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ICANN Transcription

EPDP on the Temporary Specification for gTLD Registration Data Small Team #1

Thursday, 11 October 2018 at 1700 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-small-team1-11oct18-en.mp3

Adobe Connect Recording: https://participate.icann.org/p74zpjvd7rg/?proto=true

Attendance is on the wiki page: https://community.icann.org/x/jwq8BQ

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

UNIDENTIFIED MALE: The recording has started.

ANDREA GLANDON: Thank you. Good morning, good afternoon, and good evening. Welcome to the GNSO EPDP Small Team # 1 meeting taking place on the 11th of October 2018, at 17:00 UTC.

In the interest of time, there will be no roll call. Attendance will be taken by the Adobe Connect room. At this time, we have Margie Milam who is on the audio portion only. We do have apologies from Rafik Dammak, GNSO Council liaison; Matt Serlin, our RrSG; and Julf Helsinguis, NCSG. They have formally assigned Lindsay Hamilton-Reid, RrSG; and Collin Kurre, NCSG as their alternates for this call and for the remaining days of absence. During this

period, the members will have read-only rights and no access to conference calls. Their alternates will have posting rights and access to conference calls until the members' return date. All documentation and information can be found on the EPDP Wiki Space.

There is an audiocast in view-only Adobe Connect for non-members to follow the call. Please remember to state your names before speaking. Recordings will be circulated on the e-mail list and posted on the public Wiki space shortly after the end of the call. Thank you, and over to you, Gina.

GINA BARTLETT: Great. Hello, everyone. This is Gina Bartlett from the Consensus Building Institute and I'll be serving as your facilitator for the conversation. Our primary goal here is to build off all of the great insights from your first meeting on answering the [eight] charter questions on the applicability of data processing requirements, primarily on natural versus legal person. What we want to do on this call is confirm that we've accurately captured the answers to the charter gating questions to go into the initial report and then a number of you offered policy recommendations building on your understanding of the issues and concerns outlined during your first call, and staff have also made an attempt to marry the different suggestions into some proposed language.

This document that's before us was e-mailed out and it was sent … Let's see. There's a question that' in the thread around when it was sent. Marika, do you know offhand when you sent the e-mail?

MARIKA KONINGS: Two hours ago. The issue is that it went to those that were on the first call and not those that have now joined. But, I just sent it to Ashley and Alan. I think everyone else that I see her eon the call … Oh, I see that Lindsay has dropped off, but I'll send it to her as well so everyone has it. Apologies for that. It just went to the small group that was on the first call initially.

GINA BARTLETT: Great. Ben Butler, did you get it?

BEN BUTLER: I sure did, yes.

GINA BARTLETT: Okay, great. Just wanted to confirm. So, any other problems with having the document before we jump in? Anyone want to speak up or just in the chat? It sounds like we tried to get it to everyone and then we have it in front of us.

So, part one. We have a part one which is the charter questions and part two on the policy. I'd like to break those two things apart. But, before we jump in, I wanted to give Marika an opportunity to speak to her [inaudible] to marry the different suggestions and make some recommended language. She did introduce the idea of an implementation team.

So, maybe before we jump in on the charter questions, let's hear from her to offer some explanation and kind of walk us through that.

MARIKA KONINGS: Thanks, Gina. First of all, thanks to everyone who contributed to the Google Doc and provided their edits and comments. Basically, after everyone was done, we took the document down and looked through all the comments and edits that were made. There was a lot of red line in there in the first step where we basically just accepted all the changes. Of course, that doesn't mean that you've agreed on those or signed off on those, but at least that made the document a little bit more manageable to review and edit.

So, what we then did was look at the comments and suggestions that were made. In certain cases, people suggested certain clarifications, and in certain cases, it was clear that there was not necessarily agreement information to what was being proposed.

So, what we did, and that's what you see up on the screen, is our attempt. We went through the document, and first of all, in response to the charter questions, what you see highlighted in yellow, are a couple of additions to the original responses which I believe I think Mark took a stab at providing in adding some clarification based on some of the comments that were submitted.

Then, if you actually look at what are intended to be the preliminary recommendations that would go into the initial report once of course you signed off on it and once the EPDP team as a

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whole has looked at it and is fine with that, it's basically, in certain cases, a number of alternative versions.

