And of course we can, you know, we always do that and

redline so it should hopefully be easy to see as well what changes and updates are being made.

And then as a last point the timeline just to note there that we're still working on the basis of the time. It's posted as well on the wiki which received delivery of a final report in early February. And of course at this stage it may be difficult to assess, you know, where we're going to be at by the time. A lot of it will depend on, you know, the progress that can be made during the face to face meeting. But obviously that is still a timeline that we're working towards as we all know there's several other steps that are following the delivery of the final report that would get us to that May deadline.

And just to note as well I know that (unintelligible) asked questions about the reference tool and final report. And, you know, as I noted in an email we sent to the list it may be helpful to refer to a final report on the Temporary Specification to clearly delineate that from a final report on the second, Phase 2 items at the group also will be working on of course. And that was my quick recap here. I see Kavouss has his hand up. So Kurt I'll hand it back to you to manage the queue.

Kavouss Arasteh: Hello may talk? Is the meeting is finished or I could continue to talk?

Marika Konings: Kavouss go ahead. I see the Kurt…

Kurt Pritz: Go ahead and talk Kavouss. I'm sorry I was on mute.

Kavouss Arasteh: Yes, yes, yes Kurt I don't understand some people saying that others do not understand. We may have different understanding of the text but no one has the right to say that other people do not understand. I don't know what is the criteria about someone claim that he or she understand and others don't understand? They may have different views of different ideas maybe they have different understanding that does not mean that we don't understand. This is our agenda statement and should be stopped. Thank you.

Kurt Pritz: That's a good point Kavouss. Thank you very much. Okay well so I'm pleased I think that our first meeting is on a Thursday because that'll give us some time to think about how to proceed going forward and accelerate our work in a way where more of the comments get proper consideration but we can move ahead with some alacrity.

So we'll be working on that in the next few days. And have an agenda out at least for the next meeting so that you can read through the PCR, the pertinent sections of the PCRTs and prepare for the meeting. So with that I'll close the meeting and thank, thanks very much for everybody coming back from the first of the year. And I'll see you all Tuesday if not before. Thanks very much. Bye.

Terri Agnew: And once again thank you everyone for joining. Please remember to disconnect all remaining lines. (Ed) if you could please stop all recordings. Everyone have a wonderful rest of your day and Happy New Year one more time.

END