Again, what we tried to do in this case, first one you see here under A1, there was an original version that I think Maureen wrote up and so may have already edited some of that language. Alex also provided an alternative version in one of his comments. And under staff, if you're looking at the input provided also factoring in what you discussed on the call, kind of try to bring that all together in a potential alternative version that may serve as a compromise or maybe at least as a starting point for a compromise. And you see that on a number of occasions where you see indeed a version B1, a version B2. Basically, [inaudible] version [inaudible] trying to capture the comments and suggestions that were made in a version that may be, hopefully, broadly acceptable, but if not, maybe a conservative starting point for coming up with something that everyone feels comfortable in moving forward with.

Gina did mention, and I think that's what you see in A3, what we discussed on the previous call was this notion of future work or additional work needing to be carried out. I think there were some questions and comments around as well how would that be done. How would that fit in?

So, one thing that staff has put forward here and I think some of you are familiar with that concept is this notion of an implementation review team. Having heard about what needs to happen in order to be able to determine if and how you can distinguish between a legal and a natural person, it seems that specific operational and knowledge and expertise is required and that is typically what happens in an implementation review team.

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But, of course, having said that, if you believe that is work that needs to be carried out within the confines of the EPDP or another kind of group, that is of course open for you to discuss and decide on. That said, having heard that the kind of things—

GINA BARTLETT: Marika, we just lost your audio.

MARIKA KONINGS: Can you still hear me, Gina?

GINA BARTLETT: Now we can. You cut out.

MARIKA KONINGS: Oh, okay. I'm sorry about that. And I'm even on a phone. I don't know where you lost me. Do you want me to go—

ALAN GREENBERG: You were talking about an IRT.

MARIKA KONINGS: Oh. Right. Again, that's just a suggestion we wanted to put on the table. Of course, there are other ways in which this work could be done, but again, it's for the group to consider what might be most appropriate. Again, what you want to put forward to the full EPDP team.

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So, the question is do you want me to go through bullet point by bullet point? Do you first want to open it up for questions or comments? How would you like to proceed, Gina?

GINA BARTLETT: I think we could open it up for comments. The proposals are quite clear. Maybe I would first, before we open it for comments, just ask if anyone has any particular questions for Marika. I feel like that overview was quite good, Marika, so maybe we'll just see if anybody has questions for you. It looks like Alan Greenberg has his hand up.

ALAN GREENBERG: Thank you. Not a question, but two comments. Number one, on an IRT, I certainly support an IRT, but I would not want to see an IRT adding new data elements. I think those are going to be too controversial and if we say an IRT will add data elements, we're going to get so much flack from so many people that I don't think that's acceptable, so I think we have to do that work ourselves before the EPDP ends.

On another related issue … First of all, I apologize for not being on the first meeting and jumping in now, but I think I have a moderately good idea of the issues involved.

On the staff proposal, I note that it omits what is in some of the other options of a timeline and a deadline. We have experience in other areas, particularly the 2013 RAA put some verification requirements on current WHOIS data, but omits … It only must be done at the time a domain is registered or transferred and that

makes it open-ended. There are domains that have existed for decades that are not being transferred or things, and therefore they're grandfathered. I believe whatever we do, we need an absolute real timeline. A realistic one and one that acknowledges the difficulties registrars will have in implementing this, but I think we need a real timeline with a real endpoint. Thank you.

GINA BARTLETT: You mean a calendar end point. Is that what you mean, Alan, to clarify?

ALAN GREENBERG: Yes. Whether it's five years from the implementation, or worst case, when the domain is next renewed which is a maximum of ten years which I think would be far too long, but nevertheless, it has to be a schedule which is not open-ended so there will not be grandfathered domains that are not identified as legal or natural persons potentially forever.

GINA BARTLETT: Okay. Go ahead, Marika.

MARIKA KONINGS: Maybe just to respond to Alan's questions and comments. I think in version B2 it refers to the need for developing a timeline and you referring to this [inaudible] approach. What indeed is not covered here, that should also consider registrations that may not expire. I do believe I think Alex may have made a comment in that

regard, so maybe that's something we can call out there. But, at least my understanding was from the initial call that it would only be possible to kind of plan such a timeline once it would be known how the mechanism would work and how complicated it might be.

ALAN GREENBERG: Of course.

MARIKA KONINGS: And based on that, it might be easier to do certain things quicker or shorter. Similar, and happy to hear from the rest of the group on that in relation to the additional data elements, what I understood from the conversation is that it might not be clear what data elements would need to be added until there would be clarity around how it could and would be done in practice, and out of that implementation related work, it may become clear that in order to do it, you need to add additional data fields. So, that was a bit … At least from staff understanding, the reason why it was [inaudible] an implementation review team to do that, but if that's something we misunderstood and it's actually a policy decision on additional data fields, then of course that needs to be adjusted.

ALAN GREENBERG: Just to be clear, I have no problem with an IRT deciding we need several extra data fields to implement this. I think that will not go over well with other parts of the EPDP.

GINA BARTLETT:	Okay. So, [inaudible]. I beg your patience. I just want to follow-up one more piece with Alan. So, Alan, did Marika [inaudible] address your concern around the open-endedness that the implementation review team as part of its initial work would outline the timeline?
ALAN GREENBERG:	Yeah. That's [inaudible] as long as there is a timeline and it is not so long that it's passed some of our lifetimes.
GINA BARTLETT:	Great. Just for clarity … I'm going to go to James. We're going to stay focused on the recommendations first since we're going to lose James in 30 minutes. I think last time we also lost him in the recommendations conversation. So, we'll start with these and we're open for comments. Go ahead, James.
MARGIE MILAM:	This is Margie. May I be in the queue as well? Sorry, I can't raise my hand.
GINA BARTLETT:	Absolutely, Margie. I'll put you in right after James. Is that alright?
MARGIE MILAM:	Yes, thank you.
ALAN GREENBERG:	Have we lost everyone?

JAMES BLADEL: Hello?

GINA BARTLETT: Go ahead. There you are, James. James, go ahead.

JAMES BLADEL: Yeah. I've just got a few minutes left now before I have to drop. So, look, on our first call, I felt like I was pretty encouraged that we were gravitating around some consensus language that would be useful and desirable and perhaps necessary to be compliant with data protection laws that we would make this distinction between legal and natural persons. I was very discouraged, however, when I saw the first edits and the first two right out of the gate said "contracted parties should be required to …" To me, that is a huge departure from what we discussed and, from my perspective, I can tell you that's not going to fly with my constituency or my stakeholder group and it's probably going to get me personally kicked off the EPDP.

So, I don't know how to express this here that we need to put a marker down, that we are going to make some recommendations that support some high-level principles, some high-level guidelines, but recognizing that this EPDP which is now right around six, seven months of challenger time and probably less in functional time when you count all the steps that have to happen away from expiring, that we have to be very judicious about what we're willing to take on in this group and what we need to, by necessity, [inaudible] a follow-on work effort.

So, I just want to caution everyone. We can say that we support this idea that registrant organization is overloaded and is not appropriate. We can look at additional data fields, but that has to be a torch or a baton that is passed to some post May 29th group.

Then, to Alan's point, I think if we want to say that this is a go-forward proposition, but we ticked up existing legacy registrations at renewal, transfer, then the maximum for that would be I believe whenever the date of that went into effect plus ten years. So, that is an end point.

Going back and picking up changes like that when you're in the middle of a registration term for at scale for 137 million registrations is very, very challenging and will be met with limited success.

So, we can try that. We can put a stake in the ground going forward. We can pick up … It's one of those long-tail problems where you pick up maybe 70% the first year and 70% of what's left the second year and so on, but you're always going to have this marginal population of domain names that's going to be taken out all the way to the theoretical maximum of ten years and I think we should just be okay with that.

So, that's my piece. I've got to drop here shortly. I'll drop out of the queue, but on those two points, I think we need to back up from saying any language about contracted parties are required to, and then back up to just some high-level principle recommendations that we can all support and then clearly define what sort of work we want to hand off to a follow-on effort. Thanks.

GINA BARTLETT: So, James, I just have two follow-ups before I go to you, Margie, and then back into the thread. The staff recommendation, I just wanted you to call your attention to that language and maybe we can … Which is the distinction between legal and natural persons is useful and necessary for GDPR and other data protection laws. Are you comfortable with that language because that's the staff's attempt to try to marry the concept of [inaudible] as well as what was suggested in the different proposals.

JAMES BLADEL: Yeah. Of the three versions, I believe the staff version which was the first version is, in my opinion, tracked most closely to what we discussed [inaudible].

GINA BARTLETT: Okay, great. And do you have any sense of … Do you support the idea of an implementation review team?

JAMES BLADEL: Yes. But, noting that some implementation review teams recently have struggled. I think we need to be very clear about what we wanted to do and what we want to steer clear of and I think that has been the undoing of many recent implementation review teams. But, I do believe that's the mechanism. Thanks.

GINA BARTLETT:	Okay. Thanks, James. Margie, to you, and then I'll come to it looks like Alan's hand is up. Go ahead, Margie. She wasn't able to raise to her hand, so I'm going to go to Margie first.
MARGIE MILAM:	Sure. Thank you. A couple observations. I was commenting … I raised my hand to comment on Alan's suggestion. The reason why I had suggested on the last call that we inventory ccTLD practices was because I wanted to ensure that the policy addressed the issue that needed to be addressed in the probably because an implementation team can only implement what the policy says, so some of these … If you follow the logic of what Marika has suggested, you wouldn't necessarily have a policy until after the implementation team does their work. In our view, that's just too long a time.

And I know this is contrary to James's approach and the registrar's approach that this not be addressed now, but frankly it needs to be addressed now.

If you look at the timing of what needs to happen in EPDP, we can certainly put it in a different phase of the EPDP and work on the things that we need to work on first, get those agreed on and then move to the legal and natural person distinction. But, this distinction, in our view, needs to be – should be – required when language. In other words, that yes we understand there's an implementation phase to this that's going to take some time, but it needs to be a commitment.

Honestly, I don't understand when the registrars say that it's necessary to make the distinction. I guess I don't understand why it's necessary to make the distinction if there's no requirement. This impacts a huge amount of record that relates to legal person or natural person.

So, from my perspective, we need to include that in the policy. It needs to be part of this EPDP. It can be done at a later point and then they ask about looking at ccTLD experiences is to help guide what the policy recommendations should be and that's why I made the recommendation that we look at that now, not later. Thank you.

GINA BARTLETT: Okay. Thanks, Margie. Alan Greenberg, go ahead.

ALAN GREENBERG: I support what Margie is saying. I don't think we can leave the concept that we will have a way to distinguish and therefore a way to distinguish when we display information whose we can display and whose we may not be able to. That has to be part of the policy. The implementation of how quickly it gets done, obviously we are not going to get done for May. Not obviously, I don't think we're going to.

It's regrettable that James has dropped off because I don't know if I … I don't believe I understand the reluctance to use the words "contracted parties should". We're not saying they should as of May 29, 2019, but I believe ultimately there needs to be a commitment that this will be done and a requirement that it be

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done. It can't be something the contracted parties can decide to do if they feel like it.

So, although I understand we don't want to see it looming with a huge implementation issue in the next nine months, I don't know why the policy should not say that contracted parties must do this, factoring in reasonable timelines and reasonable implementation timelines.

And although we're not here to be the implementation review team, I think the policy document has to provide some level of guidance of a way to move forward so this gets done sooner rather than later. Ten years may be acceptable for the last one, but we need to make sure that we cover others quicker.

As an example, and we're getting into implementation, if there is an organization field specified, then maybe the timeline for resolving those is less than ten years. So, there's lots of innovation we can do, but I think it's essential that we move and move relatively quickly on it. Thank you.

GINA BARTLETT: Thanks. So, would it be helpful to hear from the contracted parties around if adding a timeframe for when it would it be required might help crack this egg of the distinction and allowing for it, that at some point in the future requiring it. Alex Deacon, go ahead, please.

MARIKA KONINGS:	Gina, sorry for interrupting. You may not see my hand, but I'm slightly [inaudible].
GINA BARTLETT:	Oh, I'm sorry.
MARIKA KONINGS:	And I do believe I had my hand up before Alex. If I just may, Alex, I hope you don't mind because I was actually going to respond to something that Margie said and commented on. I know that this document just came not too long before this call and not everyone may have had a chance to look at it in detail, but staff did try to capture this notion of requiring, while at the same time, accepting that it may be difficult for contracted parties to commit to requiring without knowing how that would actually work in practice and whether it would even be doable.

So, the way that's framed currently in version 8.3 is that basically it will be the implementation review team's path to kind of work through how to do this in practice, and once the implementation review team has agreed that, yes, we found a way of doing it that's deemed acceptable by all involved, at that point it would become a requirement. So, there's a bit of a kind of two-step process. Again, I don't know if that is acceptable to those on the call as a way of addressing [inaudible]. It's hard to commit to requiring something if you don't know how that will look or whether that's even possible and then of course it also then ties to the timeframe.

And to Margie's point on starting this work now – and again, I don't know if you had a chance to look at the updated document, but we tried to capture that in version D2, that point that … Again, for those that may not be familiar with implementation review teams, those are usually supported by our colleagues from the GDD team who have much more operational knowledge than we do. So, the idea would be that they could already be asked to start looking at how ccTLDs are doing that so that once the IRT convenes, that would already be something they could start looking at and maybe build on.

My last point was, although of course IRTs traditionally commence their work once a PDP has completely completed its work and the board has approved it, again I don't think that's a requirement as such and there may be a way of kind of starting this work in parallel, if there was indeed agreement that that is a path forward and there is a commitment of the group that it is an area that's important to look at and that should already start now instead of waiting until all the work of the EPDP team is done. Maybe that's a way of already moving some of that over where additional research is needed. Again, there may also be a need to brainstorm things and potentially back either to the EPDP if it still exists or GNSO Council at that point if there is a sense that whatever comes out of that requires for the policy consideration or some kind of approval process before it can move into implementation. So, I just wanted to share that.

GINA BARTLETT: Yeah. Thanks for pointing that out, Marika. It's very helpful. Alex Deacon, thanks for waiting.

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ALEX DEACON: Thanks. Again, I appreciate James's comment and the concerns, well, his organization has regarding the volume of registrations that his org specifically will need to deal with.

This concept of an optional requirement is really an oxymoron. For those of who have ever done any technical standards, we understand how this game works. It's either … If you want something to be effective, it has to be required, because if it's not, then most of the times, most of the implementations won't actually implement those that are not required.

So, I agree with Margie and Alan that, in a perfect world, it should be a must with the pragmatic phasing that we discussed. And I understand that for ten-year registrations there may be cases where this won't be addressed for ten years. I think we understand that that will be the reality.

I think it's important to also keep in mind that this issue, the issue related to legal and natural, is related to or is linked to the issue with regard to the application of whether this should apply to EU versus non-EU residents, because in the end, what we're concerned about is around access, and from the call this morning, I'm really concerned that getting disclosure to this data is going to become even more difficult and more challenging. So, when I see that happening at the same time that we see what I would describe as the over-application of GDPR for legal versus natural and EU versus non-EU, for me that makes life very difficult for many of us.

So, all of these things are related. They concern me, because really, at the end of the day, they're going to make this disclosure issue much more difficult, so we have to keep all that in mind I think as we work through this.

I'm all about coming up with practical solutions and we have to come to a consensus with regard to how we move forward and ensure we do more forward, but I think we have to keep the big picture in mind here, so I just wanted to mention that. Thanks.

GINA BARTLETT: Thanks, Alex. Marc Anderson, I'm going to go to you. Not to put you on the spot, but it would be great to hear from you. Marika explained the staff-proposed language of making the distinction, moving through the implementation to figure out the kind of thing that would need to be put in place and then having it be framed, [inaudible] framed and everyone can understand it would be required. So, during your remarks, it would be helpful if you could speak to whether or not that is a way to marry the interests of having requirements with the constraints of the contracted parties. Thanks.

MARC ANDERSON: Thanks, Gina. Can you hear me okay?

GINA BARTLETT: Yes.

MARC ANDERSON:	Okay, great. And yes, I can certainly touch on that. I tried making a few notes because I want to touch on a couple of different things. But, I think I do want to take a second and touch on James's initial remarks and maybe try and share some insight to everybody on this call, from my perspective, because I get where James is coming from and his reaction didn't surprise me. I want to try and explain to everybody my view on that one in the hopes it will help us understand each other better moving forward.

I guess I thought the first call we thought was really good and I think this call is going really well so far. I think people are making really good comments and trying to work together to come up with really good solutions on how to go forward. And [inaudible] tone helps a lot. But, when I first opened up the documents, the Google Doc, we were asked to comment on, tone in a document is difficult to get, but the tone in that document came through very differently than the tone of our discussion on this call, on a previous call. I think that's what James is responding to a little bit. I don't know if that makes sense to anybody. It came across as maybe the people suggesting edits took that as an opportunity to start firing off a list of things that they would like to make contracted parties do, which came across very differently than the collaborative tone we had on the calls.

I want to share that just to give you my perspective that as soon as I read that, I kind of anticipated James's response because of that. I'll just try and highlight that for everybody so maybe you can appreciate that and the sensitivities that I guess we're dealing with here. I hope that's helpful. Sorry if I went long there, but let me get to some substantive comments here. First, I have to apologize. I

lost … My computer shut down on me here, so I am no longer I Adobe. I'm not sure what to make of that.

But, getting back to my [inaudible]. To what Marika suggested, I want to say this is … Basically, her suggestion seems to be putting a lot more responsibility on an implementation team than I think an implementation team would typically have. So, this would be a different twist.

I want to say I'm intrigued by the possibility. Listening to what everybody has said, that we've got a lot of other work to do but this is still important and we need to address this, well then, maybe sort of saying, "Hey, implementation team, we agree in principle that this needs to be solved, but we recognize that we don't have the time to solve it ourselves. Can you go off and come up with recommendations on how to solve this?" I think this is maybe … This could maybe be a solution in recognizing the limitations and the time constraints of what we have to work with here on EPDP and come out with a path forward.

So, I'm definitely intrigued by the possibility. I think it has potential. I think James made another good point, though, that implementation teams haven't always gone smoothly, though, and that's often because they don't have clear direction in some areas or clear guard rails on their scope. So, this is potentially magnifying that challenge and giving them less guard rails and less scope than they would normally have.

So, I think this is a possibility, but like may things, the devil is in the detail and I think we maybe need to spend a little extra time

considering how we would hand that off to an implementation team to solve.

I'll make one more point on timeline. Alan, this is more to Alan. I appreciate not wanting to have open-ended timelines. I do. But, asking contracted parties to agree to a timeline when they don't know what they're going to be asked to implement is really … You're going to have a lot of push back on that. I'm not sure what the middle ground there is. I do appreciate your point about not having open-ended requirements. They'll drag out forever. I don't want that either, but asking for a hard deadline without being able to tell the contracted party exactly what they'll have to implement also puts them in a difficult spot as well. Sorry, I went kind of long there, but hopefully it was useful.

GINA BARTLETT: Marc, any thoughts, since you can't see the Adobe Connect – I mean, one idea that was pitched in Adobe Connect is that extreme timeline would be … The outer limit would be the ten-year registration limit. Does that feel like that's a benchmark for [inaudible] the potential policy?

MARC ANDERSON: You know, James pointed out any implementation like this, once you have agreed on what you're implementing, when your start date is for it, then you're going to … You're going to start … He used the example you're going to pick like 70% up in year one and 70% up in year two and you have a diminishing tail on these things, and there are some that may never get cleaned up.

There's some percentage of outliers out there that just drag on forever. That's likely how any realistic timeline is going to go.

Maybe the question is what is the point where … What is good enough on this one? I think a lot of the questions will be on when does that ten-year period start, though? Just throwing out there saying it has to be done within ten years of when you agree on starting, we can make that line in the sand, but why? I think personally that's a decision best left to the implementation teams, the people that are going to be closer to the ones actually doing the work. I guess that's my …

Sorry for the long answer. I guess my short answer is I think that the timeline is really best left to the implementation team.

GINA BARTLETT: Thanks. Okay, Alan, thanks for waiting.

ALAN GREENBERG: Thank you very much. I agree with pretty much everything that was just said with the one exception of the end point. If indeed we were going to pick up 70% the first year and 70% of the second year and so forth, I don't think we would be having this discussion. But, in the case of the verification one with the grandfathering that I mentioned, we're five years into it and we're still seeing over 40% of the domains not being verified. It's going down, but it's going down very slowly. It's likely to stay around for 20-30 years at this point if we don't take some action. So, that's the level of concern I have. Thank you.

MARGIE MILAM: It's Margie. May I be in the queue?

ALAN GREENBERG: Did we lose Gina?

GINA BARTLETT: Oh, I'm sorry. Yes. Margie, I heard you. Lindsay is ahead of you and then I'll come back to you.

MARGIE MILAM: Thank you.

LINDSAY HAMILTON-REID: Thanks, Gina. Can you hear me?

ALAN GREENBERG: Yeah.

GINA BARTLETT: Yeah. Thank you, Lindsay.

LINDSAY HAMILTON-REID: Okay, great. Obviously, I wasn't in the first meeting and I've just joined now. I just want to say from a registrar perspective, that's great to want to make all these changes and whatever else. The thing is we looked at it with GDPR and certainly from the company

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I work for, the [inaudible] and the cost it would take to make that differentiation was a lot and one that, frankly, we were not willing to make because it didn't justify the cost it would take to do it.

So, while, yes, that's great. Everyone wants to have this difference because it, as Alex put it, over-GDPRing it, I don't know who's going to pay for that within each of our [questions].

Yes. We've got it worldwide. This applies to all of our customers. But, to make those changes, it would be really, really difficult. So, I do understand. Certainly, it must be frustrating from a certain point of view not to have that different, but also, from our point of view, to make those changes would cost a lot of money. So, if anyone has suggestions about that and also the time it would take to actually implement it, that's helpful. But, I think there's a lot of registrars, probably registries, too, who would have difficulties with this and especially if you're a small registrar or registry, even more financially that's going to be difficult. Thanks very much.

GINA BARTLETT: So, I think we have a little bit of a challenge with our small group. No disrespect to anyone, but we started with one composition of one group and we were trying to follow on those conversations and now we have some different perspectives I think … So, [inaudible].

So, a couple points. Lindsay, because I know the document just went out, in the previous call, the registrars were open to the idea of having a distinction and trying to think about the best way to

bring that to fruition as far as distinguishing between the natural and legal persons.

On our screen, at least the screen that I have in front of me if you scroll down to the staff recommendation – let me look at the numbers. There were some elements to speak to the need. So, there would be educational component, which I think is C2 in the document, to start having registrars and registries work with the registrants to even help them distinguish and be able to use an admin@company.com or whatever. So, there are some elements here to speak to the constraints.

The other thing that I think was pretty much understood or supported in the last call was to figure out the tools and mechanisms for that distinction to take place and then how to faze that in. There was definitely a strong feeling for fazing.

Anyway, I think it's a bit of a challenge because we are a little disconnected from the conversation last time in the group.

So, Margie, you're next. Margie, I wanted to go back. I'm sure you had some other points to make, but you had mentioned that you really felt strongly that it should be required and when, and then in response to your comment, Marika pointed out the clause in A3 proposed by staff that once the mechanisms were identified and clear, then at that point, the requirement would be considered.

So, in your comments, if you could just speak to that and see if that might address your concerns, that would be very helpful. Thanks.

MARGIE MILAM:	Sure. Thank you. I liked Marika's suggestion about starting the implementation team now versus later. I think that really helps frame the issue and make it an action-oriented thing that can happen now. So, I very much like that.

I do have reservations about the time generally, along the lines that Alan mentioned, because we have provisions in prior contracts and policies that haven't been implemented for a long time. Another example is the cross-field validation requirement for WHOIS. That's been in the contract since 2013 and that hasn't been implemented yet, and obviously access is an important issue that hopefully we'll address in this group at a later point.

So, I agree with Marika's suggestion. I think it's a really interesting one. And kind of think about Lindsay's concern of the cost. I think the team could be tasked with taking a look at implementing in a way that minimized the cost [inaudible]. I think it's unrealistic to think we're not going to have some cost related to implementing the policy generally. I think that there will be costs, but keeping in mind that the costs can be managed in a way that the choices are made to make it less expensive. I think that's certainly something everyone in the industry would support. Those are my thoughts.

GINA BARTLETT: Thank you, Margie. I wanted to just ask. It seems like listening to everyone talk, there's the timing of the implementation of the policy, but I'm also hearing it's the clarity of purpose of this implementation review team and the timeline for it to complete it's work that seems to also be a factor. Is there anyone that maybe

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we could frame that? Would that help to speak to those issues, how the IRT, the timeline for how that would occur. Go ahead.

MARC ANDERSON: Sorry, who should go ahead?

GINA BARTLETT: I'm not sure. Who was that speaking? Is that Marc?

MARC ANDERSON: Sorry. Yes. This is Marc. Sorry, I'm still not back in Adobe.

GINA BARTLETT: Go ahead, Marc. Maybe say your full name for the record.

MARC ANDERSON: Sure, Marc Anderson for the transcript. Actually, I'm not sure how to answer your question, Gina. I wanted to raise my hand for something else, so apologies for that. I'm not quite sure what you're asking or where that leads us.

One of the things I wanted to … I think we didn't really get time to get into this on last week's call, but we talked a little bit on what happens when you have a domain registration that's registered to a corporate entity, a legal person, but their contacts are natural persons.

Margie mentioned this a little bit. She talked about education might be a path forward, to educate corporate, legal entities, to not use natural persons as their point of contact there.

I wanted to run with that one. I guess I'd like to ask the group to run with that a little bit further because there are implications if … There are implications on this. If you have a legal entity that uses natural persons as their point of contact – registrant, admin, technical – then we still have a GDPR problem there.

So, if we educate … We can take educational efforts, but if it's just educational, that only gets you so far. So, there's still some entities that will continue to do that.

So, I guess I want to … I'm looking for the group to run with this a little bit. Do we think there's something we should be doing here? How do we solve for the fact that this is still an issue that we have to deal with?

GINA BARTLETT: Thanks, Marc. So, I just realized that this is only a one-hour call. Our format has been two hours. I know that Marc just framed a question there. I'm going to just ask everyone if they could speak to … On page four of the document is [staff draft] recommendation. I just want to ask is there anyone who can't live with this recommendation the way it's written? I mean, it speaks to the fazing. It speaks to the requirement. It speaks to immediate implementation. And it speaks to developing a mechanism before instituting the requirements.

So, I'd just like to hear from the group that's on the line if there's anyone who can't live with this, the draft recommendation for EPDP's consideration. Alan Greenberg?

ALAN GREENBERG: Thank you. I'm not going to say I can't live with it because I only got the document ten minutes into this call. I also was not on the earlier call and it wasn't distributed widely.

My concern is – and I'll try to make it very clear and short. I've already expressed the view that I don't think to the EPDP in general saying the IRT will be able to add data elements to WHOIS or to the RDS is going to be an acceptable one. We can try, but I hopefully think that's going to be something that just won't fly. That's number one.

Number two, IRTs can be somewhat problematic. I'll give an example of the thick WHOIS PDP. The board approved the recommendations in February 2014. In May 2018, they put a hold on it because of GDPR. But, it had gone four years at that point and was nowhere near being completed. So, IRTs can be rather problematic. Thank you.

GINA BARTLETT: Thank you, Alan. Thank you. Alex Deacon, please.

ALEX DEACON: Hi, Gina. It's Alex. So, regarding your question, if we can live with it, I think again, echoing what people have said on the phone and

in the chat, given we haven't had a chance to really digest this draft recommendation, I can't really answer that, so we'll need some more time to do that.

GINA BARTLETT: Okay, thank you.

MARC ANDERSON: I agree. I'm not able to look at it right. Just need time.

MARIKA KONINGS: If I can maybe make a suggestion. What we're currently trying to do is to get something to the full team to look at and identify where there may be issues that need to be further discussed face-to-face. So, would it be helpful if we put this back up, and again, maybe not ask people to edit but maybe provide comments instead of starting to red line and flag which parts they feel uncomfortable with, and then we can maybe take that and share it with the full team and say, okay, this is not a full consensus recommendation from the small team. This is just a starting point to move the conversation further along. Here are some of the concerns that have been brought up and we'd like to work on this further during the face-to-face meeting and see if we can get this into a state that people feel comfortable including in an initial report.

I put it in the chat as well. We're not asking here everyone to sign off on this, commit to it, and now you can't change your mind anymore. We're looking for something to include in initial report

that kind of gives an indication of the thinking of the group, but that shouldn't prevent you from calling out certain questions or certain issues that you would like to receive further comments on or kind of …

For example, explaining the concern that there is between requiring something now and not knowing what the cost implications potentially could be once it gets implemented and how to deal with that and ask are there any suggestions or ideas that people have? Are there ways in which it has been implemented that people are willing to share?

Again, I think that's where we're trying to get at. I said that [inaudible] had time to review, but what we can maybe do is put the package up of the different elements that's on page four up in a Google Document and ask people just in the form of comments to indicate which parts make them feel not at ease, so we can flag that and then maybe take it back to the full group and see if there's a way to move that forward.

GINA BARTLETT: Yeah. Thanks, Marika. I think we are at that point where we need to bubble these back up to the full team. Alex Deacon?

ALEX DEACON: Sorry. Old hand.

GINA BARTLETT: Ben Butler, go ahead. Then, we'll—

BEN BUTLER: So, I just wanted to say I think Marika's suggestion about a comment-focused document is probably a good one because I agree we do need to get this back up to the full group for thoughts. And for clarity's sake, the recommendations on page four very much align with what Benedict and I, in conversation with SSAC, felt fairly represented our view on this legal versus natural persons distinction. So, I just want to thank the staff who were involved in combining the comments in such a way that it does represent a viewpoint that we share, at least within SSAC. I'll leave it out there because I know we're at the top of the hour. I'll add comments to the document when [inaudible].

GINA BARTLETT: Great. Okay. Thank you, Ben. Marika, it sounds like your idea is a good one. I might just suggest … I feel like a lot of the hiccups were – and I may have missed some comments in the chat, so I apologize if I'm overlooking anything. But, one of the concerns associated with the IRT was around definition of task and timeline for completion, so I'm wondering if it might even make sense to have some concepts thrown out within the Google Doc on those two elements, even as a separate, just in the notes or something like that because it seems like that's been [inaudible] do the idea [inaudible].

Alright. So, Kurt, unless you have anything else, I think the next steps for this is to take the language, the draft recommendation, make sure that we capture the constraints and concerns around cost and implementation and timeline and some of those other

variables so that we can use this to inform the whole team to pick this conversation up and advance the proposals and refine the recommendation. Anything else from you, Kurt?

KURT PRITZ: No. I typed a couple comments into the chat, but I'm fine with that plan. I think it's a good one.

GINA BARTLETT: Okay. Thank you. Alright, everyone, have a wonderful rest of your day and thank you very much to the staff and to everyone who contributed on this.

UNIDENTIFIED FEMALE: Thank you. That concludes today's conference. Please remember to disconnect all lines and have a wonderful rest of your day.

[END OF TRANSCRIPTION]